

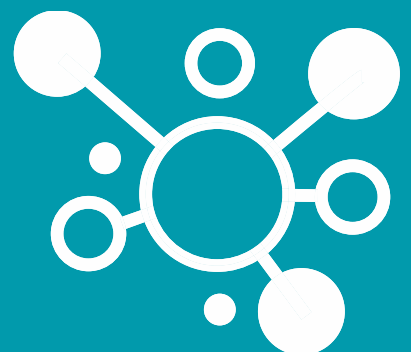
Client:  
**Richborough Estates and Lone Star Land**

Project:  
**OS Parcel 1570 adjoining and west of Chilgrove Drive,  
and adjoining and north of Camp Road, Heyford Park**

Project No:  
**T19562**  
Report Title:  
**Rebuttal to Mr Frisby's Proof of Evidence**

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## 1.0 Introduction

- 1.1 This rebuttal note has been prepared to respond to the Proof of Evidence submitted by Mr David Frisby of Mode Transport Planning Ltd, on behalf of Dorchester Living (DL), dated November 2023.
- 1.2 Whilst a number of issues raised by Mr Frisby are dealt with in my Proof of Evidence, this note responds to issues raised under the headings of:
  - Scope of Evidence; and
  - Areas of Assessment.

## 2.0 Scope of Evidence

### History of Engagement

- 2.1 At paragraph 2.2.1 of his evidence, Mr Frisby acknowledges and sets out the record of engagement between us.
- 2.2 However, in the list of the key information agreed/requested at paragraph 2.2.2, at bullet point four Mr Frisby states that *"The Appellant will assess how many of their units will trigger the mitigation already identified by Dorchester"*.
- 2.3 This statement is not agreed and was not agreed during that meeting.
- 2.4 It is not something that was requested by the LHA at any stage during the application process, and in any event, the information required to do this is not publicly available or set out in the TA report that accompanied the DL application (such that it would afford me with the opportunity to undertake this assessment).
- 2.5 As demonstrated by the content of my email exchange with Mr Frisby (Appendix H2 of my proof), he had initially suggested that the additional modelling work would form the basis of additional S106 contributions over and above those already identified by the LHA (if necessary) – I explicitly rejected this, as I had not suggested this in our previous phone conversation.
- 2.6 My response email with the red highlighted text sets out that my additional assessment work was to inform our own potential trigger points for the already agreed S106 contributions with the LHA, as shown here:
- That this work will form the basis of additional S106 commitments over and above those already identified by County (if necessary)?  
*No, as I didn't allude to this in our chat on Monday – what I advised you was that our analysis would inform timings/trigger points for our agreed S106 commitments with OCC*
- 2.7 The subsequent Technical Note that I produced, that his proof acknowledges that he agreed to (bullet point five of Mr Frisby's paragraph 2.2.1), clearly sets out that we would be assessing our development traffic impacts without the PV5 mitigation and without the PV5 committed development, thus as a standalone site to inform our own impacts and trigger points for the already agreed S106 contributions (paras 1.8 to 1.11 of my TN2 in Appendix H9 of my proof).
- 2.8 Following that agreed position, Mr Frisby then added further requests/requirements (moving the goalposts once more), as per his email dated October 16<sup>th</sup> in Appendix H2 of my proof where he requested the cumulative assessment with DL committed, which in the interests of trying to seek common ground, I agreed to do.
- 2.9 Mr Frisby states that we haven't yet agreed a HSoCG; I am not surprised given that Mr Frisby did not contact me after receiving the assessment results, but simply used them to inform his own evidence for this Appeal.
- 2.10 I have since contacted Mr Frisby with a view to seeking agreement on issues, where possible.

## 3.0 Areas of Assessment

### Reasons for Refusal

- 3.1 At paragraph 3.1.3, Mr Frisby sets out that for the DL application (18/00825/HYBRID), that c.25 junctions were agreed to be assessed and questions why Oxfordshire County Council (OCC) took such an inconsistent approach to the Transport Assessment (TA) for the Appeal site in not requiring assessment of the same 25 junctions.
- 3.2 However, what Mr Frisby fails to mention is that the junctions PBA identified for assessment, for the DL application, were informed by junction and link impact analysis of 5% and 10% respectively, as set out in paragraph 7.7.1 of their TA report (Appendix H3 of my proof of evidence).
- 3.3 The TA for the Appeal site used 1%, which is a far more robust test, and to which OCC (and DL's previous consultant, Stantec, as per paragraph 4.9 of my proof of evidence and CD D4A) agreed; it is quite clear that the only inconsistency in OCC's approach was to agree to a more robust impact assessment for the Appeal site TA than that which was applied to the DL development.
- 3.4 At paragraph 3.1.4, Mr Frisby states that the only mention of mitigation triggers or financial contributions in the TA is in relation to the public transport services; this is correct, and the explanation is simple – at pre-app stage, OCC only identified a requirement for this contribution and not for the highway mitigation. However, during the consultation process, we subsequently agreed to the OCC highway mitigation contribution as part of addressing the cumulative impact on the highway network.
- 3.5 This is not unusual practice at all.
- 3.6 The remainder of this initial section of Mr Frisby's evidence references the lack of a S106; my understanding is that this is currently being agreed between the relevant parties and I expect an agreed position to be reached in due course.

### Assumed Mitigation

- 3.7 At paragraph 3.2.4, Mr Frisby states that:
- “the Appellant appears to have elected not to assess the following sensitive junctions:*
- *Junction 1 = A43/M40 Slip Road improvements*
  - *Junction 4 = Baynards Green Roundabout improvements*
  - *Junction 17 = A4260/B4030 (Hopcrofts Holt) improvements*
  - *Junction 25 = Ardley Road/BB430 signalisation”*
- 3.8 It is worth noting that it was agreed with OCC and National Highways (NH) that the above junctions were not required to be assessed within the TA, due to the negligible impact of the development traffic at these locations.
- 3.9 However, notwithstanding this point, it is worth highlighting that Mr Frisby's evidence does not accord with the position he took in the DL Statement of Case (SoC).

- 3.10 In the DL SoC, at paragraphs 7.19 and 7.20, Mr Frisby highlights that the TA had not undertaken assessment of junctions 17, 24 and 25 in the bullet point list he provided – these being the A4260/B4030 (Hopcrofts Holt), Chilgrove Drive/B430/Unnamed Road and the Ardley Road/B430 junction.
- 3.11 The updated list at paragraph 3.2.4 no longer includes the Chilgrove Drive junction, but adds in junctions 1 and 4; I agreed to assess these two junctions in the interest of seeking common ground between myself and Mr Frisby.
- 3.12 At paragraphs 3.2.7 to 3.2.9, Mr Frisby states that OCC have since requested contribution to the junctions we didn't test and states that we should have assessed them; he then criticises OCC by stating their “*serious failing*” in not insisting on a consistent approach to the traffic impact assessment.
- 3.13 Mr Frisby is clearly ignoring the more robust threshold test we applied, compared to PBA for the DL development site.
- 3.14 OCC's approach in defining the scope of assessment for the appeal site has been consistent, albeit with a much more robust threshold applied to the appeal site.
- 3.15 At paragraph 3.2.10, Mr Frisby states that we didn't test our impact without the DL mitigation.
- 3.16 As per Appendix H4 of my proof of evidence, TA guidance requires assessment of committed development – the DL site is committed (indeed, it is currently being built); therefore, it has to be treated as committed and thus the mitigation has to be treated as committed too – the correct approach is to do this.

### Additional Junction Capacity Work

- 3.17 At paragraph 3.3.2, Mr Frisby criticises my submission of the additional analysis results as not having been explained and not having a technical note to go with it.
- 3.18 It should be noted that this wasn't our agreement; I had agreed to provide the results of the assessment work that Mr Frisby had asked for, prior to exchange of evidence, in order to seek to agree common ground.
- 3.19 Mr Frisby subsequently sent a follow-up email on October 30<sup>th</sup> which I responded to on the same day; this is attached as **Appendix HR1**. No further details of the assessment work were requested after this email exchange, but as I set out earlier in this rebuttal, Mr Frisby simply used the results to inform his own evidence.
- 3.20 At paragraph 3.3.3, Mr Frisby states that a key indicator of the performance of a junction is the Ratio of Flow to Capacity (RFC) or Degree of Saturation (DoS); whilst I agree that it is a key indicator, delay is also a key consideration. An assessment of any junction should not be considering only RFC/DoS.
- 3.21 This is supported by the Transport Research Laboratory (TRL), the company responsible for creating the Junctions 10 software (ARCADY, PICADY and OSCADY) used by transport consultant across the UK, who provide responses in their knowledge base at <https://trlsoftware.com/support/knowledgebase/>.
- 3.22 In relation to the key indicators of assessment, and particularly RFCs, the full response by TRL is provided below:

– What maximum RFC (Ratio of flow to capacity) is acceptable?

Generally values of 0.85 for unsignalled junctions have been used extensively and many modelling products pander to this by setting defaults that, of course, encourage it even more.

Although it is understandable why such values are popular, and genuinely have their place, there may be a tendency for these values to become the ONLY goal, at the expense of evaluating situations in a more thorough and useful way.

There are a number of reasons why you should not rely on just one single acceptable maximum value of RFC. For example:

RFC values vary throughout a peak, and can rise and fall sharply or slowly.

The consequences of a high RFC depend on the flow. An RFC value of 1.2 might not matter with a very low flow whereas a value of 0.8 might be disastrous with a high flow.

The important criteria for judging the success of a design (from the point of view of congestion) are the total delay to all vehicles, and the mean delay per vehicle on each of the approaches. The latter is a question of “fairness” and “politics”. Is it acceptable for some drivers to suffer twice as much delay as others? How about ten times as much? That is a matter of opinion.

Revised by Jim Binning (Jan 2011)

- 3.23 At paragraph 3.3.4, Mr Frisby states that beyond 90%, a model's reliability in respect of their outputs significantly diminishes; I do not agree with this assertion. As a junction operation approaches or exceeds 1.0 RFC or 100% DoS, the reliability of the results significantly diminishes; however, between 90% and 100%, the model is still within practical capacity and thus the reliability of the results does not, in my view, significantly diminish as suggested by Mr Frisby.
- 3.24 At paragraph 3.3.5, Mr Frisby states that beyond 90% DoS (or 0.90 RFC), some form of mitigation should be considered or introduced to reduce it below 0.90 or 90% respectively.
- 3.25 This statement is entirely unfounded – it is not, and indeed has never been, the threshold by which the assessment of any junction is informed.
- 3.26 The determining factor with all traffic assessment work is that *“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”* (NPPF paragraph 110(d)); and furthermore that *“Development should only be prevent or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 3.27 It is also worth noting that the above statement by Mr Frisby regarding the 90% threshold and providing mitigation to reduce it below that level, is not something that his own firm Mode Transport Planning Ltd apply themselves in their junction assessment work.
- 3.28 I have attached, as **Appendix HR2**, an extract of the TA report undertaken by Mode for the Land at Keresley.
- 3.29 Mode undertook capacity analysis of the Tamworth Road/Sandpits Lane junction assessment for the 2026 ‘Do Minimum’ (i.e. without development) and 2026 ‘Do Something’ (i.e. with development) scenarios; the results of this are provided in their tables 6.20 and 6.21.
- 3.30 The results of that assessment work show that for the ‘Do Minimum’ scenario in the AM peak hour, the Tamworth Road/Sandpits Lane junction operates with DoS of 94.3% on the Sandpits Lane approach to the



junction, and a DoS of 93.6% on Tamworth Road (N) approach to the junction, with an overall PRC (Practical Reserve Capacity) of -4.8%.

3.31 In the 'Do Something' scenario in the AM peak hour, the Tamworth Road/Sandpits Lane junction operates with DoS of 95.2% on the Sandpits Lane approach to the junction, and a DoS of 94.5% on Tamworth Road (N) approach to the junction, with an overall PRC (Practical Reserve Capacity) of -5.8%.

3.32 On these two approach arms, the delays and queues increase marginally.

3.33 In the PM peak hour, the impact of the development traffic does not result in any of the approach arms exceeding 90% DoS, and the overall PRC remains positive.

3.34 Therefore, on the basis of Mr Frisby's own statement in his evidence to this Inquiry, one could expect his firm's TA report to have set out mitigation at this junction to reduce the DoS on those two approach arms to below 90% in the AM peak hour.

3.35 However, paragraphs 6.5.35 and 6.5.36 of their TA report do not do this, but rather they state the following:

*"6.5.35 When comparing the "2026 'Do Something' Scenario 1" with the "2026 'Do Minimum' Scenario" the greatest impact occurs during the PM peak hour on the Tamworth Road (northern) arm, when the DoS increases from 84.6% to 88.6% and queueing increases by 2pcu. This increase is considered to be negligible.*

*6.5.36 Overall, the development traffic will not result in a significant impact on the overall performance and operation of the junction in the 2026 future year "Do Something' Scenario 1"."*

3.36 Therefore, not only does Mr Frisby's firm not mitigate their impact to below 90% in the AM peak hour, they do not even acknowledge the base situation as being above 90% in the AM peak hour, instead stating that the PM peak hour (where all approach arms operate below 90% both without and with their development traffic) is where they have the greatest impact.

3.37 It is also worth noting that they considered the difference between the scenarios, because the assessment is concerned not with absolute values, but in respect of the impact of the development, i.e. it is not for a development to mitigate an existing situation; the relevant question is what effect the development will have on the highway network in the context of the national policy tests.

3.38 Please note that I do not disagree with Mode's conclusion that, as assessed, the impact of their development traffic on this junction is negligible.

3.39 However, on the basis of his own evidence to this Inquiry, it is clear that Mr Frisby would disagree; this despite having authorised the Keresley TA report himself.

3.40 From paragraphs 3.3.6 to 3.3.20, Mr Frisby sets out his observations regarding the threshold of 0.90 RFC or 90% DoS.

3.41 Notwithstanding that there is no sound basis for the threshold he asserts should be used, Mr Frisby provides a response to four of the junctions assessed, as follows:

- Junction 3: A43/M40 Slip Road
- Junction 4: Baynards Green Roundabout
- Junction 17: A4260/B4030 (Hopcrofts Holt)
- Junction 25: Ardley Road/B430

#### *Junction 3: A43/M40 Slip Road*

3.42 For Junction 3, Mr Frisby states that in the 2028 Base plus 150 dwellings scenario *“the practical capacity of this junction will be breached”*, and therefore that *“the Appellant is reliant upon mitigation presented by Dorchester Living in this location...”*.

3.43 However, Mr Frisby has selectively, and without justification, chosen to produce only the ‘plus 150 dwellings’ scenario results table.

3.44 Mr Frisby has not compared this to the base scenario without the development, which is the appropriate test; and, indeed, what his own firm does as I have already shown in respect of their Keresley site assessment work.

3.45 Therefore, I have provided at **Appendix HR3**, a comparison table for all of the A43/M40 Slip Road junction scenarios, demonstrating the change in the operation of the junction as a result of the proposed development.

3.46 For the 2028 Base + 150 dwelling scenario highlighted by Mr Frisby, the comparison in the PM peak hour is as follows:

- No change in RFC, queue or delay on the A43(E) approach arm;
- +0.01 RFC, no change in queue, and +2 seconds of delay on the M40 slips approach arm; and
- +0.01 RFC, no change in queue or delay on the B430 approach arm.

3.47 It is quite clear from the above that the additional impact of the proposed development on the operation of the junction, without mitigation, is negligible.

3.48 In fact, in the 2031 scenario with the full development of 230 dwellings, the additional impact remains negligible, with a maximum increase in queue of 1 PCU and maximum increase in delay of 3 seconds along any of the approach arms.

#### *Junction 4: Baynards Green Roundabout*

3.49 For Junction 4, Mr Frisby states that in the 2026 Base plus 50 dwellings scenario *“the practical capacity of this junction will be breached with 50 residential units in both the AM (08:00-09:00) and PM (17:00-18:00) hours, showing RFC of 1.44 in the AM and 1.43 in the PM on A43 respectively. For context a queue of 604 vehicles would equate to a queue length of approximability 3.5km (assuming 6m per vehicle when queuing) and a delay time thought the junction of 16½ minutes.”*

- 3.50 Mr Frisby then states in paragraph 3.3.12 of his evidence that *“The Appellant has not presented a solution; as such in the absence of identifying any form of mitigation to address the identified severe impact on the surrounding highway network, which is the key transportation test of the NPPF (CD ref F1),”*.
- 3.51 Although the sentence is incomplete due to a typo error, I can assume that Mr Frisby would have concluded that the impact on the junction is unacceptable.
- 3.52 Before responding to the above, it is worth highlighting that there is a typo error within this table (and also in Appendix H23 of my proof) – the B4100(E) approach arm shows a queue of 16 and delay of 3 seconds – these two values should be switched; the queue is 3 and the delay is 16 seconds (in line with the other scenario results for this arm of the junction).
- 3.53 In response to Mr Frisby's evidence, as with Junction 3 he has selectively chosen to produce only the 'plus 50 dwellings' scenario results table and has not compared this to the base scenario, which is the appropriate test.
- 3.54 Therefore, I have provided at **Appendix HR4**, a comparison table for all of the Baynards Green Roundabout junction scenarios, demonstrating the change in the operation of the junction as a result of the proposed development.
- 3.55 For the 2026 Base + 50 dwelling scenario highlighted by Mr Frisby, the comparison in each peak hour is as follows:
- AM Peak*
- No change in RFC or queue, and +1 second of delay on the A43(N) approach arm;
  - No change in RFC, queue or delay on the B4100(E) approach arm;
  - No change in RFC, +2 PCUs queue, and +2 seconds of delay on the A43(S) approach arm; and
  - No change in RFC, queue or delay on the B4100(W) approach arm.
- PM Peak*
- No change in RFC or queue, and +2 seconds of delay on the A43(N) approach arm;
  - No change in RFC, +1 PCU queue, and +1 second of delay on the B4100(E) approach arm;
  - +0.01 RFC, +1 PCU queue, and +1 second of delay on the A43(S) approach arm; and
  - No change in RFC, queue or delay on the B4100(W) approach arm.
- 3.56 It is quite clear from the above that the additional impact of the proposed development on the operation of the junction, without mitigation, is negligible.
- 3.57 In fact, in the 2031 scenario with the full development of 230 dwellings, the additional impact remains negligible, with a maximum increase in queue of 10 PCUs (across two lanes) and maximum increase in delay of 17 seconds along any of the approach arms.

- 3.58 It is worth bearing in mind that this impact is into a junction that, in modelling terms, is operating well beyond the capabilities of the software; and, as set out in my evidence, is clearly not representative of current traffic conditions in the 2023 Base scenario (from which the 2026, 2027, 2028 and 2031 scenarios have been derived).
- 3.59 The additional delays caused by the traffic associated with the Appeal site, relative to the base scenarios, is quite clearly negligible. For example, the maximum 17 second increase in delay is compared to a without development delay of 20 minutes and 20 seconds; this is an increase in delay on this one approach arm of just 1.4%.
- 3.60 The Appeal site traffic represents less than 0.5% additional traffic in each peak hour, thus is clearly well within the normal daily variation at a junction (which is typically around 10%).

*Junction 17: A4260/B4030 (Hopcrofts Holt)*

- 3.61 For Junction 17, Mr Frisby accepts that without the consented development, the proposed 230-dwelling development would not have a material impact in 2031; however, he then subsequently states that “*when looking at the cumulative impact with all the consented development (1,591 units plus the 230 units from the Appellants scheme); the mitigation identified by Dorchester Living is no longer sufficient.*”
- 3.62 In response to Mr Frisby's evidence, as with the other junctions he has selectively chosen to produce only one scenario, in this case the ‘2031 Cumulative with mitigation scheme’ scenario results table, and has not compared this to the base scenario, which is the appropriate test.
- 3.63 Therefore, I have provided at **Appendix HR5**, a comparison table for the 2031 Hopcrofts Holt junction cumulative scenario, demonstrating the change in the operation of the junction as a result of the proposed development.
- 3.64 For the 2031 Reference Case + 230 dwelling scenario, the comparison in each peak hour is as follows:

*AM Peak*

- -1.0% DoS (improvement), +4 PCUs queue, and -23 seconds of delay (improvement) on the B4030(E) approach arm;
- +8.3% DoS, no change in queue, and +1 second of delay on the A4260(S) approach arm;
- No change in DoS, queue or delay on the B4030(W) Left-turn approach;
- +0.6% DoS, no change in queue, and +8 seconds of delay on the B4030(W) Ahead & Right-turn approach; and
- +1.6% DoS, +10 PCUs queue, and +26 seconds of delay on the A4260(N) approach arm.

*PM Peak*

- +2.4% DoS, +1 PCU queue, and +8 seconds of delay on the B4030(E) approach arm;
- +1.0% DoS, +1 PCU queue, and +2 seconds of delay on the A4260(S) approach arm;
- No change in DoS, queue or delay on the B4030(W) Left-turn approach;

- +1.5% DoS, +1 PCU queue, and +5 seconds of delay on the B4030(W) Ahead & Right-turn approach; and
- +1.6% DoS, +1 PCU queue, and no change in delay on the A4260(N) approach arm.

- 3.65 It is quite clear from the above that the additional impact of the proposed development on the operation of the junction, in the cumulative assessment scenario, is negligible.
- 3.66 Essentially, there is only one approach arm, the A4260(N), where there is even a noticeable change in queue; this is in the AM peak only, and even that approach only sees an increase in delay of 26 seconds against a base delay of 127 seconds.
- 3.67 The additional traffic at the junction is less than 3% in the peak hours, which is well within the typical daily variation in flow.
- 3.68 It is worth reiterating, as I set out in my evidence at paragraph 5.54, that this junction operates under MOVA (Microprocessor Optimised Vehicle Actuation) control with variable cycle times; therefore, the impact of the proposed Appeal site traffic on the junction will be further reduced compared to that shown above, as the LinSig modelling can only model fixed cycle times.
- 3.69 It is also worth returning to the Mode TA report extract in **Appendix HR2** of this rebuttal, where Mr Frisby's firm state, despite the junction they test operating above the 90% DoS on two of the three approaches, that:

*"This junction was proposed to be upgraded to signalised control as part of the approved 800 dwellings application (Ref. OUT/2014/2282). The proposed signal junction controller equipment could incorporate MOVA technology which would increase capacity and efficiency. MOVA is considered to be the most efficient method of signal control, using a series of detectors that allow signal timings and cycle times to respond to changes in traffic conditions."*

*"TRL/Department for Transport research indicates that through the implementation of a MOVA system, the efficiency and operation of signalised junctions can be improved, and that up to an average of 13% delay reduction may be achievable. However, it should be noted, that the effects of these optimisation improvements cannot be simulated within the LINSIG model."*

- 3.70 The above would clearly also apply to the Hopcrofts Holt junction; as such, the impact of the Appeal site is acceptable either as a standalone assessment, or cumulatively with the wider DL development site.

#### *Junction 25: Ardley Road/B430*

- 3.71 Finally, in respect of Junction 25, Mr Frisby accepts that without the consented development, the proposed 230-dwelling development would not have a material impact in 2031; however, he then subsequently states that *"when looking at the cumulative impact all development (1,591 units plus the 230 units from the Appellants scheme); the mitigation identified by is again no longer sufficient."*
- 3.72 In response to Mr Frisby's evidence, as with Junction 17, he has selectively chosen to produce only the '2031 Cumulative with mitigation scheme' scenario results table and has not compared this to the base scenario, which is the appropriate test.

3.73 Therefore, I have provided at **Appendix HR6**, a comparison table for the 2031 B430/Ardley Road junction cumulative scenario with mitigation, demonstrating the change in the operation of the junction as a result of the proposed development.

3.74 For the 2031 Reference Case + 230 dwelling scenario, the comparison in each peak hour is as follows:

*AM Peak*

- +1.1% DoS, +4 PCUs queue, and +5 seconds of delay on the B430(N) approach arm;
- No change in DoS, queue or delay on the Ardley Road (E) approach arm;
- +3.2% DoS, +1 PCU queue, and no change in delay on the B430(S) approach arm; and
- No change in DoS, queue or delay on the Ardley Road (W) approach arm.

*PM Peak*

- +1.7% DoS, and no change in queue or delay on the B430(N) approach arm;
- No change in DoS, queue or delay on the Ardley Road (E) approach arm;
- +0.1% DoS, no change in queue or delay on the B430(S) approach arm; and
- +5.6% DoS, +1 PCU queue, +19 seconds of delay on the Ardley Road (W) approach arm.

3.75 It is quite clear from the above that the additional impact of the proposed development on the operation of the junction, in the cumulative assessment scenario, is negligible.

3.76 As with the other junctions tested, the additional traffic from the Appeal site is well within the normal daily variation in the traffic flow, and the junction impact is acceptable as either as a standalone assessment, or cumulatively with the wider DL development site.

*Summary*

3.77 In the summary section of Mr Frisby's evidence, he states that the Appellant's scheme will be reliant upon mitigation provided by Dorchester Living at Junctions 3, 4, 17 and 25.

3.78 For Junction 3 he states this will be at 150 units (2028), for Junction 4 at 50 units (2026), and for Junctions 17 and 25 that in the cumulative assessment scenario there will be "*significant queueing*" and that the Appellant has not achieved "*nil detriment*" at these two junctions.

3.79 As I have set out in my response above, I do not accept Mr Frisby's assessment or conclusions regarding the Appeal site traffic impact at any of these junctions, as he has not assessed the impact of the Appeal site correctly.

3.80 The incremental impact of the proposed development at the Appeal site is negligible across all four junctions in all scenarios.

3.81 Interestingly, for Junctions 17 and 25, in the third bullet point of paragraph 3.3.21 where Mr Frisby states that "*nil detriment*" has not been achieved.

- 3.82 It should be noted that this is an entirely different approach to assessment compared to that set out in his initial statement at paragraph 3.3.5, where he states that *“some form of mitigation should be considered or introduced to reduce values to below 0.90 or 90% respectively”*.
- 3.83 On the basis of the above, it is apparent that Mr Frisby isn't clear what the relevant test is; however, it is worth highlighting again **Appendix HR2** to this rebuttal, which provides an extract of the Keresley TA report undertaken by Mode Transport Planning.
- 3.84 Their assessment of the Tamworth Road/Sandpits Lane junction assessment demonstrates worsening of junction performance at a junction that, in the AM peak hour, operates with approach arms above 90% DoS.
- 3.85 However, if we now consider that Mr Frisby has taken two positions in respect of the necessary testing, one being to mitigate below 90% DoS (or 0.90 RFC), or the other being to achieve nil detriment; in that case his firm did neither, instead stating that the impact of their development traffic was negligible and that MOVA control at the signalised junction would provide benefit in any case.
- 3.86 The single relevant test is actually set out in the NPPF at paragraphs 110 d) and 111.
- 3.87 Paragraph 110 d) states that in assessing sites, it should be ensured that *“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
- 3.88 Paragraph 111 states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 3.89 In respect of paragraph 110 d), I do not consider that the impacts of the proposed development at the Appeal site are *“significant”* at any of the junctions tested in the original TA report that supported the application, or those set out in either my Proof of Evidence or this rebuttal.
- 3.90 In respect of paragraph 111, it is worth highlighting that the severity test does not apply to a specific junction or location, but to the road network as a whole.
- 3.91 I have attached as **Appendix HR7**, an Appeal decision dated 8<sup>th</sup> March 2022 for 'Land East of Ashingdon Road and north of Rochford Garden Way, Rochford, Essex', Appeal Ref: APP/B1550/W/21/3283646 (Inspector David Wildsmith BSc (Hons) MSc CEng MICE FCIHT MRTPI).
- 3.92 At paragraphs 66 and 67 of the decision, the Inspector considers the Ashingdon Road/West Street/Hall Road roundabout junction that is predicted to operate beyond its theoretical capacity, even without the proposed development, with RFC values of 1.22 in the morning peak hour and 1.13 in the evening peak hour; and with respective queues of 160 PCUs and 75 PCUs.
- 3.93 Paragraph 67 sets out that the proposed development would increase the RFCs to 1.37 and 1.19 in the AM and PM peak hours respectively, with corresponding increases in queues to 267 PCUs and 118 PCUs; the same



paragraph also highlights that the TA states that additional development traffic would be less than 10%, which corresponds to typical day-to-day variation.

- 3.94 The Appellants were not proposing any improvement scheme.
- 3.95 At paragraph 68, the Inspector considers the results of the assessment for the Southend Road/Sutton Road 'Anne Boleyn' roundabout junction that is predicted to operate with one approach arm (Southend Road (North)) 11% over theoretical capacity in the AM peak hour, with a corresponding queue of 82 PCUs. The Appellants assessment shows that the additional development traffic would add to delay and queueing, but only on the same Southend Road (North) approach arm, with the RFC increasing to 1.16 and queue to 132 PCUs; the Inspector then sets out that the assessed development traffic impact at this junction in both the morning and evening peak period is below 5%.
- 3.96 The Appellants were proposing a contribution to a scheme at this junction, but no specific improvement.
- 3.97 At paragraph 77 of the decision, the Inspector refers to legal advice given to Development Committee members that the conclusion in the transport work undertaken for the application was that the residual cumulative impact on the network would not be severe, that this assessment had been accepted by the Highway Authority, and whose advice must be given very great weight in the absence of any contradictory technical opinion.
- 3.98 At paragraph 83, the Inspector highlights that the relevant test is not whether the proposed development would add further traffic to an already busy road; but whether, once the assessment work is completed and all mitigation measures have been carried out, there would be an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.
- 3.99 At paragraph 108, the Inspector spells out the relevant test; it is not whether or not a development would have no impact on the local highway network, or that the impacts would not be noticeable; but whether or not the residual cumulative impacts of the proposal on the road network would be severe.
- 3.100 The Inspector then states that the Council's case "*appears to rest on the forecast performance of one junction, for a limited portion of the weekday morning peak hour in 2029*".
- 3.101 Finally, the Inspector concluded that there was no conflict with the NPPF, because although there would be an impact at an already busy junction for part of the peak hour, the residual cumulative impact on the road network was not severe (as per the test in NPPF paragraph 111).
- 3.102 In addition to the Rochford Appeal, I also provide at **Appendix HR8** two further appeal decisions – these are Appeal Ref: APP/U2370/W/21/3278191 'Land south of Blackpool Road, Poulton Le Fylde, 333704, 439607'; and Appeal Ref: APP/D3315/W/16/3157862 'Land at Hartnell's Farm, Monkton Heathfield Road, Monkton Heathfield, Taunton, Somerset, TA2 8NU'.
- 3.103 The Inspector for the Poulton Le Fylde Appeal sets out at paragraph 30 that the term severe is a "*high hurdle to overcome when considering residual cumulative effects on the road network.*".
- 3.104 Importantly, the Inspector also explicitly highlights at paragraph 30 that it should be "*set against the existing situation*" – this is something Mr Frisby chooses not to do in his evidence.



- 3.105 The Inspector for the Monkton Heathfield Appeal sets out at paragraph 15 that “*there is no definition of the term ‘severe’ in either the Framework or in the Government’s Planning Practice Guidance (PPG).*” and subsequently sets out that their attention was drawn to a report by another Inspector to the Secretary of State, where that Inspector comments that “*the term ‘severe’ sets a high bar for intervention via the planning system in traffic effects arising from development...*”.
- 3.106 Turning to Mr Frisby’s evidence, as I have set out above, I do not accept that providing the single ‘with development’ scenario results only can facilitate an assessment of whether or not the impact of the proposed Appeal site at Heyford Park, on the road network, is severe; one needs to compare the impact with the proposed development, to the operation of the junctions without it (as the Inspector for the Poulton Le Fylde Appeal also states), and then consider that in the context of the operation of the highway network as a whole.
- 3.107 I have also demonstrated within this rebuttal that the comparison of the results to the ‘without development’ situation, shows the impact of the Appeal site traffic to be negligible.
- 3.108 It is worth reiterating, as I have set out in my evidence to this Appeal, and taking into account the Rochford Appeal decision regarding the relevant test and the percentage impacts at the junctions referenced in the Inspector’s report; that at the four junctions set out in Mr Frisby’s evidence, the development traffic impacts (based on the manual impact assessment in my Proof of Evidence) are as follows:
- Junction 3: A43/M40 Slip Road = 2.08% AM peak; 1.59% PM peak
  - Junction 4: Baynards Green Roundabout = 0.46% AM peak; 0.35% PM peak
  - Junction 17: A4260/B4030 (Hopcrofts Holt) = 2.68% AM peak; 2.42% PM peak
  - Junction 25: Ardley Road/B430 = 3.82% AM peak; 3.60% PM peak
- 3.109 All of the above are well within the expected normal daily variation in traffic flows.
- 3.110 At paragraph 3.3.23, Mr Frisby states that he is surprised that OCC maintain no objection and states that they should be invited to attend the Inquiry to explain what appears, in his view, to be an “*inexplicable position*”.
- 3.111 Regarding their position, my view is that OCC, as the competent highway authority, are clearly able to take a considered view in respect of short-term traffic impacts on their own network, in advance of agreed mitigation coming forward. Ultimately, it is clearly a question of judgment.
- 3.112 LHA’s do this across the UK all the time, it is common practice where agreed mitigation schemes deliver highway network capacity improvements.
- 3.113 It is also worth noting that, despite criticising the LHA, DL does not appear to have suggested alternative triggers to the LHA, nor suggested any alternative triggers within their own evidence (please note that I reserve the right to comment on this, should they subsequently do so during the course of the Appeal), despite having engaged several expert technical consultants to undertake work on their behalf.

- 3.114 Notwithstanding my evidence, which clearly demonstrates that the residual cumulative impact on the highway network will not be severe, it should be noted that DL have not taken the same view with the Pye Homes/BDW scheme that sits immediately west of the Appeal scheme.
- 3.115 It is also worth noting that, despite that scheme also making a proportional contribution to the PV5 mitigation package of highway works, no such calls have been made by DL for the Pye Homes/BDW scheme to be held back by Grampian condition until the DL mitigation has been delivered.
- 3.116 In fact, DL has not objected to that application.
- 3.117 Therefore, Mr Frisby's case appears to centre on the apparent failings of the highway authority, OCC, only when dealing with the Appeal site assessment work; despite this being the same highway authority that was perfectly competent when assessing both the DL development proposals, and the more recent Pye Homes/BDW development site.

### **S106 Triggers and Mechanism for Delivery**

- 3.118 At paragraph 3.4.1, Mr Frisby states that the Appellant should make a proportional financial contribution to the delivery of those measures identified as mitigation as part of the wider PV5 allocation; the S106 is currently being agreed between the relevant parties, but OCC's Regulation 122 statement sets out the contributions required, which have been accepted by the Appellant.
- 3.119 The Appellant is therefore prepared to make the proportionate contributions requested by the LHA.
- 3.120 At paragraph 3.4.2, Mr Frisby states that the Appellant's scheme would need to be held back until that mitigation is in place; for the reasons set out in this rebuttal, I clearly do not accept that position. It is also not the position DL have taken in respect of the adjacent Pye/BDW development.
- 3.121 Again, it is worth noting that DL have not prepared a piece of work to date, justifying when they say contributions should be triggered; on the basis that there is no LHA objection to the Appeal site, but DL are stating that the LHA's approach is flawed, it must surely be for DL to demonstrate why this is the case. They have not done this at any stage.
- 3.122 At Table DJF 009, the mitigation and triggers associated with the DL application are provided; it should be noted that in respect of 'M40 Junction 10 Padbury', my understanding is that the date specified in the S106 agreement is 31<sup>st</sup> March 2025, not 2024. Of course, this may be a simple typo in Mr Frisby's evidence.
- 3.123 At paragraphs 3.4.7 and 3.4.8, Mr Frisby refers to the Hopcrofts Holt junction (Junction 17) and the proposed mitigation scheme not being provided until 730 units have been occupied instead of 500 units.
- 3.124 However, even if I was to take that position as the worst-case scenario, on the basis of the manual traffic assignment as set out in my proof of evidence at Appendix H12, in real terms this would result in an additional 43 AM peak vehicles trips and 36 PM peak vehicle trips passing through the junction just prior to the mitigation scheme being implemented.

- 3.125 The Hopcrofts Holt signals currently operate on a variable cycle time (due to MOVA), but have been modelled using a fixed cycle time of 120 seconds, which represents 30 cycles per hour.
- 3.126 On this basis, the 230 dwellings would only contribute an additional three vehicles every two cycles in the AM peak hour; and just over one vehicle every cycle in the PM peak hour, just prior to the mitigation scheme being introduced.
- 3.127 This impact on the junction is quite clearly negligible.

### Delivery Trajectory

- 3.128 In paragraphs 3.5.1 and 3.5.2, Mr Frisby states that there is no mechanism within the DL Section 106 agreement to deliver infrastructure/mitigation any earlier than the trigger points that have already been identified.
- 3.129 Mr Frisby then suggests that Grampian conditions will need to be imposed on the rates of delivery for the Appellant's scheme; however, as I have already pointed out, no such proposal was suggested by DL in their consultation response to the Pye Homes/BDW scheme. DL merely acknowledged that they should pay proportionately towards the PV5 mitigation package, which they and OCC have agreed they should do.
- 3.130 It is only for the Appeal site that DL take a totally different stance towards the highways impacts and the delivery trajectory.
- 3.131 Mr Frisby's position regarding the Appeal site might perhaps be better understood if the trigger points within the DL Section 106 agreement for the delivery of the PV5 mitigation related to total additional trips on the highway network, or total additional trips through specific junctions; however, that is not the case, as the trigger points in the DL Section 106 agreement relate only to their own development trips or delivery rate.
- 3.132 It is also worth noting, in respect of M40 Junction 10, that the OCC Housing from Infrastructure Programme identifies that funding is in place for the mitigation scheme, with a total capital allocation of £8.7m, a construction start date of January 2024 and completion by December 2024.
- 3.133 The programme, taken from the public reports pack attached to the Future Oxfordshire Partnership meeting on Tuesday 26<sup>th</sup> September 2023, is attached as **Appendix HR9** to this report.
- 3.134 As such, the impact at the M40 J10 Padbury Roundabout will not materialise in any event, as the signals mitigation scheme will be in place prior to the start of construction of the Appeal site.

### Vehicular Access

- 3.135 In section 3.7, Mr Frisby sets out his case regarding the site access junction and highway safety.
- 3.136 I have dealt with the highway safety elements of his case in my own proof of evidence.
- 3.137 At paragraphs 3.7.6 and 3.7.7, Mr Frisby states that I have commissioned a Stage 1 RSA showing five issues identified in the audit, all of which can be adequately addressed; he then states that it is disappointing that "the

*Appellant's evidence base for key documents seems to only have been generated after the decision has been made to Appeal and it is surprising that the LHA were able to recommend approval in the absence of such information."*

- 3.138 I have already addressed this in my proof of evidence at paragraphs 4.73 to 4.76.
- 3.139 The LHA recommended approval to the adjacent Pye Home/BDW application without a Stage 1 RSA; DL did not object to that application due to the lack of a Stage 1 RSA for their access junction, nor did they express surprise at OCC's ability to recommend approval in the absence of it.
- 3.140 Once again, there only appears to be an issue in relation to the Appeal site.
- 3.141 Notwithstanding this, I commissioned the Stage 1 RSA with a view to agreeing common ground with Mr Frisby; to this end, Mr Frisby appears to accept the findings of the audit and that all five issues can be adequately addressed.
- 3.142 In substantive terms, it therefore appears as if this issue is resolved.

#### **Sustainable Access/Wider Masterplan Implications**

- 3.143 In relation to sustainable access and wider masterplan implications at sections 3.8 and 3.9 of his proof, Mr Frisby states the site is poorly integrated.
- 3.144 At paragraph 3.8.3, Mr Frisby states that the TA report submitted with the application makes very little reference to, nor commits to contributing to any of the proposed infrastructure.
- 3.145 I disagree – the TA report sets out the current and proposed infrastructure within section 3.0 of the report, including how the Appeal site will connect to that infrastructure.
- 3.146 At paragraph 3.8.4, Mr Frisby states that *"there is no reference as to whether the internal road layouts and access point will conform to the Government's LTN 1/20 cycle infrastructure design guide..."*.
- 3.147 As shown on the site access junction drawing, a 3.0m wide shared pedestrian/cycle route is provided along the eastern side of the site access road, and along the site frontage, connecting to Chilgrove Drive at the southeast corner of the site (and the eventual signals scheme), which OCC has considered is appropriate and has accepted.
- 3.148 A 3.0m wide shared facility conforms to LTN 1/20 in respect of Table 6.3, providing sufficient width for up to 300 pedestrians and 300 cyclists per hour:

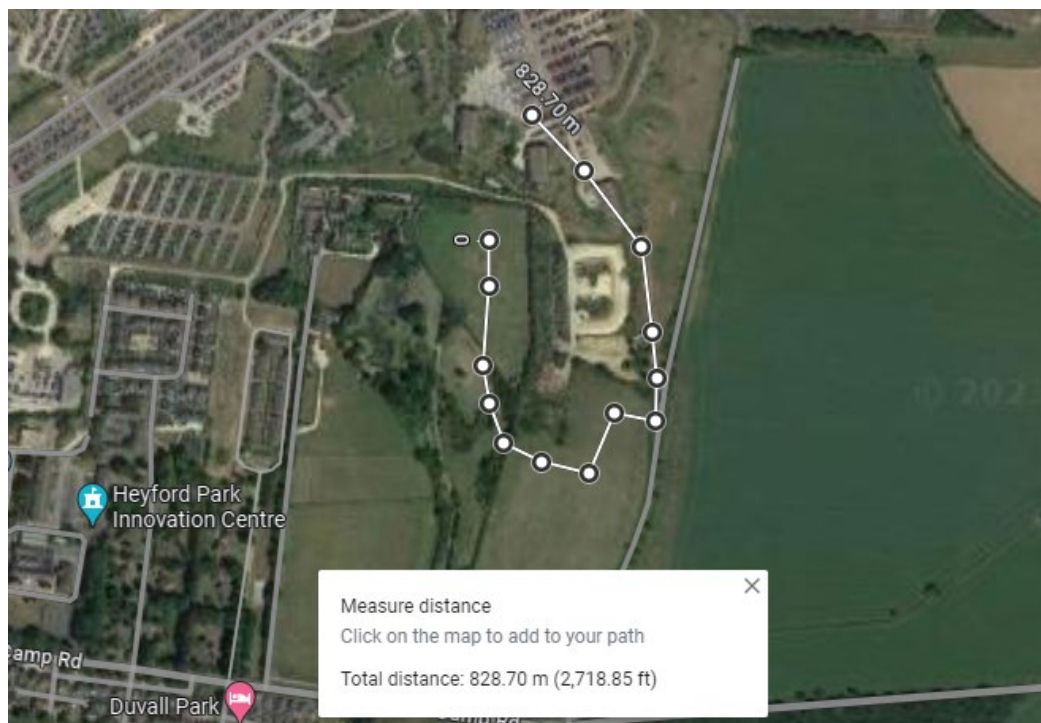
**Table 6-3: Recommended minimum widths for shared use routes carrying up to 300 pedestrians per hour**

Cycle flows	Minimum width
Up to 300 cyclists per hour	3.0m
Over 300 cyclists per hour	4.5m

- 3.149 In terms of the internal layout of the site, for which the masterplan is illustrative at this stage (as is normal practice), the OCC consultation response to the application clearly advises that it should follow LTN 1/20 guidance; however, it is worth noting that the masterplan provides for the continuation of the LTN 1/20 compliant shared pedestrian/cycle route along the eastern side of the primary access road.
- 3.150 Across the remainder of the site, cycling within the carriageway will be acceptable and in line with LTN 1/20, as per paragraph 7.5.1 of that document:

**7.5.1** The design of new residential access streets and redesign of existing streets can create very low speed environments which enable cycling without the need for specific measures (see Figure 7.7). Such streets are mainly used by local residents, their visitors and deliveries and servicing traffic. There is therefore no need to provide geometry that accommodates higher vehicle speed.

- 3.151 At paragraph 3.9.3, Mr Frisby states that *“there are no proposed connections to the west, where the main facilities are located, or to the north. The north-western part of the Appeal scheme is particularly isolated as a result with no meaningful connectivity and integration with the new settlement community, as shown in Drawing DJF006.”*
- 3.152 Looking at Drawing DJF 006, Mr Frisby suggests that the walk route to the ‘Employment Area’ would take approximately 30-minutes, via Camp Road and then northwards through Heyford Park.
- 3.153 However, Mr Frisby is missing a key element in his analysis – the ‘Employment Area’ he highlights forms part of Masterplan Area A, which according to page 203 of the DL S106 agreement, requires the Camp Road/Chilgrove Drive junction improvements to be delivered prior to the first occupation of any building in that area.
- 3.154 As such, the distance shown by Mr Frisby on Drawing DJF 006 is wrong – with the mitigation works in place, and the connections from the Appeal site to the east, this employment area will be within c.830m walking and cycling distance of even the north-western part of the Appeal site, as shown below:



- 3.155 At paragraph 3.9.4, Mr Frisby states that *“Routeing via low speed residential road through the Pye/David Wilson Homes schemes would be more desirable than routeing along the well trafficked route of Camp Road to the southern boundary of the Appellants scheme. The Appellant has failed to engage with neighbouring sites to promote such pedestrian enhancements, rather all pedestrian journeys must travel via Camp Road to the south”*.
- 3.156 In response to the above, Mr Frisby is not correct; a connection from the southwest corner of the Appeal site, through the public open space area, was always proposed (alongside the route on the northern side of Camp Road).
- 3.157 My understanding, as I set out in my proof of evidence, is that recent discussions with David Wilson Homes have resulted in an agreement to provide an additional pedestrian connection towards the northeast corner of their site.
- 3.158 This is shown on the Pedestrian and Cycle Access Plan, as provided in my proof of evidence at Figure H3.

## APPENDIX HR1

### EMAIL CORRESPONDENCE WITH MR FRISBY



## James Parker

---

**From:** James Parker  
**Sent:** 30 October 2023 17:16  
**To:** David Frisby; 'Reuben'; Andy; James Bradshaw; Marc Wilson; Katie Saunders  
**Cc:** Matthew Fitchett; Chris Holdup; Gavin Angell; Neil Cottrell; Simon Fry; Ben Fairgrieve  
**Subject:** RE: Heyford Park - Modelling Parameters

Hi David,

Thanks for your email.

To clarify, in response to your queries:

- The majority of the assessment work involves testing the Appeal site traffic against the current base traffic flows, with TEMPro growth, but without the PV5 committed development and mitigation, as per the agreed methodology set out in my note.
- You then also requested (via follow up email) a cumulative assessment with the PV5 committed dev and mitigation, so I have undertaken this for the additional junctions you requested we look at, which are Hopcrofts Holt, B430/Ardley Road, and the A43/M40 slip road. At Baynards Green roundabout, I have assessed it cumulatively, but without mitigation, on the basis that a scheme has yet to be formally agreed in this location (there are application sites immediately adjacent to that junction currently in discussion with OCC and NH regarding a significant improvement scheme).
- RE: the mitigation – correct, the assessment was to demonstrate the appeal site impact individually, hence no mitigation has been assumed at any junction.
- RE: the determination of the S106 infrastructure and triggers, OCC has approved the development on the basis of the cumulative assessment undertaken and a proportional contribution from the appeal site towards the PV5 mitigation – as we discussed at our meeting, the intention is for the trigger points for the appeal site to result in that proportional contribution being made well before the site is complete;
- RE: the 15 junctions – 3 of these are the cumulative assessment with mitigation (Hopcrofts Holt, B430/Ardley Road, and the A43/M40 slip road), and 1 is the cumulative assessment of Baynards Green roundabout without mitigation; the remaining 11 junctions include the 10 set out in the methodology. The additional junction I have assessed is the Ardley roundabout junction (at the M40 slip road), which we had previously assessed cumulatively (with mitigation) in our TA, but not individually. Therefore, I have assessed the 10 junctions we agreed;
- The full cumulative assessments of Hopcrofts Holt, B430/Ardley Road, A43/M40 slip road and Baynards Green roundabout are included.

Regards,

**James Parker**

**Director**

**DD.** [REDACTED] **M.** [REDACTED] **W.** [www.hubtransportplanning.co.uk](http://www.hubtransportplanning.co.uk)



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**From:** David Frisby [REDACTED]  
**Sent:** Monday, October 30, 2023 4:43 PM  
**To:** James Parker [REDACTED]; 'Reuben' [REDACTED]; Andy [REDACTED]  
[REDACTED] >; James Bradshaw [REDACTED] >; Marc Wilson [REDACTED]  
[REDACTED] >; Katie Saunders [REDACTED] >  
**Cc:** Matthew Fitchett [REDACTED] >; Chris Holdup [REDACTED] >;  
Gavin Angell [REDACTED] >; Neil Cottrell [REDACTED] >; Simon Fry [REDACTED] >  
[REDACTED] >; Ben Fairgrieve [REDACTED] >  
**Subject:** Re: Heyford Park - Modelling Parameters

Dear James,

Thank you & very much appreciated.

There is a lack of information sent through as to what mitigation you have relied upon to achieve the attached results at each phase?

Will you be sharing that information also or could you clarify please?

On the surface (I will review in more detail tomorrow) it would appear your results include no mitigation at all?

If that is the case, how are you determining necessary S106 infrastructure and triggers?

Also, I note you have sent results through for only 15 junctions, did you undertake the analysis of the other 10 junctions as per your methodology?

Finally, will you be issuing the full cumulative assessment of Dorchester + Pye + Richborough too.

I look forward to hearing from you in due course.

Kind regards,

David

David Frisby BEng (CEng) FCIHT  
Director



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**From:** James Parker <[James@hubtransportplanning.co.uk](mailto:James@hubtransportplanning.co.uk)>

**Date:** Monday, 30 October 2023 at 15:41

**To:** David Frisby [redacted], 'Reuben' [redacted] <k>, Andy [redacted] <k>, James Bradshaw [redacted] >, Marc Wilson [redacted] >, Katie Saunders [redacted] <k>  
**Cc:** Matthew Fitchett [redacted] >, Chris Holdup [redacted] >, Gavin Angell [redacted] <k>, Neil Cottrell [redacted] <m>, Simon Fry [redacted] >, Ben Fairgrieve [redacted] >  
**Subject:** RE: Heyford Park - Modelling Parameters

Hi David,

The results tables for the additional assessments are attached.

I have also attached the Stage 1 RSA with our Designer's Response, plus an additional letter from the auditor regarding the consented traffic-calming feature on Camp Road (and our response to that), along with our updated drawings.

I am on annual leave tomorrow, but back in on Wednesday.

Regards,

**James Parker**  
**Director**

**DD.** [redacted] **M.** [redacted] **W.** [www.hubtransportplanning.co.uk](http://www.hubtransportplanning.co.uk)



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**From:** David Frisby [redacted]  
**Sent:** Monday, October 30, 2023 9:42 AM  
**To:** James Parker [redacted] >; 'Reuben' [redacted] >; Andy [redacted] <k>; James Bradshaw [redacted] >; Marc Wilson [redacted] >; Katie Saunders [redacted] >  
**Cc:** Matthew Fitchett [redacted] >; Chris Holdup [redacted] <k>; Gavin Angell [redacted] >; Neil Cottrell [redacted] >; Simon Fry [redacted] >; Ben Fairgrieve [redacted] >  
**Subject:** Re: Heyford Park - Modelling Parameters

Dear James

I trust you are well.

Is there any update on the transportation information being made available please?

Kind regards,

David

David Frisby BEng (CEng) FCIHT  
Director



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**From:** James Parker <[James@hubtransportplanning.co.uk](mailto:James@hubtransportplanning.co.uk)>

**Date:** Friday, 27 October 2023 at 08:55

**To:** David Frisby [redacted], 'Reuben' [redacted] <[k@modetransport.co.uk](mailto:k@modetransport.co.uk)>, Andy [redacted], James Bradshaw [redacted], Marc Wilson [redacted], Katie Saunders [redacted]

**Cc:** Matthew Fitchett [redacted], Chris Holdup [redacted], Gavin Angell [redacted], Neil Cottrell [redacted], Simon Fry [redacted], Ben Fairgrieve [redacted]

**Subject:** RE: Heyford Park - Modelling Parameters

Hi David,

Yes, we have had a Stage 1 RSA commissioned for the access junction.

Regards,

**James Parker**  
Director

DD. [redacted] M. [redacted] W. [www.hubtransportplanning.co.uk](http://www.hubtransportplanning.co.uk)



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## APPENDIX HR2

### MODE KERESLEY TA EXTRACT

delay reduction may be achievable. However, it should be noted, that the effects of these optimisation improvements cannot be simulated within the LINSIG model.

### Junction 8: Tamworth Road/Sandpits Lane

6.5.33 LINSIG assessments have been undertaken for the Tamworth Road/Sandpits Lane 3-arm signalised junction and the results of the relevant traffic scenarios are summarised in **Table 6.20** and **Table 6.21**.

**Table 6.20: 2026 'Do Minimum' Scenario (CASM)**

J8 – Tamworth Road/Sandpits Lane – 2026 'Do Minimum' Scenario						
ARM	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	DoS	Av. Delay (s/pcu)	MMQ (pcu)	DoS	Av. Delay (s/pcu)	MMQ (pcu)
Sandpits Lane – Right/Left	94.3%	92.7	14	84.0%	51.6	12
Tamworth Road (N) – Left/Ahead	93.6%	46.0	26	84.6%	37.3	17
Tamworth Road (S) – Right/Ahead	34.5%	15.9	5	47.6%	22.3	8
	PRC	-4.8%		PRC	6.3%	
	Cycle Time	90s		Cycle Time	90s	

**Table 6.21: 2026 'Do Something' Scenario 1 (CASM)**

J8 – Tamworth Road/Sandpits Lane – 2026 'Do Something' Scenario 1						
ARM	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	DoS	Av. Delay (s/pcu)	MMQ (pcu)	DoS	Av. Delay (s/pcu)	MMQ (pcu)
Sandpits Lane – Right/Left	95.2%	97.0	14	85.8%	54.2	13
Tamworth Road (N) – Left/Ahead	94.5%	48.7	27	88.6%	42.5	19
Tamworth Road (S) – Right/Ahead	33.8%	15.8	5	48.2%	22.4	8
	PRC	-5.8%		PRC	4.8%	
	Cycle Time	90s		Cycle Time	90s	

6.5.34 The model results show that there will be a slight increase in the DoS and queueing during both peak hour periods when development traffic is added to the network in 2026.

6.5.35 When comparing the “2026 'Do Something' Scenario 1” with the “2026 'Do Minimum' Scenario ” the greatest impact occurs during the PM peak hour on the Tamworth Road (northern) arm, when the DoS increases from 84.6% to 88.6% and queueing increases by 2pcu. This increase is considered to be negligible.

6.5.36 Overall, the development traffic will not result in a significant impact on the overall performance and operation of the junction in the 2026 future year “'Do Something' Scenario 1”.

6.5.37 This junction was proposed to be upgraded to signalised control as part of the approved 800 dwelling application (Ref: OUT/2014/2282) The proposed signal junction controller equipment could incorporate MOVA technology which would increase capacity and efficiency. MOVA is considered to be the most

efficient method of signal control, using a series of detectors that allow signal timings and cycle times to respond to changes in traffic conditions.

6.5.38 TRL/Department for Transport research indicates that through the implementation of a MOVA system, the efficiency and operation of signalised junctions can be improved, and that up to an average 13% delay reduction may be achievable. However, it should be noted, that the effects of these optimisation improvements cannot be simulated within the LINSIG model.

#### **Access Junction 1: B4098 Tamworth Road/North Site Access (Small Parcel)**

6.5.39 A PICADY assessment has been undertaken for the B4098 Tamworth Road/North Site Access (Small Parcel) priority junction and the results of the relevant scenarios are summarised in **Table 6.22**.

**Table 6.22: 2026 'Do Something' Scenario 1 (CASM)**

Access Junction 1: B4098 Tamworth Rd/North Site Access (Small Parcel) - 2026 'Do Something' Scenario 1						
ARM	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	RFC	Delay (s)	Q (Veh)	RFC	Delay (s)	Q (Veh)
Development Access Road	0.04	10.16	0	0.02	9.84	0
Tamworth Road	0.01	4.84	0	0.02	4.02	0

6.5.40 The results demonstrate that the proposed access junction on Tamworth Road would operate with significant reserve capacity during the 2026 'Do Something' Scenario'; with no queueing forecast on either the development access road or Tamworth Road.

#### **Access Junction 2: B4098 Tamworth Road/South Site Access (Small Parcel)**

6.5.41 A PICADY assessment has been undertaken for the B4098 Tamworth Road/South Site Access (Small Parcel) priority junction and the results of the relevant scenarios are summarised in **Table 6.23**.

**Table 6.23: 2026 'Do Something' Scenario 1 (CASM)**

Access Junction 2: B4098 Tamworth Rd/South Site Access (Small Parcel) - 2026 'Do Something' Scenario 1						
ARM	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	RFC	Delay (s)	Q (Veh)	RFC	Delay (s)	Q (Veh)
Development Access Road	0.02	10.54	0	0.00	0.00	0
Tamworth Road	0.01	4.84	0	0.01	3.99	0

6.5.42 The results demonstrate that the proposed access junction on Tamworth Road would operate with significant reserve capacity during the 2026 'Do Something' Scenario; with no queueing forecast on either the development access road or Tamworth Road.

#### **Access Junction 3: B4098 Tamworth Road/Main Site Access (Large Parcel)**

6.5.43 A PICADY assessment has been undertaken for the B4098 Tamworth Road/Site Access (Large Parcel) priority junction and the results of the relevant scenarios are summarised in **Table 6.24**.

## APPENDIX HR3

# A43/M40 SLIP ROAD RESULTS COMPARISON TABLES

## A43/M40 Slip Road/B430 (Ardley Roundabout) – Junction Assessment Results + Comparison

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
<b>2023 Base</b>						
A43 (E)	0.35	1	2	0.32	1	2
M40 Slips	0.82	5	13	0.84	6	13
B430	0.36	1	4	0.41	1	5
<b>2026 Base</b>						
A43 (E)	0.36	1	3	0.33	1	2
M40 Slips	0.85	6	16	0.88	8	17
B430	0.38	1	4	0.44	1	5

<b>2026 Base + 50 dwellings</b>						
A43 (E)	0.36	1	3	0.33	1	2
M40 Slips	0.86	7	16	0.88	8	17
B430	0.38	1	4	0.44	1	5
<b>Comparison to 2026 Base</b>						
A43 (E)	0	0	0	0	0	0
M40 Slips	0	0	0	0	0	0
B430	0	0	0	0	0	0

<b>2027 Base</b>						
A43 (E)	0.37	1	3	0.33	1	2
M40 Slips	0.86	7	17	0.89	8	18
B430	0.38	1	4	0.44	1	5

<b>2027 Base + 100 dwellings</b>						
A43 (E)	0.37	1	3	0.34	1	2
M40 Slips	0.87	7	17	0.89	8	19
B430	0.40	1	4	0.45	1	5
<b>Comparison to 2027 Base</b>						
A43 (E)	0	0	0	+0.01	0	0
M40 Slips	+0.01	0	0	0	0	+1
B430	+0.02	0	0	+0.01	0	0



2028 Base						
A43 (E)	0.37	1	3	0.34	1	2
M40 Slips	0.87	7	18	0.89	9	19
B430	0.39	1	4	0.45	1	5

2028 Base + 150 dwellings						
A43 (E)	0.37	1	3	0.34	1	2
M40 Slips	0.87	8	18	0.90	9	21
B430	0.41	1	5	0.46	1	5

Comparison to 2028 Base						
A43 (E)	0	0	0	0	0	0
M40 Slips	0	+1	0	+0.01	0	+2
B430	+0.02	0	+1	+0.01	0	0

2031 Base						
A43 (E)	0.38	1	3	0.34	1	2
M40 Slips	0.90	9	22	0.92	11	24
B430	0.40	1	5	0.47	1	6

2031 Base + 230 dwellings						
A43 (E)	0.39	1	3	0.36	1	2
M40 Slips	0.90	10	23	0.93	12	27
B430	0.44	1	5	0.48	1	6

Comparison to 2031 Base						
A43 (E)	+0.01	0	0	+0.02	0	0
M40 Slips	0	+1	+1	+0.01	+1	+3
B430	+0.04	0	0	+0.01	0	0

RFC is Ratio of Flow to Capacity, Queue is mean max in PCUs, Delay is seconds per PCU.

## APPENDIX HR4

# BAYNARDS GREEN ROUNDABOUT RESULTS COMPARISON TABLES

## A43/B4100 Baynards Green Roundabout – Junction Assessment Results + Comparison

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	RFC	Queue	Delay (s)	RFC	Queue	Delay (s)
<b>2023 Base</b>						
A43 (N)	1.36	431	746	0.94	12	26
B4100 (E)	0.72	3	14	1.00	22	79
A43 (S)	0.97	20	38	1.36	453	736
B4100 (W)	0.36	1	9	0.31	1	9
<b>2026 Base</b>						
A43 (N)	1.44	570	990	0.99	26	48
B4100 (E)	0.75	3	16	1.08	48	152
A43 (S)	1.03	50	80	1.42	603	994
B4100 (W)	0.40	1	10	0.33	1	9

<b>2026 Base + 50 dwellings</b>						
A43 (N)	1.44	570	991	0.99	26	50
B4100 (E)	0.75	3	16	1.08	49	153
A43 (S)	1.03	52	82	1.43	604	995
B4100 (W)	0.40	1	10	0.33	1	9
<b>Comparison to 2026 Base</b>						
A43 (N)	0	0	+1	0	0	+2
B4100 (E)	0	0	0	0	+1	+1
A43 (S)	0	+2	+2	+0.01	+1	+1
B4100 (W)	0	0	0	0	0	0

<b>2027 Base</b>						
A43 (N)	1.45	588	1023	0.99	29	53
B4100 (E)	0.75	3	16	1.10	53	166
A43 (S)	1.04	56	88	1.44	625	1028
B4100 (W)	0.40	1	10	0.33	1	9

<b>2027 Base + 100 dwellings</b>						
A43 (N)	1.45	591	1029	1.00	30	55
B4100 (E)	0.75	3	16	1.10	54	168
A43 (S)	1.04	60	92	1.44	627	1032
B4100 (W)	0.40	1	10	0.33	1	9
<b>Comparison to 2027 Base</b>						
A43 (N)	0	+3	+6	+0.01	+1	+2
B4100 (E)	0	0	0	0	+1	+2
A43 (S)	0	+4	+4	+0.01	+2	+4
B4100 (W)	0	0	0	0	0	0

2028 Base						
A43 (N)	1.46	608	1064	1.00	32	59
B4100 (E)	0.76	3	16	1.11	57	177
A43 (S)	1.04	63	97	1.44	644	1072
B4100 (W)	0.40	1	10	0.33	1	9

2028 Base + 150 dwellings						
A43 (N)	1.46	612	1072	1.01	35	62
B4100 (E)	0.76	3	16	1.11	59	181
A43 (S)	1.05	68	103	1.45	647	1082
B4100 (W)	0.40	1	10	0.33	1	9

Comparison to 2028 Base						
A43 (N)	0	+4	+8	+0.01	+3	+3
B4100 (E)	0	0	0	0	+2	+4
A43 (S)	+0.01	+5	+6	+0.01	+3	+10
B4100 (W)	0	0	0	0	0	0

2031 Base						
A43 (N)	1.49	670	1189	1.02	47	78
B4100 (E)	0.77	4	17	1.14	71	215
A43 (S)	1.07	85	125	1.47	702	1220
B4100 (W)	0.41	1	10	0.34	1	9

2031 Base + 230 dwellings						
A43 (N)	1.50	674	1205	1.03	52	85
B4100 (E)	0.77	4	17	1.14	72	222
A43 (S)	1.08	95	137	1.48	708	1237
B4100 (W)	0.41	1	10	0.34	1	9

Comparison to 2031 Base						
A43 (N)	+0.01	+4	+16	+0.01	+5	+7
B4100 (E)	0	0	0	0	+1	+7
A43 (S)	+0.01	+10	+12	+0.01	+6	+17
B4100 (W)	0	0	0	0	0	0

RFC is Ratio of Flow to Capacity, Queue is mean max in PCUs, Delay is seconds per PCU.

## APPENDIX HR5

# HOPCROFTS HOLT RESULTS COMPARISON TABLES

## Hopcrofts Holt Mitigation Scheme – Junction Assessment Results + Comparison

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	Sat (%)	Queue	Delay (s)	Sat (%)	Queue	Delay (s)
<b>2031 Reference Case</b>						
B4030 (E)	127.1	27	529	89.6	11	106
A4260 (S)	56.7	7	14	93.1	39	40
B4030 (W) LT	12.9	1	65	18.2	1	69
B4030 (W) A & RT	121.3	26	450	86.6	6	133
A4260 (N)	104.4	87	127	44.4	9	16
Cycle Time (s)	120			120		
PRC (%)	-41.3			-3.5		
Delay (PCUhr)	97.68			25.84		

<b>2031 Reference Case + Development</b>						
B4030 (E)	126.1	31	506	92.0	12	114
A4260 (S)	65.0	7	15	94.1	40	42
B4030 (W) LT	12.9	1	65	18.2	1	69
B4030 (W) A & RT	121.9	26	458	88.1	7	138
A4260 (N)	106.0	97	153	46.0	10	16
Cycle Time (s)	120			120		
PRC (%)	-40.1			-4.5		
Delay (PCUhr)	111.95			28.02		

<b>Comparison to 2031 Reference Case</b>						
B4030 (E)	<b>-1.0</b>	<b>+4</b>	<b>-23</b>	<b>+2.4</b>	<b>+1</b>	<b>+8</b>
A4260 (S)	<b>+8.3</b>	<b>0</b>	<b>+1</b>	<b>+1.0</b>	<b>+1</b>	<b>+2</b>
B4030 (W) LT	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
B4030 (W) A & RT	<b>+0.6</b>	<b>0</b>	<b>+8</b>	<b>+1.5</b>	<b>+1</b>	<b>+5</b>
A4260 (N)	<b>+1.6</b>	<b>+10</b>	<b>+26</b>	<b>+1.6</b>	<b>+1</b>	<b>0</b>
Cycle Time (s)	<b>N/A</b>			<b>N/A</b>		
PRC (%)	<b>+1.2</b>			<b>-1.0</b>		
Delay (PCUhr)	<b>+14.27</b>			<b>+2.18</b>		

Sat % is saturation, Queue is mean max in PCUs, Delay is seconds per PCU.

## APPENDIX HR6

### B430/ARDLEY ROAD RESULTS COMPARISON TABLES

## B430/Ardley Road Signals Mitigation – Junction Assessment Results + Comparison

Approach	AM Peak 08:00-09:00			PM Peak 17:00-18:00		
	Sat (%)	Queue	Delay (s)	Sat (%)	Queue	Delay (s)
<b>2031 Reference Case</b>						
B430 (N)	96.1	48	44	53.7	13	17
Ardley Road (E)	94.8	8	177	86.8	9	102
B430 (S)	54.6	13	12	89.3	36	29
Ardley Road (W)	94.8	14	125	83.9	9	93
Cycle Time (s)	120			120		
PRC (%)	-6.8			0.8		
Delay (PCUhr)	36.43			25.63		

<b>2031 Reference Case + Development</b>						
B430 (N)	97.2	52	49	55.4	13	17
Ardley Road (E)	94.8	8	177	86.8	9	102
B430 (S)	57.8	14	12	89.4	36	29
Ardley Road (W)	94.8	14	125	89.5	10	112
Cycle Time (s)	120			120		
PRC (%)	-8.0			0.5		
Delay (PCUhr)	39.04			26.81		

<b>Comparison to 2031 Reference Case</b>						
B430 (N)	<b>+1.1</b>	<b>+4</b>	<b>+5</b>	<b>+1.7</b>	<b>0</b>	<b>0</b>
Ardley Road (E)	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
B430 (S)	<b>+3.2</b>	<b>+1</b>	<b>0</b>	<b>+0.1</b>	<b>0</b>	<b>0</b>
Ardley Road (W)	<b>0</b>	<b>0</b>	<b>0</b>	<b>+5.6</b>	<b>+1</b>	<b>+19</b>
Cycle Time (s)	<b>N/A</b>			<b>N/A</b>		
PRC (%)	<b>-1.2</b>			<b>-0.3</b>		
Delay (PCUhr)	<b>+2.61</b>			<b>+1.18</b>		

Sat % is saturation, Queue is mean max in PCUs, Delay is seconds per PCU.



## APPENDIX HR7

# ROCHFORD APPEAL DECISION



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## Appeal Decision

Inquiry opened on 25 January 2022

Site visit made on 2 February 2022

by David Wildsmith BSc(Hons) MSc CEng MICE FCI HT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

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Appeal Ref: APP/B1550/W/21/3283646

Land east of Ashingdon Road and north of Rochford Garden Way,  
Rochford, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bloor Homes, Aber Ltd, AW Squier Ltd & DW Squier Ltd ('the Appellants') against the decision of Rochford District Council ('the Council' or RDC).
  - The application Ref 20/00363/OUT, dated 17 April 2020, was refused by notice dated 29 June 2021.
  - The development proposed is stated on the appeal form to be an "*outline application for the demolition of Nos 148 and 150 Ashingdon Road, removal of highway tree and form access onto Ashingdon Road, form secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and community building with associated infrastructure. Details of Phase 1 of 233 dwellings to consider Access, Layout, Appearance, Scale and Landscaping. Details of Phases 2 and 3 to consider Access and Layout only.*"
  - The Inquiry sat for 6 days on 25-28 January and 1-2 February 2022.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of Nos 148 and 150 Ashingdon Road, the removal of a highway tree and the formation of an access onto Ashingdon Road and the formation of a secondary access onto Percy Cottis Road to serve residential development of 662 dwellings and a community building with associated infrastructure, on land east of Ashingdon Road and north of Rochford Garden Way, Rochford, Essex. Full planning permission is granted for Phase 1, comprising 233 dwellings, whilst outline planning permission is granted for Phases 2 and 3, all in accordance with the terms of the application Ref 20/00363/OUT, dated 17 April 2020, subject to the conditions set out in the attached Schedule.

### Procedural matters

2. The application was submitted in hybrid form, with all matters to be determined for Phase 1, and just access and layout to be considered at this stage for Phases 2 and 3. The original application sought permission for a total of 665 dwellings, but this was subsequently amended to 662 dwellings.
3. A range of documents accompanied the application, including a Design and Access Statement (DAS); an Air Quality Assessment (AQA) and Air Quality Assessment Addendum (AQAA); and a Transport Assessment (TA) and Transport Assessment Addendum (TAA). Details of these, and other supporting and background documents, are referenced in the Core Documents list at the end of this decision.

4. In the run-up to the Inquiry the Appellants agreed several Statements of Common Ground (SoCG):
  - Highways: with Essex County Council (ECC) as Local Highway Authority, dated 29 November 2021;
  - Housing Supply and Delivery: with the Council, dated 7 December 2021;
  - Planning: with the Council, dated 17 December 2021;
  - Highways: 2 separate SoCG with the Council, the first dated 19 January 2022 and the second dated 24 January 2022.
5. An attempt was also made to produce a SoCG between the Appellants and the Rochford Supporters Group (**‘the RSG’**) who were appearing at the Inquiry as a Rule 6(6) Party, but this did not prove to be possible. No agreed SoCG between these parties was therefore placed before the Inquiry.
6. The Council had originally intended to provide professional highways evidence to the Inquiry through Mr Flexman of Connect Consultants Limited. However, following the submission of proofs of evidence and rebuttal proofs of evidence, agreement on highways matters was reached between Mr Flexman and the Appellants’ highways witness, Mr Blair. This led to the signing of the 2 Highways SoCG between the Appellants and the Council referred to above. As a result of this agreement, Mr Flexman did not appear at the Inquiry, although his proof of evidence and rebuttal proof were still before the Inquiry and were referred to by the main parties.
7. The Council did not raise any air quality concerns in its reason for refusal, so the Appellants had not intended putting forward a specific air quality witness. Instead, they had expected to rely on an ‘Air Quality Technical Note’, appended to the **evidence of the Appellants’ planning** witness, Mr Gascoigne, to address matters raised by the RSG in its evidence. However, additional air quality matters were **raised as the Inquiry progressed, so arrangements were made for the Appellants’** air quality expert, Mr Grubb, to appear at the Inquiry ‘virtually’ (through a Microsoft Teams link), to answer questions put by the RSG and an interested person.
8. A further procedural matter is that Mr Gascoigne was unfortunately unable to attend the Inquiry, so Mr Pycroft adopted and presented **the Appellants’** planning evidence, as well as his own evidence on housing land supply (HLS) matters.
9. Planning obligations were submitted to the Inquiry in the form of an agreement between the Council, ECC and the Appellants, made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with these obligations in more detail under the third main issue.

#### Site description, surrounding area and details of the appeal proposal

10. The appeal site comprises some 26 hectares (ha) located east of Ashingdon Road, north of Percy Cottis Road and south of Oxford Road, in the town of Rochford. The site is relatively flat, sloping down gently from the north-west corner to the south-east corner. It is predominantly in agricultural use and is bisected by a hedgerow and drainage ditch which run across the site from close to the north-western corner, to about the middle of the eastern boundary. The western, northern and southern site boundaries are formed by the rear gardens of existing properties – predominantly residential - although there are a few commercial properties at the northern extent of the western boundary. The eastern site boundary is formed by a hedge, with further agricultural land to the east.

11. Holt Farm Infant and Junior Schools lie on the western side of Ashingdon Road, opposite the **site's** south-western corner, **with St Teresa's** Catholic Primary School lying a little further south, also on the western side of Ashingdon Road. There are 2 further schools in the general vicinity of the appeal site, with the Waterman Primary School being sited **close to the site's south**-eastern corner, to the east of The Drive, whilst the King Edmund Secondary School is located to the north of the site, north of Oxford Road.
12. Under the appeal proposal the site would be developed for a total of 662 dwellings, in 3 Phases. Phase 1, for which full planning permission is sought, would comprise 233 dwellings, with 84 of these being affordable housing units. 429 dwellings would follow in Phases 2 and 3, with 148 of these being affordable housing units. The main vehicular access would be onto Ashingdon Road, formed by demolishing a pair of semi-detached bungalows at Nos 148 and 150. This access would be opposite the aforementioned Holt Farm Schools and its formation would require the removal of a mature oak tree, subject to a Tree Preservation Order (TPO) made in 2019, which is growing in the footway at this location. A secondary vehicular access would be formed onto Percy Cottis Road, and there would be further pedestrian, cycle and emergency accesses onto Ashingdon Road.
13. The appeal scheme would also provide a community facility which would offer the potential for medical facilities, a **children's nursery or other community** facilities, together with parking, some of which would be available for school drop-off and collection purposes. The overall scheme would also provide strategic public open green space and a flood attenuation scheme which would incorporate sustainable urban drainage (SUDS) features, including a shallow ditch to gardens adjacent to part of the southern site boundary, and attenuation basins. There would also be the provision of allotments, landscaping and play space, together with pedestrian and cycle links, including between The Drive and Oxford Road.

## Background

14. The appeal site was identified under Policy H3 of the Rochford District Core Strategy ('the Core Strategy') as a site for approximately 500 dwellings in the post-2021 period, as an extension to the existing residential envelope. The site was then allocated for 500 dwellings under Policy SER8 of the Rochford District Allocations Plan ('the Allocations Plan') although the policy indicated that this dwellings figure could be increased under certain circumstances, as detailed later in this decision.
15. The appeal proposal was submitted to the Council in April 2020 and was presented to the Council's **Development Committee in November 2020 with an Officer** recommendation for approval, subject to the signing of a S106 legal agreement and appropriate planning conditions. Committee Members resolved, however, to defer making a decision and requested that Officers seek further information from the applicants and ECC on a number of areas of concern. This additional information was provided to Committee Members in the form of an addendum report which was considered at the June 2021 Development Committee meeting. Again the proposal was presented with an Officer recommendation for approval, subject to the signing of a S106 legal agreement and the imposition of appropriate conditions.
16. However, Members did not accept the advice of their Officers, but refused planning **permission for the following reason:** *"In the absence of a definition of severe it is for the local planning authority to determine whether a severe impact would result and in this case, it is considered that the development would result in a severe impact on the local highway network"*.

## Main issues

17. **Having regard to the Council's reason for refusal** and the evidence submitted by all parties, I consider that the main issues in this case are:

- The extent to which the proposed development would be consistent with the development plan for the area, and the weight to be given to relevant development plan policies;
- The effect of the proposed development in traffic and transport terms, on the safety and convenience of users of the nearby highway network; and
- Whether the submitted planning obligations and suggested conditions would satisfactorily address the impact of the proposed development.

18. Following my assessment of the main issues, I then look at a number of other matters raised, before moving on to consider the benefits and disbenefits of the proposal. I then carry out a final planning balance and reach my overall conclusion.

## Reasons

### *Main issue 1 – Development plan considerations, and the weight to be given to relevant policies*

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case the Planning SoCG between the Council and the Appellants confirms that the relevant components of the development plan are the Core Strategy, adopted in December 2011; the Allocations Plan, adopted in February 2014; and the Rochford District Development Management Plan ('the Development Management Plan'), adopted in December 2014.

20. **The Council's reason for refusal** made no reference to any development plan policies, but at the case management conference (CMC) held in late November 2021 to discuss procedural and administrative matters relating to the Inquiry, the Council did allege a conflict with 3 adopted development plan policies, namely:

- Core Strategy Policy T1 – 'Highways';
- Allocations Plan Policy SER8 – 'South East Ashingdon'; and
- Development Management Plan Policy DM31 – 'Traffic Management'.

21. A number of other development plan policies are agreed in the Planning SoCG to be relevant to the consideration of this proposal, including Core Strategy Policies H1 'The efficient use of land for housing'; H3 'Extension to residential envelopes post-2021'; and **CLT1 'Planning Obligations and Standard Charges'**. But it is only the aforementioned 3 policies with which the Council alleges any conflict.

22. The Council also contended, at the CMC, that the proposed development would be at odds with paragraph 111 of the National Planning Policy Framework ('the Framework'). The Framework was first published in 2012 and last updated in 2021 and is an important material consideration in this case, providing national policy guidance. Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

23. Paragraph 110 is also relevant. It requires development proposals to promote sustainable modes of transport; achieve safe and suitable access for all users; ensure that the design of streets, parking areas and other transport elements

reflects current national guidance; and ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

24. The Framework also sets out the decision-taking process that should be adopted when considering planning proposals. In particular, its paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. In this case, the Planning SoCG explains that Core Strategy Policies H1 and H3 are agreed to be out-of-date, along with Allocations Plan Policy SER8, as they all relate to housing need figures which are over 13 years old and do not reflect the current local housing need calculated using the standard method of some 360 dwellings per annum (dpa). I share that view.
25. But this does not mean that these policies should be ignored, or carry no weight. Framework paragraph 219 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, but that due weight should be given to them, according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. I assess the consistency of the aforementioned development plan policies with the Framework shortly, but there is another factor which needs to be taken into account, namely an assessment of whether or not the Council can demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer.
26. This matter is clear-cut in this case, with the Housing Supply and Delivery SoCG stating that the **Council's** 5-year housing requirement plus a 5% buffer, as at 31 March 2021, is agreed to be 1,901 dwellings, whilst the 5-year HLS is agreed to be just 1,537 dwellings. This means that the Council can currently only demonstrate a 4.04-year supply of deliverable housing land, with footnote 8 of the Framework making it clear that in such circumstances, the policies which are most important for determining the application have to be regarded as being out-of-date.
27. Taken together, the above points mean that the decision-taking process to be applied here is that set out in paragraph 11(d) of the Framework, often referred to **as the 'tilted balance'**. This makes it plain that in such circumstances, planning permission should be granted unless:
  - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
28. There are no relevant Framework policies falling under paragraph 11(d)(i), above, so assessment has to be carried out as detailed under paragraph 11(d)(ii). In this regard I assess the likely impacts of the proposal through my consideration of the main issues, and weigh these against the benefits of the proposed development in a final planning balance, later in this decision.
29. Before moving on, it is helpful to look a little further at the **Council's current HLS** situation. The fact that the Council can only currently demonstrate a 4.04-year supply of deliverable housing land means that there is a shortfall of some 364 dwellings. In this regard there is agreement between the Council and the Appellants in the Housing Supply and Delivery SoCG that should the appeal be allowed, then



the shortfall in the 5-year HLS would be addressed by deliverable dwellings on the appeal site. As such, the Council would be able to demonstrate a deliverable 5-year HLS as at 31 March 2021. Because of this, both parties also agree that new housing at the appeal site would carry significant weight in the tilted balance.

30. Looking beyond the current 5-year period, the Housing Supply and Delivery SoCG **indicates that the Council's housing trajectory identifies a future HLS of 1,401** dwellings between 2026 and 2031, with agreement that this represents a shortfall of 409 dwellings when set against the agreed housing need of 362 dpa. The parties further agree that without the inclusion of the appeal site in the future supply, the shortfall against the local housing need would increase to 909 dwellings for the 2026-2031 period. I share the Appellants' view that these figures emphasise the importance of the development of this allocated site.
31. Returning to consider the development plan and relevant policies, the Core Strategy is the main, overarching document of the **Council's** Local Development Framework, setting out the overall strategy for the District until 2025. The Core Strategy's housing requirement was derived from the East of England Plan. This was revoked in 2013, but paragraph 4.4 of the Core Strategy explains that it required a minimum of 3,790 dwellings to be provided in Rochford between 2006 and 2021, at a rate of 250 dpa. As the Core Strategy plan period extends to 2025, this average annual requirement of 250 units is assumed to continue beyond 2021, to 2025.
32. The Core Strategy sets out the general locations for housing development and the approach to delivery, but does not define the precise boundaries of housing sites. These are detailed in the Allocations Plan. The Core Strategy does, however, make it clear that the concept of sustainable development is at the heart of any decisions with regards to the location of housing, and in its paragraph 4.8 it sets out the range of factors which will be taken into account in determining the location of future housing. These include current infrastructure (along with opportunities to deliver future infrastructure); access to services; facilities; housing demand/need; deliverability; public transport/possibility of reducing car dependency; opportunities to utilise brownfield land; community needs and physical constraints.
33. The Core Strategy further explains that the settlements within the District can be divided into 4 tiers, with settlements in the higher tiers being more developed, subject to greater housing demand/need, and generally more suitable to accommodate additional housing for the reasons described above. Rochford/Ashingdon lies in the highest tier, Tier 1.
34. Core Strategy Policy H1 explains that in deciding upon sites for future housing development the Council will prioritise the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements. Any remaining housing requirement up to 2021 was to be met through extensions to the residential envelopes of existing settlements, as detailed in Policy H2, with Policy H3 indicating where housing would be accommodated in the post-2021 period, again through extensions to residential envelopes. In this latter policy the South East Ashingdon area is identified as a site to deliver approximately 500 units.
35. Policy H3 further references Appendix H1, which outlines the infrastructure that will be required for each residential area, and needs to be read in conjunction with Policy CLT1. In the case of South East Ashingdon, these infrastructure requirements are carried forward into Allocations Plan Policy SER8, as detailed below:

- Local highway capacity and infrastructure improvements, including contribution to traffic management of Ashingdon Road
- Public transport infrastructure improvements and service enhancements
- Link and enhancements to local pedestrian/cycling and bridleway network
- Sustainable drainage systems
- Public open space
- Play space
- Youth facilities and community facilities

36. As noted above, the only Core Strategy policy with which the Council alleges conflict is T1. This firstly states that developments will be required to be located and designed in such a way as to reduce reliance on the private car. The policy goes on to state, however, that some impact on the highway network is inevitable and that the Council will work with developers and the Highway Authority to ensure that appropriate improvements are carried out, and that the Council will seek developer contributions where necessary. The next part of Policy T1 is not relevant in this case, as it relates to **improvements to the District's east-west road network**; nor is the final sentence directly relevant in this case as it relates to joint working between the Council and the Highway Authority – not developers – to find ways to manage congestion along specific routes in the District. To my mind this policy clearly reflects the aims and objectives set out in the Framework, and I therefore consider that this policy is consistent with the Framework.
37. In this regard it is relevant to note that despite opposition to the appeal proposal from the RSG and interested persons who attended the Inquiry, and those who submitted written representations, community involvement was an essential part of the plan-making process which resulted in the adopted Core Strategy, as is made plain in its paragraphs 1.11 to 1.14. The Council clearly had to assess a number of competing views and options when considering the Core Strategy, and locations for future housing development, and this undoubtedly meant that not all parts of the final plan had universal approval. However, the decision to adopt the Core Strategy in its current form shows that the Council considered that it was an appropriate blueprint for future development of the District, and that development of approximately 500 dwellings at this location was acceptable.
38. Turning now to Policy SER8 from the Allocations Plan, this **picks up on the site's** identification and allocation under Core Strategy Policy H3, and states that it should have the capacity to accommodate a minimum of 500 dwellings during the plan period. The policy has a lengthy 'Concept Statement', set out in paragraphs 3.227 to 3.254, which sets out the principles for development of this site. However, it is important to note that the Concept Statement opens by explaining that the site will accommodate no more than 500 dwellings, unless it can be demonstrated that:
- The additional number of dwellings are required to maintain a 5-year land supply; and
  - The additional number of dwellings to be provided on the site is required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy.
39. As has already been made clear, the Housing Supply and Delivery SoCG shows that both of these criteria are met, and Cllr Shaw agreed with this point at the Inquiry, such that the proposed development of this site for 662 dwellings would accord with this aspect of Policy SER8. Moreover, as paragraph 60 of the Framework



confirms that the Government has an objective of significantly boosting the supply of housing, and as paragraph 124 makes it clear that planning policies and decisions should support development that makes efficient use of land, I find no conflict between Policy SER8 and the Framework.

40. The final policy with which the Council alleges a conflict is Development Management Plan Policy DM31. This requires new, major developments to include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities; facilitating the appropriate use of different types of road and environment; and achieving a clear, consistent and understandable road, cycle and pedestrian network. The policy goes on to explain that these measures will comprise, amongst other things, reducing the impact of motorised traffic, traffic calming measures, measures to assist public transport (for example bus gates or lanes), cycling and walking, congestion relief, and other speed and demand management measures.
41. The package of sustainable transport measures included as part of the proposed development were viewed with great scepticism by the RSG and many of the interested persons who spoke at the Inquiry, but it is clear that the promotion of sustainable transport not only accords with local planning policy but also with the thrust of national planning policy contained in the Framework at Section 9. This policy therefore clearly is consistent with Framework policies.
42. In summary, the appeal site has been allocated under Core Strategy Policy H3 and Allocations Plan Policy SER8, for the development of approximately 500 dwellings, although this figure can be increased if 2 criteria can be met, as is the case here. But as the Council cannot demonstrate a 5-year HLS, the policies discussed above, which are clearly those which are most important for determining this application, have to be considered to be out-of-date. Because of this, I find it hard to share Cllr Shaw's view that these policies should be accorded 'full weight'. Nevertheless for reasons already given I consider there to be no material conflict between these policies and the policies in the Framework – indeed the policies accord with Framework objectives - such that these adopted development plan policies should carry very significant weight in this appeal.

#### *Emerging Local Plan*

43. **Although the Council's** emerging Local Plan, which will set a new planning strategy for the District to 2040, is only at a very early stage, with a consultation period on the Spatial Options having closed in September 2021, it was referred to by a number of parties, who adopted different views with regard to its significance. It is therefore relevant to briefly consider the implications of this emerging plan, the Spatial Options Consultation Paper of which explains that the Council will need to build around 360 homes per year over the next 20 years to meet its local housing needs, equating to 7,200 homes needed by 2040.
44. Importantly, this document goes on to state that 4,300 of these homes are already planned for. This includes site allocation SER8 of the Allocations Plan. Indeed all of the 4 strategy options set out in this Spatial Options document – which I understand was approved for consultation by the Planning Policy Committee and then by Full Council – assume that existing allocations, including the appeal site/site allocation SER8, will have been developed out. Thus, there appears to be a somewhat strange situation whereby in approving the Spatial Options document for consultation the Council accepted and expected the Policy SER8 site to be built out

– yet when the appeal proposal came before the Development Committee for approval, planning permission was refused.

45. To reinforce the strangeness of this situation, it should be noted that under cross-examination Cllr Shaw **accepted that the Council's housing needs** are acute and that it is critical that development comes forward on the appeal site to meet the housing needs of the District. Put simply she agreed that whichever option is pursued through the emerging plan, the Council accepts that the appeal site will need to be developed to **meet the Council's housing needs, going forward.**
46. The RSG took a somewhat different view to future housing needs, drawing attention to a letter dated 25 November 2021 received by the Council from the then Housing Minister, the Rt Hon Christopher Pincher MP, **responding to the Council's concerns** about the need to address housing need in the emerging Local Plan. But whilst Mr Pincher's **reply** states that local housing need does not set a target for the number of homes to be built, I am not persuaded that this selected quote, highlighted by the RSG, takes this matter any further.
47. A fuller reading of Mr Pincher's **reply shows that he goes on to make it plain that** Local Authorities need to take into account land supply, constraints such as Green Belt, and co-operation with neighbouring authorities on whether need should be shared, before deciding their housing requirement. My reading of the Spatial Options Consultation Paper indicates that the Council is doing just this, in seeking to progress and prepare its new Local Plan, such that there is no conflict between the views expressed by the former Housing Minister and the current actions of the Council.
48. The RSG also argued that the identified housing shortfall of 331 dwellings by March 2025 could actually be addressed by what the RSG describes as "*mitigations on the horizon, though not yet scheduled for build and still to go through detailed planning, but which can arguably offset the shortfall*". But no firm, verifiable evidence was submitted to support this view, and in these circumstances I have to give more weight to the detailed and evidence-based data set out in the Housing Supply and Delivery SoCG, agreed as recently as 7 December 2021 between the **Council's professional Planning Officers** and the Appellants.
49. Although he did not refer directly to the new Local Plan, the Rt Hon Mark Francois MP, who spoke at the Inquiry in opposition to the appeal proposal, did refer to what he termed the 'legislative context'. He commented that a number of local authorities have paused work to create and/or update their Local Plans until the long-awaited Planning Bill is published, so as to avoid what could be a great deal of nugatory effort. But whilst this may, indeed be the case, I am not persuaded that it has any direct implications for the current proposal which, as has been made clear, relates to an allocated housing site in a currently adopted development plan.
50. In summary on this first main issue, I have already made it plain that Section 38(6) of the PCPA 2004 requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Although some of the relevant development plan policies detailed above have to be considered technically out-of-date, because of the absence of a 5-year HLS, together with the Framework they provide the planning framework against which I am required to determine this proposal. Overall, for reasons given above, I conclude that the proposed development would be consistent with the development plan for the area, and that the aforementioned policies should carry very significant weight in this appeal.

## *Main issue 2 – Traffic and transport considerations*

51. This second main issue seeks to assess the effect of the proposed development, in traffic and transport terms on the safety and convenience of users of the nearby highway network and, in so doing, it touches on **matters covered by the Council's** sole reason for refusal. This reason for refusal makes no direct reference to paragraph 111 of the Framework, but it is reasonable to assume that Members of the Development Committee had this paragraph in mind when formulating the reason for refusal and choosing to highlight the fact that there is an 'absence' of a definition of the word 'severe', which features in this Framework paragraph.
52. However, the reason for refusal fails to reflect the actual wording of this Framework paragraph as it simply alleges that the proposed **development would "result in a severe impact on the local highway network", whereas the assessment required by the Framework is, in fact, two-fold. Firstly, it requires an assessment as to whether a development would result in an "unacceptable impact on highway safety"; and secondly, whether the "residual cumulative impacts on the road network would be severe". It is against these Framework tests that the appeal proposal needs to be considered, not the somewhat vaguer wording used in the Council's** reason for refusal. I assess the proposed development against these Framework tests in the following paragraphs, but I consider it helpful and necessary, first, to outline some of the detail of the transport assessments which the Appellants have undertaken.
53. As noted earlier, the Appellants submitted a TA and a TAA, prepared by Ardent Consulting Engineers (ACE), to support the planning application<sup>1</sup>. These set out a full assessment of the likely traffic implications of the proposed development, using accepted traffic modelling methodology. The TA first considered the likely trip generation from the development by using the TRICS<sup>2</sup> database, which is an 'industry standard' method of assessing the likely 2-way peak hour and daily trips from a new development. This comprehensive database contains traffic survey information from a wide range of existing developments, and can be interrogated to establish the likely trip rates from the proposed development, based on surveyed trip rates from existing developments which have similar characteristics to the particular development under consideration.
54. ACE explain in the TA that they obtained vehicle trip rate data from the TRICS database covering both privately owned and affordable housing categories, from sites in England, excluding Greater London, and that they selected only Edge of Town Centre, Edge of Town and Suburban Area locations. In addition ACE assumed that the community use would be a Community Centre, and obtained trip rate data from TRICS for such a use for a similar geographic range of sites. Applying these trip rates to a development which at that time comprised 665 dwellings and a community use, ACE predicted that the appeal proposal would generate 281 trips in the morning peak hour (0800–0900), with 199 outbound trips and 82 inbound trips; and a total of 279 trips in the evening peak hour (1700–1800), with 95 outbound trips and 184 inbound trips.
55. Of this generated traffic, ACE assumed that 80% would use the primary access from Ashingdon Road, with 20% assumed to use the secondary Percy Cottis Road

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<sup>1</sup> The TA considered the impact of the traffic predicted to be generated by the proposed development on a number of junctions in the study area, as agreed with ECC. The TA used a 'flat' peak hour traffic flow profile for the assessment of the off-site junctions. However, following an initial review of the TA by ECC, ACE was asked to carry out a further assessment of the important off-site junctions using a 'direct' traffic flow profile, which inputs traffic flow data in discrete 15 minute periods. It is this additional assessment work that forms the basis of the TAA.

<sup>2</sup> TRICS: Trip Rate Information Computer System

access. This accords with the proposed layout of the development and was agreed as a reasonable assumption with ECC. In terms of the likely distribution of traffic to and from the development site, the TA explains that the forecast residential vehicle trips were assigned to the local road network from each access in broad accordance with 2011 Census Travel to Work origin-destination data for the resident population of the Rochford area who drive to/from work. The TA further explains that Google maps route finder was used to verify the assignment of trips to the local highway network, as this identifies the expected quickest route during the peak periods, taking account of the levels of congestion normally experienced at these times.

56. Having regard to all the above points, I consider the peak hour trip generation and distribution figures used in the TA and TAA, **along with Mr Blair's amended figures** (see later), to be robust and reliable. Furthermore, I note that no evidence-based alternative figures were put forward either by the RSG, or by any of those persons who oppose this proposal.
57. Mr Francois MP did dispute the Appellants' **traffic figures, arguing** in his written statement and at the Inquiry that the TA figure of 167 additional vehicles, travelling southbound on Ashingdon Road in the morning peak hour was an under-estimate by some 2 or 3 times. As a point of detail, my reading of the TA is that this figure of 167 vehicles does not relate purely to southbound vehicles, but represents a 2-way figure at the Ashingdon Road/Dalys Road/Roche Avenue junction, with 130 southbound vehicles and 37 northbound. But be that as it may, Mr Francois produced no evidential basis for his contention that the Appellants' **figures** amounted to a significant under-estimate of what would happen in practice. In contrast, I have the detailed, well-documented and industry-accepted methodology employed by the Appellants, set out above, to which I give great weight.
58. A further objector who made specific reference to the likely traffic to be generated by the proposed development was Mr Stephens, who argued that if each of the proposed 662 houses had 2 cars, this would equate to some 6 miles of traffic having regard to the average length of a car and the recommended stationary gap between each car. As a mathematical exercise this may well be correct, but there is no evidence whatsoever to suggest that all vehicles from the proposed development would attempt to leave the new housing area at the same time. Again, for reasons already given, I place reliance on the TRICS-based figures put forward by the Appellants, rather than any highly speculative and unrealistic figures such as those suggested by Mr Stephens.
59. Before leaving the subject of traffic generation and distribution, I note that the Appellants' figures were reviewed and assessed by both ECC and by Mr Flexman who had been engaged by the Council to review the Appellants' traffic work, and neither of these raised any objections to this aspect of the TA or the TAA.
60. The TA and TAA then considered how the additional traffic generated by the proposed development would impact upon the operation of nearby junctions. The relevant junctions of concern were agreed between the Appellants and ECC to be the Ashingdon Road/Rectory Road roundabout to the north of the appeal site; and the Ashingdon Road/Dalys Road/Roche Avenue roundabout, the Ashingdon Road/West Street/Hall Road roundabout, and the Southern Road/Sutton Road roundabout (referred to as the Anne Boleyn roundabout), all of which are located to the south of the appeal site. The operation of these junctions was assessed for both morning and evening peak hours using ARCADY<sup>3</sup>, the industry-standard software

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<sup>3</sup> ARCADY: 'Assessment of Roundabout Capacity and Design'

for roundabouts. In addition, the proposed main site access priority T-junction was assessed using PICADY<sup>4</sup>. Both of these programs are part of the 'Junctions 9' suite, created by the Transport Research Laboratory.

61. The assessments show that at the Ashingdon Road/Rectory Road roundabout, in the assessment year of 2029, the Ashingdon Road (south) and Rectory Road approaches are expected to operate within practical capacity<sup>5</sup> in the morning peak hour, with both predicted base flows and development flows. For the evening peak hour, both of these approaches are expected to operate at around practical capacity but within theoretical capacity<sup>6</sup>. The Ashingdon Road (north) approach is expected to operate within theoretical capacity with the 2029 base and development flows in the morning peak hour, and over theoretical capacity with 2029 base and development flows in the evening peak hour.
62. The Appellants propose an improvement scheme at this junction (see later), with assessment of this proposed improvement scheme showing that it would mitigate the impact of traffic from the proposed development. The Ashingdon Road (north) approach is expected to continue to operate just over theoretical capacity in the evening peak hour with 2029 development traffic flows, with marginal differences in queuing compared with the base case situation.
63. The main T-junction site access, onto Ashingdon Road, is predicted to operate well within capacity, with a maximum RFC of 0.40 in the morning peak hour.
64. For the Ashingdon Road/Dalys Road/Roche Avenue roundabout, all approaches, with the exception of Ashingdon Road (south), are expected to operate within practical capacity with the predicted 2029 base flows in both peak hours, with this Ashingdon Road (south) approach predicted to operate above practical but below theoretical capacity with the 2029 base and development flows in the morning peak hour, and just over theoretical capacity in the evening peak hour. Again, the Appellants propose an improvement scheme at this junction which comprises road widening on both Ashingdon Road approaches to provide 2-lane entries, together with modified road markings on Dalys Road to also provide a 2-lane entry.
65. Assessment of this proposed improvement scheme shows that there would be an overall capacity benefit which would more than mitigate the development traffic impact. The Ashingdon Road (south) approach is expected to operate just over practical and within theoretical capacity with 2029 development flows with the improvement scheme in place in the evening peak hour, whereas the existing junction layout is predicted to operate over theoretical capacity in the same period with just the 2029 base flows.
66. The Ashingdon Road/West Street/Hall Road roundabout is predicted to operate over theoretical capacity in both peak hours in 2029, even without the proposed development. On the Ashingdon Road approach a RFC of 1.22 is predicted in the morning peak, with a RFC of 1.13 predicted for the evening peak. In such circumstances the TA states that the ARCADY model becomes unstable, with queuing and delay rising exponentially such that queue lengths are exaggerated. The RSG is critical of such statements, arguing that it simply amounts to a case of ignoring the model results if they give you answers you do not like. However, the Appellants have not sought to disguise or ignore these results but have presented

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<sup>4</sup> PICADY: 'Priority Intersection Capacity and Design'

<sup>5</sup> Practical capacity is usually taken to mean a ratio of flow to capacity (RFC) of 0.85.

<sup>6</sup> Theoretical capacity means a RFC of 1.0



them clearly in the TA and TAA, which has been subject to scrutiny by ECC and Mr Flexman, neither of whom disagree with this point. In this 'without development' situation, maximum queues of 160 PCUs<sup>7</sup> and 75 PCUs are predicted in the morning and evening peak hours respectively.

67. The assessments show that the addition of development traffic would add to delay and queuing at the junction, with the 2029 morning and evening peak RFCs on Ashingdon Road rising to 1.37 and 1.19 respectively. Corresponding maximum queues are predicted to be 267 PCUs and 118 PCUs. I note that the TA comments that the peak hour traffic increases at this junction resulting from the proposed development would be less than 10%, which it refers to as a typical day-to-day variation, and as such it states that such increases should be considered relatively modest. Some improvements have been carried out at this junction in recent years, but constraints such as the nearby railway bridge on Hall Road mean that opportunities for further improvement are limited, and because of this the Appellants are not proposing any improvement scheme at this junction.
68. The final junction to be assessed is the Southend Road/Sutton Road 'Anne Boleyn' roundabout. Most approaches are predicted to operate within theoretical capacity in both peak periods with the 2029 base flows, with the exception of the Southend Road (north) approach, which is predicted to operate 11% over theoretical capacity in the morning peak hour, with a corresponding maximum queue of 82 PCUs. The TAA comments that the addition of development traffic would add to delay and queuing, but again it would only be the Southend Road (north) approach which is predicted to operate over theoretical capacity, in the morning peak hour, with an RFC of 1.16 and a maximum queue of 132 PCUs. The TAA does, however, also comment that the development traffic impact at this junction in both the morning and evening peak periods would add less than 5% to the traffic at this junction – an amount which it considers to be relatively modest.
69. The Appellants are proposing no specific improvement scheme for this junction, but instead would make a contribution of £100,000 to ECC, who it is understood have aspirations to provide a larger and more comprehensive improvement at this junction. This contribution would be secured through the S106 agreement, which I discuss in more detail under the third main issue.
70. The junction improvement schemes described above, for the Ashingdon Road/Rectory Road roundabout and the Ashingdon Road/Dalys Road/Roche Avenue roundabout, along with the proposed financial contribution to longer-term improvements at the Anne Boleyn roundabout, comprise part of the mitigation measures proposed by the Appellants. In addition, a range of sustainable transport enhancements are proposed, including the upgrading of the bus stops on Ashingdon Road to the north and south of the site access to include, amongst other things, real-time passenger information; a financial contribution of £700,000 towards bus service improvements along Ashingdon Road; a contribution of £250,000 towards Cycling Infrastructure upgrades; and the provision of a Residential Travel Plan aimed at reducing reliance on the private car by such measures as the provision of a 3-month Arriva Southend bus-pass for every household, or a £150 cycle voucher.
71. Further measures include the provision of a ghost right-hand turn lane access into the proposed development site; improvements and localised widening to Percy Cottis Road; upgrading of the Toucan crossing by the Holt Farm Schools, along with

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<sup>7</sup> PCU: Passenger Car Unit – in the ARCADY model 1 car = 1 PCU, 1 Heavy Vehicle = 2 PCU

upgraded guard rails, signage and high friction road-surfacing in the vicinity of the schools.

72. ECC based its acceptance of this proposal on the sustainable location of the appeal site (which it confirmed in the Highways SoCG); the technical assessments **contained in ACE's TA and TAA** and the fact that improvements would be carried out at the Rectory Road and Dalys Road/Roche Avenue junctions with Ashingdon Road; and the knowledge that a Travel Plan and a package of measures to promote non-car modes of transport would also form part of the proposed development. Indeed, **as part of ECC's** corporate response to the planning application it made it plain that having comprehensively assessed all the relevant submitted material, the impact of the proposed development is acceptable from a highway and transportation perspective, subject to agreed mitigation measures (as detailed above) and the imposition of a number of planning conditions.
73. The Highway Authority's **position is reinforced in the SoCG** with the Appellants in which, amongst other things, ECC specifically agrees that the proposal and proposed mitigations satisfy all the components of Framework paragraph 110; that the site is highly accessible by sustainable modes of travel and that measures can be implemented to significantly encourage sustainable travel further; that the proposed highways works and alterations constitute "*safe, suitable, adequate and (sic) access and cost effective mitigation*"; and that there would be no unacceptable impact on highway safety, and no residual cumulative highway impacts that could be considered to be severe.
74. It is abundantly clear, however, that the RSG and the interested persons who spoke at the Inquiry take a different view, and I explore the matters raised in opposition to the proposal in the following paragraphs. But firstly it is appropriate to say that there is no dispute that Ashingdon Road is a key north-south link in the highway network in this area; that at times it is heavily trafficked; that the free flow of traffic can be disrupted by light-controlled and other pedestrian crossings, parked delivery vehicles and buses, especially as some bus lay-bys are not wide enough to allow following vehicles to safely pass; and that at times some of the junctions along its length have difficulty in dealing with the volume of traffic wanting to pass through the junctions – leading to queuing and delays. This was clear from the wealth of evidence submitted by the RSG, and the various personal descriptions and accounts of travelling on Ashingdon Road put forward by interested persons.
75. It is also the case, as was made plain by Mr Francois, that it is for the Local Planning Authority when considering a planning application (or a Planning Inspector at appeal) – rather than the Local Highway Authority - to determine whether the residual cumulative impact of a development would be severe. Members of the **Council's Development Committee were therefore quite entitled** to refuse to grant planning permission for this proposal even though, as has been noted above, they did not strictly apply the test as set out in Framework paragraph 111.
76. But it is not sufficient for the Council to simply allege that there would be a severe impact on the local highway network – it has to provide evidence to back up that view. Indeed Members were informed by their professional Planning Officers, in the 24 June 2021 Report to the Development Committee, that although there may be a perception that the proposed development would lead to severe impact on the local highway network, it would not be adequate to rely on a perceived impact to justify refusing the application. Officers went on to explain that the Council would be

expected to explain in detail and evidence why the residual cumulative impacts identified by the applicants' transport assessment would be severe.

77. Moreover, Development Committee Members requested legal advice on a number of matters, following their decision to defer a decision on this application at their November 2020 Committee meeting, and that advice was appended to the June 2021 Report. Amongst other things, it noted that the very full TA and TAA produced by ACE acknowledged that the development would give rise to some increased queuing in the network, particularly at the Ashingdon Road/West Street/Hall Road junction, and that whilst mitigation measures could not be put in place at this junction, they could at other junctions. But with this in mind the legal advice went on to point out that the TA and TAA concluded that the residual cumulative impact on the network would not be severe, and that this assessment had been accepted by the Highway Authority, whose advice must be given very great weight in the absence of any contradictory technical opinion.
78. Notwithstanding that advice, and the fact that there was no contrary technical highways evidence to gainsay the view of the Highway Authority, Development Committee Members chose to refuse planning permission for the reason set out earlier in this decision. **The Council's** evidence to the Inquiry was presented by 2 Councillors, neither of whom put forward any detailed technical evidence to support its reason for refusal. The Council did engage a professional highways consultant to support its case at appeal – Mr Flexman - but following discussions between Mr Flexman and the Appellants' Mr Blair on a number of matters, including a possible alternative mitigation scheme at the Ashingdon Road/Dalys Road/Roche Avenue roundabout, Mr Flexman accepted that the residual cumulative impacts on the highway network would not be severe, and that there would be no breach of Framework paragraph 111.
79. As a result, Mr Flexman, on behalf of the Council, signed a SoCG with the Appellants to this effect, and whilst the RSG stated that the Councillors representing the Council were not aware that this SoCG had been signed, the Council took no steps to distance itself from this signed SoCG, or to seek its withdrawal. I have to record, therefore, that notwithstanding the comments contained **in the Council's closing submissions**, the clear view of the Council set out in this SoCG was that it did not consider the proposed development would result in severe cumulative impacts on the highway network.
80. The RSG maintained a strong opposition to the proposed development throughout the Inquiry, and submitted a significant amount of photographic evidence of traffic conditions on Ashingdon Road, along with a time-lapse video of a little over 5 minutes duration, covering a weekday period from about 0720 to 1520. However, there is no quantification of the information shown in these photographs and video, with many of the photographs simply showing traffic conditions at various locations along Ashingdon Road, together with some instances of flooding. Some photographs do show the time and date taken, but many do not – and, put simply, all that the photographs can be said to show is traffic on the road.
81. Some of the photographs do appear to show queueing traffic, but there is no indication of the extent or duration of these queues – and in any case, queueing traffic, of itself, does not automatically correlate with 'severe' traffic conditions. Some queueing is plainly to be expected on a busy and important north-south link such as Ashingdon Road, where the free flow of traffic can be disrupted for reasons already stated above.



82. Moreover, in my assessment the time-lapse video does not demonstrate any particularly unusual characteristics, or excessive queuing, but simply shows the steady flow of traffic, with pedestrian activity on the footways, throughout this early morning to mid-afternoon period. Whilst periods of stationary traffic can be observed, none of the queuing shown is of particularly long duration.
83. But the question in this case is not whether the proposed development would add further traffic to an already busy road. There is no dispute that it would. The assessment that has to be carried out is whether – once the development is in place, and all mitigation measures have been carried out – there would be an unacceptable impact on highway safety; or the residual cumulative impact on the road network would be severe.
84. There were a number of strands to the ‘safety’ argument put forward by the Council and objectors, with a principal element being the concerns raised by Cllr Eves, who presented the Council’s **evidence on traffic matters at the Inquiry**. It should be noted at the outset, however, that **although Cllr Eves’ proof of evidence concludes by stating that “on balance, the Development Committee considered there to be an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would be severe”, there was no specific mention of highway safety concerns in the Council’s reason for refusal.**
85. Notwithstanding this latter point, Cllr Eves expressed his doubts as to the effectiveness of the improvement scheme proposed for the Ashingdon Road/Rectory Road roundabout, arguing that widening the Rectory Road approach to 2 lanes had been tried in the past, but that it had been reduced back to a single lane because of highway safety concerns.
86. However, Cllr Eves produced no evidence to support his contention that the Rectory Road approach had been formally widened to 2 lanes in the past. He did submit a number of Google Earth images of this junction, covering the period 2013 to 2021, but as far as I can see, none of these show a 2-lane approach on Rectory Road. Moreover, the ECC Casualty Reduction Site Report for this junction, which dates to about November 2017 and was included **in the Appendices to Cllr Eves’ rebuttal** evidence, indicates that the main safety concerns related to undercutting of the roundabout island by drivers entering from Rectory Road, likely due to the position of the roundabout island, and the fact that the thermoplastic splitter island on Rectory Road could be overrun. The Report makes no mention of a 2-lane entry.
87. In any case, the improvement scheme put forward by the Appellants goes further than simply creating a 2-lane approach on Rectory Road. The relevant plan shows that there would be a widening of the Ashingdon Road (south) approach to allow for 2 lanes; that the splitter island would be reduced in size on the Rectory Road approach to formally provide 2 lanes; that the road markings would be adjusted on the Ashingdon Road (north) approach to allow for a 4 metre (m) entry width; and that the domed central road marking would be reduced in size and moved south to centralise it. This proposed junction layout has been the subject of a Stage 1 Road Safety Audit (RSA), which raised no concerns or issues. In light of these points I **give very little weight to Cllr Eves’ unsubstantiated assertions** that this proposed junction improvement would be unsafe.
88. Further safety concerns were raised by the Council, the RSG, the Headteachers at the Holt Farm Schools, Mr Francois MP, and other interested persons, concerning the positioning of the main site access opposite the schools, and the proposed reduction in width of the combined footway/cycleway on the western side of

Ashington Road, outside the Holt Farm Schools, and pedestrian safety generally. Again it should be noted, however, that no such safety concerns were expressed in **the Council's reason for refusal**.

89. Moreover, whilst it is indeed the case that the proposed site access junction would be formed at this location, and that the existing footway/cycleway would be reduced from a usable width of around 6m to some 3.25m-4.4m over a length of about 78m, to allow for the provision of a right-turn lane into the site, it does not follow that this would result in any overall material worsening of safety for pedestrians or cyclists.
90. In coming to this view I note that a number of safety improvements would be incorporated into the junction layout and design, as has been noted above. These include an upgraded Toucan crossing, which would feature a 2m wide refuge island to prevent overtaking in the vicinity of the schools and assist in reducing vehicle speeds; renewal of the anti-skid surfacing on the vehicle approaches to the Toucan crossing; the provision of an additional 20m of pedestrian guard railing, with improved visibility characteristics; upgrading of all existing guard railing to the same visibility standard; and the provision of additional road signs to alert drivers to the potential for school-children to be crossing in the area.
91. I also note that the narrowest proposed section of footway/cycleway, where the width would be reduced to about 3.25m, would only extend for about 15m. At this reduced width, the footway/cycleway would still meet and indeed exceed the minimum technical standard for shared footways/cycleways, of 3.0m, and in the view of the Highway Authority this reduction in width would not be objectionable. In this regard it is also clearly the case that to reach the existing wider section of school frontage, pedestrians currently have to walk along existing footways and/or combined footways/cycleways which vary in width between about 1m and 3m. No evidence has been placed before me to suggest that pedestrians and/or cyclists currently experience significant safety problems on these existing paths. I therefore see no good reason why this aspect of the appeal proposal should result in any unacceptable safety problems, especially as I understand **from Mr Blair's evidence** that a Stage 2 RSA has been carried out for the proposed site access, and that this has not raised any material issues.
92. The RSG also expressed safety concerns regarding the proposed secondary site access on Percy Cottis Road. It pointed out that the Stage 1 RSA identified 3 problems, and also maintained that extra traffic generated in the vicinity of the Watermans Primary School, combined with the existing level of on-street parking, could present a safety hazard for children walking to school. However, on the first of these points, a 'Designers' **Response**' was given to address each of the problems identified in the RSA, and I see no reason why action in line with these responses would not adequately and satisfactorily deal with the concerns raised.
93. On the second point, the Percy Cottis Road secondary access is only predicted to be used by a maximum of 55 vehicles in the morning peak hour – 15 inbound and 40 outbound. Not all of these vehicle movements would coincide with the primary school opening time, and it is unlikely that all of these vehicles would pass in the vicinity of the school entrance. No documented, existing safety concerns have been put before me relating to this area, and there is no firm evidence to suggest that the proposed development would lead to a material worsening of safety for children at the Watermans Primary School, or indeed any pedestrians.

94. Finally on the topic of safety, Mrs Austin stated, in the closing submissions she gave for the RSG, that if the proposed development was to go ahead, children would be *“crowded on a small island in the middle of a road trying not to get run over on their way to school”*. **But this mis-represents** what is proposed for the improved Toucan crossing opposite the Holt Farm Schools. Ashingdon Road would be widened at this location, to allow for the proposed right-turn lane into the development site, **but there is no suggestion that the crossing would be ‘split’, forcing children to have** to wait in the middle of the road. Pedestrians and cyclists would cross the full road width on a green light, with the proposed refuge being provided to prevent overtaking in the vicinity of the schools and to allow additional traffic signals to be erected, thereby giving greater visibility of the crossing. Far from worsening safety conditions, I consider that the improved Toucan crossing and the other measures proposed at this location would result in increased safety for children.
95. Following cross-examination of its 2 witnesses, the Council did not maintain any objection on highway safety grounds, **with the exception of Cllr Eves’** contention regarding the Ashingdon Road/Rectory Road roundabout, and there was no mention of **highway safety concerns in the Council’s closing submissions, which summarised** its case as it stood at the close of the Inquiry. In light of this, and having regard to all the above points, I conclude that the proposed development would not result in an unacceptable impact on highway safety, and that there would therefore be no conflict with this aspect of Framework paragraph 111.
96. Turning to the second test set out in this Framework paragraph, I have already noted that ECC concluded, on the basis of the ACE assessments and the whole range of sustainable transport measures and other mitigation measures, that the impact of the proposed development would be acceptable in highway and transport terms. As a result, ECC has agreed, through the SoCG with the Appellants, that the appeal proposal would not give rise to any residual cumulative highway impacts that could be considered to be severe.
97. But with these points in mind, I consider it relevant to make reference to the more recent information put forward by Mr Blair in his proof of evidence and not seriously disputed by any other party to the Inquiry. This information amounts, firstly, to modest amendments to the growth factors used to project traffic figures forward to the assessment year of 2029, to avoid double-counting. TEMPro<sup>8</sup> growth rates have been used to produce the 2029 base traffic flows, but as part of the TEMPro approach, traffic anticipated from allocated developments is incorporated into the growth factors. So if basic TEMPro growth factors are used, and traffic assumed to be generated by the appeal proposal is then added to give a ‘with development’ situation, this means that the development traffic will have been counted twice. Mr Blair has avoided this double-counting by using an ‘alternative planning assumption’ tool with in TEMPro.
98. Secondly, Mr Blair has also carried out his own interrogation of the TRICS database, and has modified the trip rate information used by ACE in a number of ways, including only selecting sites where a Travel Plan was in operation; selecting the most recent pre-Covid 5-year period; excluding Edge of Town Centre sites, Saturday survey information and sites in the north and north-west of England; and selecting population ranges which more closely reflect the Rochford situation. This resulted in slightly lower, but comparable trip rates to those used by ACE<sup>9</sup>.

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<sup>8</sup> TEMPro: the Department for Transport’s Trip End Model Presentation Program

<sup>9</sup> Mr Blair’s assumed trip rates predicted a morning peak hour total of 250 trips (81 inbound and 169 outbound); and 273 evening peak hour trips (168 inbound and 105 outbound)

99. The further amendment made by Mr Blair amounted to modest adjustments to the junction geometry as input to the ARCADY program, to more accurately model the on-the-ground layout of the junctions, and to ensure that they more closely validate against the surveyed 2019 traffic counts. This is particularly important in the case of the Ashingdon Road/West Street/Hall Road junction, for which I understand ACE had based its model on old Ordnance Survey mapping that pre-dated a recent improvement scheme.
100. Taken together, these amendments produce the following, revised assessments for each of the key junctions:
- Ashingdon Road/Rectory Road – with the proposed improvement scheme, the junction would operate with 6% spare capacity in the 'with development' scenario - 8% better than in the 'no development' scenario. ECC has accepted the 11% overcapacity forecast produced by ACE;
  - Main site access T-junction on Ashingdon Road – the junction would operate with a RFC of 0.56, meaning it would have 44% spare capacity;
  - Ashingdon Road/Dalys Road/Roche Avenue - with the proposed improvement scheme, the junction would operate with 13% spare capacity in the 'with development' scenario - 15% better than in the 'no development' scenario. ECC has accepted the 10% spare capacity forecast produced by ACE;
  - Ashingdon Road/West Street/Hall Road – no improvement scheme proposed. The junction would operate at 15% overcapacity, 9% more than in the 'no development' case. Peak hour queuing would be much reduced from the ACE predictions in the TAA, with the revised modelling predicting a maximum morning peak hour queue of 118 PCUs, and a maximum evening peak queue of 50 PCUs. ECC has accepted a 37% over-capacity forecast from ACE, which includes a 15% development impact, with much longer maximum queues of 267 PCUs (morning peak) and 118 PCUs (evening peak);
  - Anne Boleyn roundabout – no improvement scheme proposed, but a £100,000 contribution towards a more comprehensive improvement would be secured through the S106 agreement. The junction would operate 4% over capacity in the 'with development' case, which would be 4% over the 'no development' scenario. This, again, would result in appreciably less queuing, with a predicted maximum morning peak hour queue of 34 PCUs, compared to the queue of 132 PCUs predicted in the TAA. Alternatively, Mr Blair has demonstrated that a very modest kerb realignment scheme could allow the junction to operate 1% better than in the base case, and with 1% spare capacity, and a maximum peak hour queue of 21 PCUs. ECC has accepted a 16% over-capacity forecast from ACE.
101. These revised junction assessments, which have not been meaningfully challenged by any of the other parties to the Inquiry, show that conditions at each of the assessed junctions are likely to be appreciably better than ECC has already considered to be acceptable. I share that view, and consider that the technical assessments put forward by Mr Blair, build upon the already robust assessment work carried out by ACE, but make reasonable and justified adjustments which improve the likely accuracy of the traffic forecasting and junction assessment work.
102. In addition, Mr Blair undertook assessments of a development of 500 dwellings on the appeal site, to accord with the basic Policy SER8 allocation figure. For the Ashingdon Road/West Street/Hall Road junction this predicts a maximum RFC of

1.13, compared to 1.15 for the 662 dwelling appeal proposal, with a maximum queue, at the end of the morning peak hour, of 95 PCUs compared to 118 PCUs with the 662 dwelling scheme. For the Anne Boleyn roundabout, the 500 dwelling assessment predicts a maximum RFC of 1.03, compared to 1.04 for the 662 dwelling scheme, with a maximum queue, at the end of the morning peak hour of 31 PCUs, compared to 34 PCUs with the 662 dwelling scheme.

103. These figures indicate that the appeal proposal, for 662 dwellings, would only marginally worsen peak hour capacity and queuing situations at both of these junctions, **when compared to a 500 dwelling 'Policy SER8 allocation' development**. Because of this, and as ECC has indicated its acceptance of higher over-capacity situations, I find the 662 dwelling appeal proposal acceptable in both junction capacity and queuing terms.
104. As has already been noted, the Council put forward no evidence of its own to support its contention that the proposed development would result in a severe impact on the local highway network. Moreover, neither Cllr Eves nor Cllr Shaw alleged any specific concerns regarding the capacity of any of the relevant junctions in their proofs of evidence. But during the presentation of his evidence in chief, Cllr Eves was directed to **Mr Blair's** assessment of the Ashingdon Road/West Street/Hall Road roundabout by his advocate, Mr Parkinson, and, for the first time, raised concerns that queuing traffic could extend back along Ashingdon Road to block the Dalys Road/Roche Avenue roundabout. Cllr Eves maintained that this would be a 'severe impact' which had the potential to produce 'gridlock' along the whole length of Ashingdon Road from Hall Road to Rectory Road, and on this basis Cllr Eves argued that the **Council's refusal of the appeal proposal** was justified.
105. This, in effect, amounts to the sum total of the **Council's justification** for its reason for refusal, namely the claim that queueing back from the Ashingdon Road/West Street/Hall Road roundabout – which the traffic assessments make clear would only occur for a limited period of the morning peak hour – could result in gridlock. But the evidence before the Inquiry, set out primarily in the assessments of the other relevant junctions, does not support this contention.
106. Moreover, although the Council sought to play down the likely impact which further factors such as peak spreading, the use of alternative routes, and increased home working could have on peak hour traffic volumes, it remains the case that these factors were not relied on by the Appellants. But whilst the value and likely effectiveness of such factors were disputed by the Council and others, the only additional evidence put before the Inquiry was the results of a survey undertaken by Ms Wright, and this did show that there is some potential – albeit slight – for some people to vary their time of travel, or their route, to avoid Ashingdon.
107. Whilst no party made any serious attempt to quantify the likely impact which could arise from these factors, or the other factors highlighted by Mr Blair, I consider that taken either individually or cumulatively they could only serve to reduce the likely number of trips generated by the proposed development, and the volume of other peak hour traffic on the network, and thereby lessen the impact of the proposal.
108. In summary, there is no suggestion that the appeal proposal would have no impact on the local highway network, or that the impacts of the proposed development would not be noticeable. But as noted many times already, this is not the test set out in paragraph 111 of the Framework. The Framework requires an assessment of whether the residual cumulative impacts of the proposal on the road network would be severe. There is no evidence before the Inquiry to show that the Council has



properly considered or applied this Framework test. Indeed, as noted above, the **Council's** case appears to rest on the forecast performance of one junction, for a limited portion of the weekday morning peak hour in 2029.

109. With all the above points in mind, and taking the appeal proposal as a whole, to include not only the proposed junction improvements but also the financial contributions secured through the S106 agreement, the sustainable transport measures proposed, and the sustainable location of the appeal site, I conclude that the proposed development would not result in severe residual cumulative impacts on the road network.
110. In coming to this view, I have had regard to the decision of the Secretary of State (SoS) for Levelling Up, Housing & Communities dated 3 November 2021, referred to by both Mr Francois MP and the RSG. This decision dismissed an appeal for up to 1,250 residential units and other associated development at Rainham Kent, with one of the factors weighing against the proposed development in the planning balance being that it would result in severe residual impacts on the local road network. However, neither Mr Francois nor the RSG provided any assessment or analysis of this decision to explain why it should carry weight in the current appeal.
111. This Kent scheme related to a proposed development almost twice the size of the current appeal proposal in residential terms, on an unallocated site located outside of any settlement boundary and within open countryside for planning policy purposes. The Inspector in that case concluded, and the SoS agreed, that the proposal would have a substantial adverse landscape and visual impact, with a corresponding harm to a wide swathe of countryside, with the site being part of a locally valued landscape. As a result the SoS agreed that the proposal would be in conflict with a number of development plan policies. The loss of some 51 ha of best and most versatile agricultural land was also considered to weigh against the proposal, and be in conflict with Framework paragraph 170(b).
112. With regards to highways, the Inspector was presented with 2 competing appraisals - from the Council and from the appellant - which adopted different approaches and gave significantly different results. Overall, the Inspector concluded, and the SoS agreed, that in the particular circumstances of that case, on the basis of the modelling approach preferred by that Inspector, there would be severe residual cumulative impacts on one of the subnetworks under consideration.
113. Having regard to these points, it is clear to me that that this proposal differed from the current appeal proposal in a number of important ways, and as each proposal is required to be assessed on its own merits I do not consider that decisions taken in this Kent appeal should carry any weight in the current proposal.
114. On other matters raised, both the RSG and Mr Francois MP made reference to a Ringway Jacobs (RJ) 'Highways Baseline Technical Note' prepared for ECC in 2017, and both have highlighted small extracts from this document, arguing that it identifies serious congestion in the Ashingdon Road area. In addition, the RSG highlighted the fact that this RJ report contains a table of 'Congestion Descriptions', which includes a definition of 'severe' as being where the percentage of free-flow speed is lower than 25%, based on Trafficmaster<sup>10</sup> data. The RSG was critical of the fact that ECC did not use this table to assess the appeal proposal.

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<sup>10</sup> In-vehicle GPS journey time data, provided by ECC

115. However, this document is clearly prefaced with an 'Important note' which, amongst other things, explains that the **report's** sole purpose is to provide a baseline assessment of traffic and transport to inform the development of the emerging Local Plan; that the report should be read in full, with no excerpts to be representative of the findings; and that it has been prepared exclusively for ECC, with no liability accepted for any use or reliance on the report by third parties.
116. These points make it plain that it is not appropriate to take selected extracts from this report, which was prepared to provide a baseline for the whole of the Local Plan area, to assist in the more focussed assessment of the current appeal proposal. As such, there is no firm evidence before me to suggest that this 2017 report, should override and carry more weight than the TA and TAA prepared specifically to assess the likely transport implications of the proposed development. ECC would have been well aware of the content and findings of this 2017 RJ report when it considered the appeal proposal, and it is clear that it did not place reliance on this earlier, more wide-ranging report, and did not see fit to apply the 'Congestion Descriptions' it contains. I, too, am not persuaded that the RJ Technical Note is of any particular relevance in this case and I therefore give its findings limited weight.
117. A further area of concern, **highlighted in the Council's Statement of Case, was the** assertion that parking spaces in the service road which runs parallel to Ashingdon Road opposite the Holt Farm Schools, used by parents and carers dropping off and picking up children from the schools would be lost. It is indeed the case that some of these spaces would be lost by the creation of the speed table associated with the proposed emergency access to the development site. **But the Council's evidence, submitted by Cllr Shaw, shows that proposals to implement a Residents' Parking Scheme** in this area would reduce the number of spaces available for school parking to zero – regardless of whether or not the appeal proposal was to proceed.
118. The proposed development would, however, bring with it a 38 space parking area, associated with the proposed community use, located in close proximity to this service road, with 10 of these spaces to be designated for school drop-offs and pick-ups. These would be secured through the S106 agreement and kept available for such use by means of a Management Plan, to be approved by the Council. This means that far from being an area of concern, school drop-off and pick-up provision would, in fact, be improved if the proposed development was to proceed. I therefore regard this matter as a benefit of the proposal.
119. A further area of objection raised by the RSG was its view that the proposed secondary access onto Percy Cottis Road, and possible use of Dalys Road by traffic generated by the proposed development, could result in increased traffic levels in Rochford Town Centre and its Conservation Area. In support of this view, the RSG made reference to a High Court Judgment from 2012<sup>11</sup>, which related to an application to quash parts of the Housing Chapter of the adopted Core Strategy.
120. The RSG highlighted 2 quotes, which referred to "*congestion on Ashingdon Road being amongst the worst in the District*"; and traffic to Southend likely to be "*directed through the centre of Rochford, including through the Conservation Area*". However, these quotes were taken from documents which led to the adoption of the Core Strategy and, put simply, time has now moved on. The Council chose to adopt the Core Strategy, which includes the South East Ashingdon housing allocation for approximately 500 dwellings, notwithstanding the points made in these

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<sup>11</sup> Neutral Citation Number: [2012] EWHC 2542 (Admin) Case No CO/605/2012, dated 21/09/2012. Cogent Land LLP and Rochford District Council and Bellway Homes Ltd

aforementioned quotes. The RSG did not develop any particularly coherent argument against the proposed development on the basis of these quotes, and because of this I am not persuaded that this matter carries any material weight against the appeal proposal.

121. Mr Francois MP, drawing on information provided by one of his constituents, through a Freedom of Information (FoI) request to ECC, submitted details of the number of times that roadworks had taken place along the Ashingdon Road and adjacent roads during the period 1 July 2019 to 1 October 2020. This FoI request indicated that there had been roadworks on Ashingdon Road itself on 36 occasions during this period, with other roadworks on adjacent roads on numerous occasions. Mr Francois used this information to argue that the Appellants had underestimated the severity of the impact of the proposed development on the Ashingdon Road.
122. However, whilst I do not dispute the figures put forward, there is no firm evidence before me to suggest that this is particularly untypical of main roads in the ECC area. Highways clearly need to be maintained, and essential utilities work needs to be carried out. This is not the responsibility of the Appellants in this case, or indeed any developers. As such, I do not see this matter as something which can reasonably count against the proposed development. I therefore give this matter very limited weight.

#### *Summary*

123. As has been outlined above, a significant amount of objection was raised against this proposal on highways, traffic and transport grounds by the RSG and by interested persons, although very little firm, quantifiable evidence was put forward to support these objections, which relied mainly on perceptions and personal opinions. The fact remains, however, that ECC, as the responsible Local Highway Authority, carefully assessed and considered this proposal and, having done so, raised no objections to it, stating in the SoCG with the Appellants that it agreed there would be no unacceptable impact on highway safety, and no residual cumulative highway impacts that can be considered to be severe. There was also the somewhat strange situation where the professional Highways witness engaged by the Council to support its case, subsequently also signed a SoCG with the Appellants in which he, too, agreed that the residual cumulative impacts on the highway network would not be severe.
124. **Many of the Council's** points of objection fell away during questioning at the Inquiry, although Cllr Eves maintained his position that the proposed improvement to the Ashingdon Road/Rectory Road junction would not be safe, and that queueing back from the Ashingdon Road/West Street/Hall Road roundabout in the morning peak hour could cause gridlock and would have a severe effect on the road network. However, for reasons set out above, I do not consider that the objections and concerns put forward by the Council, the RSG and other interested persons should outweigh the technical, verifiable evidence put forward by the Appellants **and endorsed both by ECC and the Council's** professional highways witness.
125. Having had regard to all the matters raised under this main issue, my assessment of the evidence leads me to conclude, for reasons set out above, that the proposed development would not have an unacceptable adverse impact on the safety or convenience of users of the local highway network. I therefore find no conflict with the requirements of Core Strategy Policy T1, Allocations Plan Policy SER8, or Development Management Plan Policy DM31, and I note that Cllr Shaw for the Council also accepted, under cross-examination, that there would be no conflict



with these policies. I also find no conflict with Section 9 of the Framework, which deals with the promotion of sustainable transport. In particular, there would be no unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.

*Main issue 3 - Planning obligations and planning conditions*

126. The **Council's reason for refusal** did not refer to the need for any planning obligations, but Core Strategy Policy T1 makes it plain that the Council will seek developer contributions, where necessary. In addition, Core Strategy Policy H3, which established the South East Ashingdon housing allocation, refers to Appendix H1, which outlines the infrastructure that will be required for each residential area, and should be read alongside Core Strategy Policy CLT1 'Planning Obligations and Standard Charges'. To address these points, and the specific items detailed in Allocations Plan Policy SER8 and Development Management Policy DM31, the Appellants entered into a S106 agreement with both the Council and ECC.
127. This S106 agreement makes provision for:
- Phasing of the development, in accordance with Phase Layout Plans agreed with the Council;
  - The provision of 35% of the proposed dwellings as affordable housing units, in accordance with an agreed Affordable Housing Scheme and details of how the units would be allocated and managed; 20 of the Affordable Housing Units to be provided as Wheelchair Affordable Housing Units, and 72 of the Affordable Housing Units to be provided as Accessible and Adaptable Affordable Housing Units;
  - Education Contributions, made up of an Early Years and Childcare Contribution, a Primary Education Contribution and a Secondary Education Contribution, all of which would be calculated on the basis of the total number of qualifying housing units and the appropriate cost generators, all as agreed with ECC as Local Education Authority;
  - The provision and laying out of Open Space, an Equipped Play Area, an On-Site SUDS system, and a Flood Alleviation Scheme, together with details of a Management Scheme and how these facilities would be maintained;
  - The provision of 0.26 ha of land within the appeal site as allotments;
  - Transportation and Highway contributions, including £100,000 towards the Anne Boleyn Roundabout Works; a minimum of £50,000 and a maximum of £65,000 for the maintenance of the upgraded Toucan crossing on Ashingdon Road; a £700,000 Bus Service Contribution for the provision of bus service enhancements along the Ashingdon Road corridor; £250,000 for the provision of cycling infrastructure upgrades from the appeal site to connect with Rochford Town Centre and employment sites on Cherry Orchard Way; up to £100,000 for further off-site highway improvements along Dalys Road and/or Ashingdon Road; a Highway Tree contribution of £109,660.20; and £50,000 towards the provision of a pedestrian crossing in Brays Lane and/or within the vicinity of the development;
  - A package of Off-Site Highway Works comprising improvements at the Ashingdon Road/Rectory Road roundabout; the Ashingdon Road/Dalys Road/Roche Avenue roundabout; improvement measures in the vicinity of the Holt Farm Junior and Infants Schools; improvement of 2 existing bus stops on Ashingdon Road; improvements and localised widening to Percy

Cottis Road; and any necessary alterations and reinstatements of existing **highways and statutory undertakers' equipment** necessitated by these improvements;

- A Residential Travel Plan and a Residential Travel Information Pack, including Travel Vouchers in the form of a 3-month Arriva Southend bus-pass or a £150 cycle voucher for each new household;
- A Healthcare Contribution of £262,300 towards the improvement of healthcare services in Rochford; and an area of land within the appeal site to be offered to a Healthcare Provider for the sum of £1, for a period of 2 years from the commencement of development;
- A School Landscaping Contribution of £50,000 towards the provision of landscaping improvements along the Ashingdon Road frontage and within Holt Farm Junior School;
- A Waste Services Contribution of £75,630 towards the provision by ECC of the waste infrastructure;
- A Library Contribution amounting to £322.72 per dwelling, to be used to physically extend the premises of the Rochford Library and provide enhanced car parking, and fit out any new extension;
- A Youth Facilities Contribution of £75,000 for the provision and enhancement of youth-based facilities in the District of Rochford;
- A contribution of £127.30 per dwelling towards the funding of strategic off-site measures identified by the adopted Essex Coastal Recreation Avoidance and Mitigation Strategy;
- A Trees Contribution comprising £67,560 for the compensatory tree planting in the District of Rochford, and £75,000 for the acquisition of uprated compensatory tree planting stock; and
- The provision of 10 School Drop-Off and Pick-Up Parking Spaces within the appeal site, together with an appropriate management plan.

128. All of the above contributions would be appropriately index linked.

129. Having had regard to the above details, and the submitted Community Infrastructure Levy (CIL) Compliance Statement, I am satisfied that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 56 of the Framework and Regulation 122 of the CIL Regulations 2010. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I conclude that the submitted planning obligations would satisfactorily address the impact of the proposed development, and that the appeal proposal would therefore not be at odds with any of the aforementioned development plan policies.

130. A schedule of planning conditions was largely agreed between the Council and the Appellants, and I discuss these conditions later in this decision.

#### *Other Matters*

131. Air Quality. Although agreed to not be a main issue in this appeal, the RSG did raise some general concerns regarding air quality. In particular it was critical of the fact that there is no automatic air quality monitoring near the 4 schools and day nursery in Ashingdon Road, and in this regard it made reference to a recent case in South London when the death of a young girl was attributed, by the Coroner, to exhaust fume pollution. It was also critical of the fact that the likely pollution impact of

construction traffic, and current and future domestic gas heating systems, had not been assessed. In addition, Mr Gardner raised a number of general concerns, including querying whether Human Rights, in terms of the right to a clean and healthy environment, would be violated by this proposal; whether sufficient trees would be planted to offset the carbon dioxide likely to be generated by the proposed dwellings; and how PM<sub>2.5</sub> and PM<sub>10</sub><sup>12</sup> would be controlled and monitored.

132. In response, the Appellants pointed out that the scope and methodology of the AQA was discussed and agreed with **the Council's** Environmental Health Officer (EHO), and that the air quality assessments undertaken through the AQA and AQAA were agreed with the EHO to be robust and fit for purpose. The AQAA explained that estimated background air pollution data for nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> were taken from the DEFRA<sup>13</sup> website, and that background pollutant concentration levels were then modelled, based on source parameters, meteorological parameters and topographical factors, to 2019 and 2029. Measured levels at the Anne Boleyn Sutton Road (roadside location) and South Street (kerbside location) sites had been used to validate the model.
133. The Appellants further pointed out that the AQAA explicitly considered impacts as a result of traffic from the proposed **development at St Teresa's Catholic Primary School, Rochford Day Nursery and Holt Farm Junior School** by identifying receptors at these locations; and that the junction of Ashington Road/West Street/Hall Road had also been explicitly modelled. The AQAA predicted that concentrations of pollutants at all receptors, including those identified to be representative of the aforementioned schools, would be well below the relevant national air quality objectives in relation to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, and that impacts at these receptors would be **'negligible' for all pollutants considered**.
134. The Appellants maintain that there can be a high degree of confidence that these assessments, which have been carried out in accordance with accepted DEFRA guidance and agreed with the Council's professional EHO, are robust. No contrary, technical evidence was put forward by any objector to the appeal proposal, and there is nothing to suggest that conditions in this case are in any way similar to those in the South London case referred to by the RSG. Because of this, and the points detailed above, I see no reason to dispute the Appellants' **conclusions on this matter**. In taking this view, I also note that Cllr Shaw accepted, under cross-examination, that the proposal would comply with Allocations Plan Policy SER8, insofar as it relates to air quality.
135. Loss of an oak tree, subject to a TPO. Many of those who objected to the appeal proposal were particularly concerned that the creation of the proposed main access to the site would necessitate the removal of the mature oak tree, subject to a TPO, which is growing in the footway outside the Holt Farm Schools. This tree is in good condition, prominent in the street scene and of appreciable amenity value. The Appellants have commented that the decision to remove this tree has not been taken lightly, and clearly its loss is to be regretted.
136. However, the Arboricultural Impact Assessment Report explains that although the Appellants have explored different junction design options to try to retain the tree, this has not proved to be possible. ECC has accepted that the tree would need to be removed to create an appropriate and safe site access, and in the Planning SoCG the Council accepts that the loss of this tree would not outweigh the benefits of the

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<sup>12</sup> PM<sub>2.5</sub> and PM<sub>10</sub> – small airborne particles less than 5µg /10 µg in diameter

<sup>13</sup> DEFRA: Department for Environment, Food and Rural Affairs

proposed development, taking into account the proposed mitigation by way of a contribution to secure tree planting across the District, and compensatory tree planting within highway land. I share that view.

### *Benefits and disbenefits*

#### *Benefits*

137. A clear benefit of this proposal is **that it would assist in delivering the Council's own** housing and development strategy set out in its adopted development plan. As such, the development would reflect and support the guidance set out in paragraph 15 of the Framework, which states that the planning system should be genuinely plan-led. I consider that significant weight should be given to a development which accords with the development plan.
138. Clear social benefits would arise from the provision of 662 much needed new homes, on this allocated housing site. This would result in a substantial increase in the housing stock, which has to be seen as being of real importance as the Council can currently only demonstrate a 4.04-year supply of deliverable housing land, and has explicitly stated that it does not have sufficient sites to meet its long-term **housing need. It clearly would support the Government's objective of significantly** boosting the supply of homes, as set out in paragraph 60 of the Framework, and in these circumstances I consider that the provision of new homes through this scheme should carry very significant weight.
139. The proposed development would also provide the policy-compliant figure of 35% affordable units, which in this case would amount to 232 new affordable homes. The evidence before me is that the latest calculation on affordable housing need in Rochford is contained in the 2017 Strategic Housing Market Assessment (SHMA) Addendum, which identifies a need of 296 new affordable homes every year, falling to 238 affordable homes per year after 5 years, over the period 2014 to 2037. The Housing Supply and Delivery SoCG confirms that against this requirement there is a shortfall of 1,606 dwellings at 31 March 2021, but that only 471 affordable homes have been identified in the 5-year housing land supply to 31 March 2026.
140. The appeal site is the last strategic development plan allocation to come forward, and with no other significant sites identified within the forward supply until the emerging Local Plan progresses to allocate further sites, the appeal site offers the only opportunity to make a material impact on the significant shortage of affordable housing and therefore address one of the District's **most pressing housing needs. In** light of these points I consider that the provision of 232 affordable homes should carry very significant weight in the appeal **proposal's favour.**
141. The delivery of 662 new homes would also give rise to some economic benefits, as a result of the jobs created during the construction phase and the increased spending power of new residents within the local economy. I accept that these benefits would arise from any similar-sized housing development and that they would therefore not be unique to this proposal. Nevertheless, they do constitute real economic benefits which should be acknowledged. The provision of new housing would also give rise to additional Council Tax payments for the Council, but as **the Council's outgoings** would have to rise to provide the necessary services for the additional population it is unclear whether this item would result in any net benefit. Overall, I share the Appellants' **view** that the economic benefits should carry moderate weight in the planning balance.

142. I have already concluded that the items and contributions discussed under the third main issue would be necessary to make the appeal proposal acceptable, and some of the matters mentioned are specifically required as part of the development of this site, by Allocations Plan Policy SER8. As such I do not see that these things can be counted as specific benefits of the proposal. It is the case, however, that many of the items to be provided, such as the public open space, the community building, the flood alleviation scheme, the proposed bus service enhancements and the improvements to cycling infrastructure would benefit not only new residents of the proposed development, but also existing residents in the surrounding area.
143. The wider population of the area would also benefit from other aspects of the proposed development, such as the off-site junction improvements, the upgraded crossing facilities and other safety measures near to the Holt Farm Schools, and the proposed dedicated drop-off and pick-up school parking spaces. Overall I consider it appropriate to attach moderate weight to these wider benefits.

*Disbenefits*

144. The opposition to this proposal was primarily focussed on a range of traffic-related concerns, as **highlighted by the Council's single reason for refusal** and discussed under the second main issue. But having considered all the evidence placed before me, I have not found against the appeal proposal on any traffic or highways grounds. I have acknowledged, however, that there would clearly be increased traffic on the local road network as a result of the proposed development, and even though this is an inevitable consequence of developing this allocated site, it would undoubtedly have some adverse impact on traffic levels. But in light of my earlier conclusions, I consider that this matter can only carry moderate weight against the proposal.
145. The only other matter which I consider could be regarded as a disbenefit of the appeal proposal is the loss of the protected oak tree outside the Holt Farm Schools, which has clear visual and amenity value. The loss of this tree would, however, be mitigated by the compensatory tree planting, and whilst I acknowledge that new trees would take many years to mature, on balance it is my assessment that this matter should only carry moderate weight against the appeal proposal.

*Summary, planning balance and overall conclusion*

146. Having regard to all the matters detailed above, I have found no conflict with the 3 development plan policies of concern to the Council – Core Strategy Policy T1, Allocations Plan Policy SER8, and Development Management Policy DM31. Moreover, I consider that these policies accord with Framework objectives.
147. But notwithstanding these points, it is necessary to regard these policies as being out-of-date because the Council cannot demonstrate a deliverable 5-year HLS. In such circumstances, the Framework requires development proposals to be determined by application of the '**tilted balance**', set out in its paragraph 11(d)(ii). Put simply this explains that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
148. I have concluded, above, that significant weight should be given to this plan-led development, and that very significant weight should be given to the provision of 662 much-needed new dwellings, with very significant weight also being given to the fact that 232 of these new dwellings would be affordable homes. I have also concluded that the economic benefits arising from the construction and occupation



of these new dwellings should carry moderate weight. In addition, the extensive contributions, and improvements which would accompany the proposed development, as detailed above, would have wider benefits than just to future occupiers of the proposed new houses, and I have concluded that these wider benefits should also carry moderate weight in the appeal **proposal's favour**.

149. Set against these benefits, I have concluded that the disbenefit which would arise as a result of increased traffic levels should carry moderate weight; and that the loss of the protected oak tree outside the Holt Farm Schools should also carry moderate weight.
150. In my assessment, balancing the benefits and disbenefits detailed above indicates quite clearly that the adverse impacts of allowing this proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This means that the appeal proposal would constitute sustainable development, and this is a further weighty material **consideration in the appeal proposal's favour**.
151. With these points in mind my overall conclusion is that this proposal should be allowed, subject to the imposition of a number of conditions as discussed at the Inquiry, summarised below, and set out in the attached Schedule.

#### Conditions

152. A lengthy schedule of conditions was discussed at the Inquiry, with many being agreed between the Appellants and the Council. I have considered all points made by the parties, and consider that the following conditions should be imposed. I have amended the wording of some of the conditions, in the interests of clarity.
153. Conditions 1, 2 and 3 are standard conditions relating to outline and full planning permissions, while Condition 4 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans. Condition 5 seeks to ensure that the external appearance of the proposed dwellings is appropriate to the locality. Conditions 6 and 7 are imposed to ensure the appropriate investigation of archaeological remains, and Conditions 8 and 37 are needed in the interests of environmental sustainability.
154. Condition 9 is imposed to ensure that there is no harm to protected species, with Condition 10 being imposed to protect nesting birds. Condition 11 seeks to preserve trees on the site in the interests of visual amenity, while Condition 12 is imposed to secure enhancement of conditions for bats and nesting birds. Condition 13 is needed to ensure that reptiles are not harmed during the construction of the approved development.
155. Condition 14 seeks to prevent flooding by ensuring the satisfactory storage or disposal of surface water from the site; and to ensure the effective operation of SUDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Condition 15 is imposed to ensure that flood risk is not increased elsewhere, and that the approved development does not contribute to water pollution. The Council requested that this be kept as a separate condition, rather than being incorporated into a general Construction and Environmental Management Plan condition, as it relates solely to concerns of the Lead Local Flood Authority, and can therefore be considered in isolation. I consider this to be a reasonable request.

156. Condition 16 seeks to ensure that appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended, whilst Condition 17 is imposed in order to secure a satisfactory standard of development, and in the interests of visual amenity. Condition 18 is needed to reduce existing off-site flood risk by ensuring the satisfactory storage or disposal of surface water from the site by ensuring the delivery of the flood alleviation scheme and its effective operation over the lifetime of the development.
157. Conditions 19, 20, 21, 23 and 24 are required in the interests of the effective landscaping of the site; to ensure ecological value in the interests of amenity; and to ensure compensatory tree/hedgerow planting is provided. Condition 19 is also required to ensure provision of suitable alternative natural green spaces, and to ensure appropriate ecological enhancement is delivered. Condition 22 is required to mitigate the loss of the highway tree which would result from the provision of the main site access on Ashingdon Road.
158. Condition 25 is necessary to ensure the delivery of the on-site play space, while Condition 26 is needed in the interests of visual amenity. Condition 27 is imposed so as to achieve compliance with Policy ENV8 of the Core Strategy, with Conditions 28 and 29 being imposed in order to achieve compliance with Policy H6 of the Core Strategy and Policy SER8 of the Allocations Plan. Condition 30 is imposed to comply with Policy ENV9 of the Core Strategy, taking account of the Ministerial Statement dated 1 October 2015. Condition 31 is necessary to ensure any risk from contaminated land at the site is appropriately managed, and to protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses).
159. Conditions 32, 34, 35 and 36 are required in the interests of highway safety, whilst Conditions 33, 39 and 40 are imposed in the interests of reducing the need to travel by car, and to promote sustainable forms of transport. Condition 38 is imposed to ensure adequate space for parking off the highway is provided, and in the interests of highway safety and amenity. Conditions 41 and 42 are imposed so as to provide a safe environment for pedestrians, with Condition 41 also being needed to protect the habitat for bats. Condition 43 seeks to protect the living conditions of future residents, whilst Conditions 44 and 45 seek to protect the living conditions of occupiers of nearby properties, with Condition 45 also imposed to ensure that the environmental impact of the construction of the approved development is adequately mitigated.
160. I have had regard to all other matters raised, including the points raised by the interested persons who spoke at the Inquiry, and matters raised in written representations, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

*David Wildsmith*

INSPECTOR

Schedule of conditions (45 in total)

- 1) No development shall commence within any phase (except phase 1 as annotated on the approved phasing plan reference P18-2109\_63-02C) until plans and particulars showing precise details of the scale, appearance and landscaping, (hereinafter called the 'Reserved Matters'), within the phase have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.
- 2) In the case of the Reserved Matters, application for the first reserved matters application for approval shall be made no later than the expiration of 2 years beginning with the date of this permission. Application for the approval of the remaining 'Reserved Matters' referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of 5 years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the first of the Reserved Matters to be approved.
- 3) The development to which this permission relates in respect of Phase 1 as shown on the approved phasing plan reference P18-2109\_63-02C, shall be commenced before the expiration of 3 years from the date of this permission.
- 4) The development hereby approved shall be constructed in accordance (save for any revised details as agreed in respect of the discharge of any landscaping condition) with the following approved plans:
  - Play Space Concept Masterplan P18-2009\_56A
  - Phase 1 Layout P18-2109\_62K
  - Phase 1 Parking Strategy P18-2109\_62-01C
  - Phase 1 Garden Sizing Plan P18-2109\_62-02B
  - Phase 1 Materials Layout P18-2109\_62-03C
  - Phase 1 Storey Heights Plan P18-2109\_62-05B
  - Phase 1 Tenure Plan P18-2109\_62-06E
  - Phase 1 Refuse Strategy Plan P18-2109\_62-07B
  - Phase 1 Enclosures Layout P18-2109\_62-09D
  - Enclosure Details P18-2109\_67
  - Site Section over Southern Ditch P18-2109\_84
  - Phase 1 House Type Pack P18-2109\_70C
  - Entrance Avenue Landscape Proposals P18-2109\_54D
  - Phase 1 Concept On Plot Proposals P18-2109\_57D
  - Phase 1 Part M P18-2109\_62-04B
  - Phase 1 Street Scenes P18-2109\_65-01C
  - Phase 1 Bin Store P18-2109\_72-01
  - Phase 1 Bike Store P18-2109\_72-02
  - Proposed Access from Percy Cottis Way 185180-002A
  - Proposed Emergency Access 185180-021B
  - Proposed Pedestrian access to Ashingdon Road 185180-005
  - Proposed Access from Ashingdon Road 185180-004F
  - Proposed access from Oxford Road 185180-003A
  - Phasing Plan P18-2109\_63-02C
  - Landscape Masterplan P18-2109\_59D



- Landscape Masterplan P18-2109\_83B-1
  - Landscape Masterplan P18-2109\_83B-2
  - Phases 2 and 3 Layout P18-2109\_63\_03S
  - Parameter Plan Development Platforms 185180-036
  - Parameter Plan Land Use and Access P18-2109\_39D
  - Parameter Plan Trees Hedgerows/Buildings P18-2109\_53B
  - Parameter Plan Location Plan PA604-210B
- 5) External facing materials to be used in the construction of the dwellings within Phase 1 shall be those as detailed on pages 30, 34 and 38 of the Design Code (P18-2019\_66 December 2019) unless alternatives are proposed in which case details shall have been submitted to and approved in writing by the Local Planning Authority prior to their use in construction on site.
- 6) No development or preliminary ground works of any kind other than general site clearance and ecological mitigation shall take place until a programme of archaeological investigation has been secured and completed in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 7) Within 12 months of the completion of the agreed archaeological field work (unless an alternative time frame has been otherwise agreed in advance and in writing by the Local Planning Authority), a post excavation assessment shall have been submitted to and agreed in writing by the Local Planning Authority; this shall include post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.
- 8) Concurrently with the submission of Reserved Matters containing any non-residential buildings at the site, details to demonstrate that the building(s) would meet the BREAAAM very good rating as a minimum (unless it can be demonstrated that this is not viable or practical (in which case details of viability/practicality shall also be submitted to and agreed in writing with the Local Planning Authority) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the building(s) shall be built in accordance with the agreed details to achieve the BREAAAM very good rating as a minimum or otherwise agreed and details submitted in writing to the Council to demonstrate that this rating has been achieved within 3 months of completion.
- 9) No works including ground works within 20 metres of the badger setts on site or including the creation of trenches or culverts or the presence of pipes shall commence until a licence to interfere with a badger sett for the purpose of development has been obtained from Natural England and a copy of the licence has been provided to the Local Planning Authority. The existing badger setts on site to be retained shall be protected during construction in accordance with the licence or as otherwise agreed in writing by the Local Planning Authority. Prior to commencement of any development including ground works at the site, measures to protect badgers from being trapped in open excavations and/or pipe and culverts must be implemented in accordance with the details contained in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019 and retained throughout the construction works. The measures shall include:

- a. the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b. open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
- 10) Existing hedgerows and trees indicated to remain on the Trees/Hedgerow and Building Parameter Plan (Reference P-18-2109\_53B) shall remain and not be felled or removed. Those sections of existing hedgerow and trees indicated to be felled/removed on this same plan (subject to any change in terms of retention of more existing hedgerow/trees as agreed in relation to any landscaping condition) shall only be felled/removed/managed outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing with the Local Planning Authority in which case details justifying works outside these times shall be submitted to and approved in writing by the Local Planning Authority.
- 11) Prior to the commencement of development within each phase a method statement and tree protection plan showing protection of trees to be retained during construction shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented throughout in accordance with the agreed protection measures.
- 12) Details including plans showing the location of proposed bat and bird boxes to be provided within each phase and a time frame for installation within the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development within each phase. Boxes could be integrated within new residential properties or attached externally to properties or existing trees. A minimum of 20 bat boxes shall be provided across the site and a proportion should be proposed close to the eastern boundary of the development and main Public Open Space. Bird boxes shall be proposed as follows (or similar) 2 x 1G Schwegler Generalist Bird Box and 30 x specialised Manthorpe swift bricks with bricks installed in numbers no less than two per household. A total of 30 bricks should be installed (as per details provided in the submitted report titled Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, date of issue 10 December 2019). The boxes as agreed in writing by the Local Planning Authority shall be installed during construction of the relevant dwelling, or in accordance with the time frame for installation as agreed in writing by the Local Planning Authority.
- 13) No development shall commence at the site (including any ground works or the removal of any vegetation or disturbance of topsoil) until a Reptile Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be implemented in strict accordance with the agreed mitigation strategy.
- 14) No works except demolition shall take place within each phase until a detailed surface water drainage scheme for each phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
  - a. Limiting combined discharge rates for all phases to 55.7 litres/second for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- b. Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- c. Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- d. Final modelling and calculations for all areas of the drainage system.
- e. Detailed engineering drawings of each component of the drainage scheme.
- f. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any drainage features.
- g. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme as agreed for each phase shall subsequently be implemented in accordance with the agreed details prior to first occupation within that phase (or in accordance with an alternative timetable as agreed by the Local Planning Authority).

- 15) No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and ground water during construction works, and to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved throughout the construction period on site.
- 16) Prior to first occupation within each phase a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system within each phase and the maintenance activities/frequencies shall have been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided in writing.
- 17) Details of the foul water pumping station including boundary treatment and landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to construction relating to the delivery of this. The pumping station shall be delivered in accordance with the agreed details.
- 18) No development except demolition shall take place until a detailed on-site flood alleviation scheme proposal, based on an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
  - a. Provide sufficient storage to ensure a reduction in off-site flooding as a result of existing surface water flows during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - b. Final modelling and calculations for all areas of the flood alleviation scheme.
  - c. A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels and location and sizing of any flood alleviation features.
  - d. A written report summarising the final strategy, including total number of off-site receptors benefitting and highlighting any minor changes to the previously approved flood alleviation strategy.

- e. Construction tender documents including but not limited to drawings, specifications, health and safety information and cost estimates.
- f. A project delivery and grant funding management plan.
- g. Maintenance schedules and arrangements in a Maintenance Plan.

The scheme shall subsequently be implemented prior to first occupation and in accordance with the project delivery plan and grant funding management plan.

- 19) The strategic open green spaces within Phase 1 (Phase 1 being identified in approved phasing plan reference P18-2109\_63-02C) including the west-east green corridor, centrally positioned northern green space and the eastern parkland shall be implemented in accordance with details as shown on the approved plans P18-2109\_83B-1; P18-2109\_83B-2; P18-2109\_63\_03S and planting schedules as detailed in the Design Code (P18-2019\_66 December 2019), and delivered in accordance with recommendations in the Ecological Impact Assessment Final Rev E by Southern Ecological Solutions, dated 10 December 2019, unless as revised by details agreed in relation to the submission of additional landscaping details which shall relate to the following as listed below, details of which shall have been submitted to and agreed in writing by the Local Planning Authority prior to implementation of the strategic open green spaces:

- a. details of planting, method statements (to be as per pages 46 and 47 of the Design Code as appropriate) and after-care plans;
- b. details of replacement hedgerows and shrub planting including to naturally buffer the badger setts on site and provide new connecting hedgerow planting to ensure connectivity along the eastern edge of the site to improve foraging;
- c. signage boards to explain the provision of suitable alternative natural green spaces (SANGS) and the importance of this provision in the interests of mitigation to the coastal recreational disturbance avoidance and mitigation strategy (RAMS);
- d. details of existing trees to be retained including reconsideration to retain a greater proportion of existing trees within the central tree belt along the east-west ditch;
- e. details of land levels and changes proposed to existing ground levels by site sections (to accord with the details approved in respect of the areas being part of the flood alleviation scheme at the site);
- f. details of use of naturalistic headwalls to SUDS features including detailed section drawings, details of headwalls/inlets and outlets;
- g. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
- h. details of materials to be used in hard-surfaced areas/paths/ cycleways including in relation to the open space adjacent to the northern boundary details of informal play features;
- i. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
- j. minor artefacts and structures (e.g. benches, bins, signs etc);
- k. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance; and
- l. Implementation timetable for delivery of agreed hard and soft landscaping of the strategic open green spaces. No existing trees

within the central tree belt along the east-west ditch shall be removed prior to the above details being agreed.

The hard and soft landscaping as agreed shall be planted/provided in accordance with the agreed implementation timetable. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 20) The hard and soft landscaping forming part of the entrance avenue planting and landscaped square as shown on approved plan reference P18-2109\_54D within Phase 1, shall be fully implemented in accordance with the agreed timetable for implementation (that shall have been submitted to and agreed in writing by the Local Planning Authority prior to any construction above damp proof course within Phase 1 at the site) and in accordance with the approved details as shown on the aforementioned plan and including tree planting method as detailed at pages 46 and 47 of the Design Code (P18-2019\_66 December 2019).

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 21) Trees shown adjacent to the highway between car parking spaces and or areas of grass verge as shown on approved plan reference P18-2109\_62K shall be planted in accordance with details of species, size and planting method (which shall be as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019)) which shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site; these details shall include clear plans showing any tree planting proposed within the highway and confirmation from Essex County Council Highways that this has been agreed with respect to trees being sited clear of all underground services and visibility splays and sympathetic to any street lighting scheme. Details should also include a time frame for delivery. All of the trees shown on the aforementioned approved layout plan shall be planted in accordance with the agreed details and time frame.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be

submitted and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 22) Prior to first occupation at the site, details of the tree planting, including species and size, planting method (which shall accord with details as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019)) and time frame for implementation within the highway verge as indicatively shown on approved plan reference P18-2019\_62K shall be submitted to and approved in writing by the Local Planning Authority. The trees shall all be planted in accordance with the agreed details and time frame.

Any replacement tree removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- 23) Details of the hard and soft landscaping forming part of on-plot amenity space/ landscaping within Phase 1 including the living courtyards to flatted blocks shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:
- a. in relation to the living courtyards to flatted blocks details in accordance with those shown in principle on pages 14 and 15 of the Design Code (P18-2019\_66 December 2019);
  - b. details of planting method statement to include tree planting method as per pages 46 and 47 of the Design Code (P18-2019\_66 December 2019) as appropriate and after-care plan;
  - c. a long-term maintenance schedule and specifications including timetable for monitoring and maintenance;
  - d. details of materials to be used in hard surfaced areas/driveways/paths/ cycleways;
  - e. details of refuse stores and cycle stores;
  - f. minor artefacts and structures (e.g. benches, signs etc);
  - g. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance. The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation of the flatted block served by the relevant landscaping at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.



- 24) Details of the hard and soft landscaping of the amenity open green space at the corner of Street 5 and Avenue 01 within Phase 1 as shown on approved plan reference P18-2109\_62K, shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Details shall include:
- a. details of planting method statement and after-care plan;
  - b. a long-term maintenance schedule and specifications including a timetable for monitoring and maintenance;
  - c. details of materials to be used in hard surfaced areas/paths/cycleways;
  - d. means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
  - e. minor artefacts and structures (e.g. benches, bins, signs etc);
  - f. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers/densities, weed control protection and maintenance.

The hard and soft landscaping as agreed shall be planted/provided prior to the first occupation at the site unless an alternative phased timetable has been submitted to and agreed in writing by the Local Planning Authority.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted to and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier, and retained in the approved form.

- 25) The informal play space within the open space to be provided adjacent to the northern boundary eastern parkland as shown on approved plans reference P18-2109\_59D and P18-2109\_83B-2 shall be delivered in accordance with the details of surfacing materials, equipment and timeframe for implementation that shall have been submitted to and agreed in writing by the Local Planning Authority prior to first occupation at the site in accordance with those details shown in principle on plan reference P18-2109\_56A. The surfacing and equipment shall be maintained in the agreed form.
- 26) Prior to the installation of any boundary treatment around the Allotment Land, details shall be submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment (fencing/hedging) shall be installed in accordance with a timeframe that shall have been submitted to and agreed in writing by the Local Planning Authority prior to the allotments being laid out.
- 27) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy from the development within the phase would be provided from renewable or low carbon sources (taking into account a fabric first approach as set out in the submitted Energy and Sustainability Statement by White Peak Planning dated December 2019 Ref 2019.001.003). The measures, as agreed, shall be implemented prior to the occupation of the dwellings to which the measures relate.



- 28) Within Phase 1 at least 2 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and at least 21 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2)). Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.
- 29) Within Phases 2 and 3 (taken as a whole) a minimum of 13 dwellings shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)) and 26 dwellings shall be built to wheelchair adaptable standards (i.e. comply with optional building regulation requirement Part M4(2)) (unless a lesser number has been compensated for by an increase in this provision within Phase 1) unless a minimum of 20 dwellings would meet the Part M4(3) standard within Phase 2/3 in which case the requirement relating to Part M4(2) would fall away. Evidence of the relevant dwellings having met the required building regulations requirements as above shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant dwellings.
- 30) All dwellings shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the Local Planning Authority prior to completion of the relevant dwellings on site.
- 31) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 1) A preliminary risk assessment which has identified:
    - a. all previous uses of potential contaminants associated with those uses
    - b. a conceptual model of the site indicating sources, pathways and receptors
    - c. potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written approval of the Local Planning Authority. The scheme shall be implemented as approved.

No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

- 32) Prior to first occupation of the development, the main vehicular access to the site onto Ashingdon Road shall be provided as shown in principle on Drawing No 185180-004F.
- 33) Prior to last occupation within Phase 1 hereby approved, the emergency vehicle access and associated pedestrian/cycleway onto Ashingdon Road shall be provided as shown in principle on Drawing No 185180-021B; this shall include appropriate lighting to accord with a scheme that shall have been submitted to and agreed by the Local Planning Authority. Details of the retractable bollards and chicane gates to the emergency vehicle access shall also be submitted to and agreed in writing by the Local Planning Authority. The bollards and gates shall be installed as agreed prior to first occupation alongside the provision of the emergency access and thereafter retained in the approved form.
- 34) Prior to the first occupation within Phases 2 and 3 at the development hereby approved (unless otherwise agreed in writing by the Local Planning Authority), the vehicle access onto Percy Cottis Road shall be provided as shown in principle on Drawing No 185180-002A in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.
- 35) Prior to formation of any hard surfaces within developable areas within each phase, details showing the means to prevent the discharge of surface water from the development within that phase onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The development within each phase shall be carried out in accordance with the agreed details, and shall be thereafter retained in the approved form.
- 36) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- 37) Prior to first occupation at the site details of provision of visitor electric vehicle charging points (minimum 2 across the site) to serve visitor parking (or as otherwise agreed in writing by the Local Planning Authority) including a timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The equipment shall be installed and maintained as operational as agreed.

- 38) Notwithstanding any part of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) vehicle parking including on driveways and within parking courts to serve the residential properties and all visitor parking across the site hereby approved shall be provided in accordance with the approved layout plans prior to first occupation of the residential property it would serve (or prior to first use of the highway immediately adjacent) and shall be used solely for the parking of vehicles and the vehicle parking shall be retained Thereafter in the approved form.
- 39) Prior to first occupation within Phase 1, details of a segregated footpath/cycleway within the eastern parkland at the site linking Oxford Road to The Drive with additional markings and signage along both Oxford Road and The Drive and timeframe for implementation, shall have been submitted to and agreed in writing by the Local Planning Authority. The footpath/cycleway shall be implemented in accordance with the agreed details and timeframe.
- 40) Prior to first occupation at the site within Phases 1 and 3 (respectively), unless an alternative timeframe for implementation has been submitted to and agreed in writing by the Local Planning Authority, 2 metre wide footpath connections to Ashingdon Road shall have been provided between Nos 168 and 170 Ashingdon Road and south of Sapwoods DIY shop, as shown in principle on Drawing Nos 185180-001C and 185180-005 respectively.
- 41) Prior to the first occupation at the site, details of the lighting scheme for all lighting within the strategic open spaces including the west-east green corridor, central northern open space and the eastern parkland as shown within Phase 1 on the approved phasing plan Drawing No P18-2109\_63-02C, shall have been submitted to and approved in writing by the Local Planning Authority with this including a programme for implementation. The lighting as agreed shall be implemented in accordance with the agreed timeframe for implementation and shall remain operational thereafter in the approved form. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- 42) A lighting scheme for lighting along the pedestrian footpaths from the site connecting to Ashingdon Road as shown on approved layout plans, Drawing Nos P18-2109\_62K and P18-2109\_63S shall have been submitted to and approved in writing by the Local Planning Authority prior to delivery of the relevant footpath. Lighting shall be provided as agreed in conjunction with works to deliver the footpaths and be retained thereafter in the approved form.
- 43) Prior to first occupation of the flatted blocks within Phase 1, cycle stores and refuse stores in accordance with the approved plans Drawing Nos P18-2109\_72 (sheet 02) and P18-2109\_72 (sheet 01) shall have been provided and shall be maintained thereafter in the approved form.
- 44) No windows at first floor level shall be installed in the western facing elevation of the flatted dwellings to plots 38 and 39 within Phase 1 hereby approved.
- 45) Prior to the commencement of any development, pursuant to this outline permission, a site wide Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP as agreed shall be complied with throughout the construction period at the site. The site-wide CEMP shall include but not be limited to:

- a. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- b. Details of any construction and delivery traffic haul routes and management measures including the timing of deliveries;
- c. A plan specifying the area and siting of land to be provided for parking, turning, loading and unloading of all vehicles visiting the relevant parts of the site and siting of the contractor's compound during the construction period to be agreed on a phased basis;
- d. Dust management during the construction period and wheel washing or other suitable mitigation measures such as lorry sheeting, including the consideration of construction/engineering related emissions to air, to include dust and particulate monitoring and review and the use of low emissions vehicles and plant/equipment;
- e. Noise and vibration (including piling) impact/prediction assessment, monitoring and recording protocols/statements and consideration of mitigation measures in accordance with the provisions of BS5228 (2009): Code of Practice for Noise and Vibration Control on Construction and Open Site - Parts 1 and 2 (or as superseded);
- f. Details of best practice measures to be applied to prevent contamination of the water environment during construction;
- g. Measures for soil handling and management including soil that is potentially contaminated;
- h. Details of concrete crusher if required or alternative procedure;
- i. Details of odour control systems including maintenance and manufacture specifications;
- j. Maximum noise mitigation levels for construction equipment, plant and vehicles;
- k. Site lighting for the relevant part of the site;
- l. Screening and hoarding details;
- m. Liaison, consultation and publicity arrangements, including dedicated points of contact;
- n. Complaints procedures, including complaints response procedures;
- o. Membership of the considerate contractors' scheme; and
- p. Any archaeological protection and mitigation measures to be implemented during the construction process.

## APPEARANCES

### FOR THE COUNCIL

Mr Andrew Parkinson of Counsel	instructed by Steven Hopkins of Holmes & Hills
He called <sup>14</sup> :	
Cllr Adrian Eves	Rochford District Council (RDC)
Cllr Lauren Shaw	Chair of the Development Committee, RDC
Affiliate Member RTPI	

### FOR THE APPELLANTS

Miss Sarah Reid of Counsel	instructed by Spencer Claye, Senior Planning and Development Director, Bloor Homes
She called <sup>15</sup> :	
Mr Peter Blair	Head of Transport North, Tetra Tech
BEng FICE FCIHT	
Mr Ben Pycroft	Director, Emery Planning
BA(Hons) DipTP MRTPI	
Mr Simon Grubb	Ardent Consulting Engineers
BSc(Hons) MA MEnvSci	
MIAQM	

### FOR THE ROCHFORD SUPPORTERS GROUP - RULE 6(6) PARTY

Mr Ian Foster	Local Councillor (but speaking as a private individual and local resident)
FRSA BA(Hons)	
Mrs Chris Austin	Local resident

### INTERESTED PERSONS OPPOSING THE PROPOSAL

Rt Hon Mark Francois MP	Member of Parliament for Rayleigh & Wickford
Ms Sarah Jones	Local resident
Mr Clarke Dalby	Local resident
Ms Helen Wright	Local resident
Mrs Barbara Beer	Local resident
Mrs J M Taylorson	Local resident
Dr Christopher Taylorson	Local resident
Mr Jon Fuller	South East Essex Friends of the Earth
Mrs Leanne Dalby	Local resident
Mr Mick Vanner	Local resident
Mrs Sharon Taylor Eve	Local resident
Mr Kevin Stephens	Local resident
Mr Roger Gardner	Local resident

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<sup>14</sup> Mr Parkinson had also intended to call Mr Harry Flexman MSc MCIHT to present evidence, but Mr Flexman reached agreement with Mr Blair for the Appellants on all relevant highways matters, resulting in the signing of the Highways SoCG which can be found at Core Documents 9.05 and 9.06. Accordingly, Mr Flexman was not called to present evidence, although his proof of evidence and rebuttal proof of evidence remained before the Inquiry as Inquiry documents

<sup>15</sup> Miss Reid had intended to call Mr Rawdon Gascoigne MRTPI to present evidence on planning matters. However, Mr Gascoigne was unable to attend the Inquiry, so his evidence was presented by Mr Ben Pycroft

## CORE DOCUMENTS

Document Number	Document Title
List 1: Application Documents and Plans	
1.01	Air Quality Assessment by Ardent dated Dec 2019 (185180-10)
1.02	Arboricultural Impact Assessment by Sharon Hosegood Assoc dated Dec 2019 (SHA964)
1.03	Archaeology Desk Based Assessment by CgMS dated Nov 2019
1.04	Ecological Impact Assessment by Southern Ecological Solutions dated Dec 2019 (Rev E)
1.05	Flood Risk Assessment by Ardent dated Dec 2019 (185180-06)
1.06	Habitats Regs Assessment by Southern Ecological Solutions dated Dec 2019 (Rev C)
1.07	Health Impact Assessment by Hodgkinson dated Dec 2019 (v3)
1.08	Minerals resource assessment by RSK dated July 2019 (1920379-R02(00))
1.09	Noise Assessment by Ardent dated Dec 2019 (185180-04)
1.10	Planning Statement by Optimis Consulting dated 9 April 2020 (P683-PSvF)
1.11	Landscape Visual Impact Assessment by Pegasus Group dated Dec 2019 (ref: P18-2109)
1.12	Statement of Community Involvement by Optimis Consulting dated 10 April 2020 (P683-SCIvF)
1.13	Energy and Sustainability Statement by White Peak Planning dated Dec 2019 (2019.001.003)
1.14	Transport Assessment by Ardent dated Dec 2019 (185180-07)
1.15	185180-001C - Highway Plan - Site Access from Ashingdon Road
1.16	185180-002A - Highway Plan - Site Access from Percy Cottis Road
1.17	185180-003A - Highway Plan - Site Access from Oxford Road
1.18	185180-004F - Highway Plan - Site Access from Ashingdon Road (2)
1.19	185180-005 - Highway Plan - Pedestrian Access from Ashingdon Road
1.20	185180-006E - Drainage Plan - Drainage Strategy
1.21	185180-015A - Highway Plan - Junction Improvements
1.22	185180-016A - Highway Plan - Junction Improvements (2)
1.23	185180-019 - Highway Plan - Ashingdon Road Existing
1.24	185180-021B - Highway Plan - Emergency Access
1.25	185180-026 - Highway Plan - Ashingdon Road-Hall Road-West Street
1.26	185180-027 - Highway Plan - Southend Road-Sutton Road
1.27	185180-031A - Highway Plan - Highway General Arrangement
1.28	185180-034A - Drainage Plan - Informative Drainage Schematic Plan
1.29	P185180-036 - Parameter Plan - Development Platform
1.30	185180-038 - Highway Plan - Swept Paths
1.31	185180-039 - Highway Plan - Visibility Splays
1.32	185180-200A - Drainage Plan - Western Culvert Plan and Sections
1.33	185180-201A - Drainage Plan - Eastern Culvert Plan and Sections
1.34	P18-2109_39 Sheet No - Rev D - Parameter Plan - Land Use and Access
1.35	P18-2109_53 Sheet No - Rev B - Parameter Plan - Trees Hedgerows and Buildings
1.36	P18-2109_56 Sheet No - Rev A - Landscape Plan - Play Space Concept Masterplan (Eastern Parkland)
1.37	P18-2109_64 Sheet No - Rev A - Illustrative Masterplan



1.38	P18-2109_67 Sheet No - Rev # - Phase 1 - Enclosures details
1.39	P18-2109_72 Sheet No 01 Rev # - Phase 1 - Bin Store
1.40	P18-2109_72 Sheet No 02 Rev # - Phase 1 - Bike Store
1.41	P185180-035B - Phase 1 - External Levels
1.42	PA604-210B - Parameter Plan - Location Plan
1.43	Phase 2 and Phase 3 - Accommodation Schedule
1.44	SUPERSEDED - Design Report by Pegasus dated April 2020 (ref: DAS - P18-2109_55C)
1.45	SUPERSEDED - Design Code by Pegasus dated December 2019 (ref: P18-2109_66)
1.46	SUPERSEDED - Phase 1 Design Statement by Pegasus dated April 2020 (ref: P18-2109_69A)
1.47	SUPERSEDED - P18-2109_54 Sheet No- Rev B - Phase 1 - Entrance Avenue Landscape Proposals
1.48	SUPERSEDED - P18-2109_57 Sheet No- Rev B - Phase 1 - Concept On-Plot Landscape Plan
1.49	SUPERSEDED - P18-2109_59 Sheet No- Rev A - Landscape Plan - Illustrative Landscape Masterplan
1.50	SUPERSEDED - P18-2109_62 Sheet No 01 Rev A - Phase 1 - Parking Strategy
1.51	SUPERSEDED - P18-2109_62 Sheet No 02 Rev A - Phase 1 - Garden Sizes Plan
1.52	SUPERSEDED - P18-2109_62 Sheet No 03 Rev B - Phase 1 - Materials Layout
1.53	SUPERSEDED - P18-2109_62 Sheet No - Rev B - Phase 1 - Layout
1.54	SUPERSEDED - P18-2109_62 Sheet No 06 Rev A - Phase 1 - Tenure Plan
1.55	SUPERSEDED - P18-2109_62 Sheet No 07 Rev A - Phase 1 - Refuse Strategy Plan
1.56	SUPERSEDED - P18-2109_62 Sheet No 09 Rev A - Phase 1 - Enclosures Layout- Phase 1
1.57	SUPERSEDED - P18-2109_63 Sheet No 02 Rev A - Indicative Phasing Layout
1.58	SUPERSEDED - P18-2109_63 Sheet No 03 Rev A - Phase 2 and Phase 3 - Layout Plan
1.59	SUPERSEDED - P18-2109_62 Sheet No 04 Rev A - Phase 1 - Part M4 (CAT 3) PLAN
1.60	SUPERSEDED - P18-2109_65 Sheet 01 Rev B - Phase 1 - Streetscenes
1.61	SUPERSEDED - P18-2109_70B - Design Report - House Types - Mar 2020
List 2: Post Submission Documents	
2.01	Air Quality Assessment Addendum by Ardent dated October 2020 (185180-14)
2.02	Geophysical Survey Report by RPS dated August 2020 (ref: MSTQ733)
2.03	Reptile Mitigation Strategy by Southern Ecological Solutions dated October 2020 (ref: Rev B)
2.04	Design and Access Statement by Pegasus dated September 2020 (ref: P18-2109_55D)
2.05	Design Code by Pegasus dated September 2020 (ref: P18-2109_66B)
2.06	Phase 1 Design Statement by Pegasus dated September 2020 (ref: P18-2109_69C)
2.07	Transport Assessment Addendum by Ardent dated July 2020 (ref: 185180-12)



2.08	P18-2109_54 Sheet No # Rev D - REVISED Phase 1 - Entrance Avenue Landscape Proposals
2.09	P18-2109_57 Sheet No # Rev D - REVISED Phase 1 - Concept On-plot Proposals
2.10	P18-2109_62 Sheet No 01 Rev C - REVISED Phase 1 Parking Strategy Plan
2.11	P18-2109_62 Sheet No 03 Rev C - REVISED Phase 1 Materials Layout
2.12	P18-2109_62 Sheet No 04 Rev B - REVISED Phase 1 Part M4 (CAT 2 & 3) Plan
2.13	P18-2109_62 Sheet No 05 Rev B - REVISED Phase 1 Storey Heights Plan
2.14	P18-2109_62 Sheet No 06 Rev E - REVISED Phase 1 Tenure Plan
2.15	P18-2109_62 Sheet No 07 Rev B - REVISED Phase 1 - Refuse Strategy Layout
2.16	P18-2109_62 Sheet No 09 Rev D - REVISED Phase 1 - Enclosures Plan
2.17	P18-2109_63 Sheet No 04 Rev # - REVISED Phase 2 & 3 Storey Heights Plan
2.18	P18-2109_65 Sheet No01 Rev C - REVISED Phase 1 Street Scenes LR - Section AA - FF
2.19	P18-2109_84 Sheet - Rev # - REVISED Phase 1 - Illustrative Site Section over Southern ditch
2.20	P18-2109_70C - SEPT 2020 - REVISED Rochford House Type Pack (details fully listed in pack)
2.21	SUPERSEDED - P18-2109_59 Sheet No # Rev C - REVISED Illustrative Landscape Masterplan
2.22	SUPERSEDED - P18-2109_62 Sheet No # REF J - REVISED Phase 1 - Layout
2.23	SUPERSEDED - P18-2109_62 Sheet No 02 Rev C - REVISED Phase 1 Garden Sizes Plan
2.24	SUPERSEDED - P18-2109_63 Sheet NO 02 Rev B - REVISED Indicative Phasing Plan
2.25	SUPERSEDED - P18-2109_63 Sheet No 03 Rev Q - REVISED Phase 2 and Phase 3 Layout (with schedule)
2.26	SUPERSEDED - P18-2109_83 Sheet No 1 Rev A - REVISED Phase 2 and 3 Illustrative Landscape Masterplan - Green Corridor Sheet 1 of 2
2.27	SUPERSEDED - P18-2109_83 Sheet No 1 Rev A - REVISED Phase 2 and 3 Illustrative Landscape Masterplan - Green Corridor Sheet 2 of 2
2.28	P18-2019_62 Rev K - Phase 1 Layout
2.29	P18-2109_863-03 Rev S - Phase 2 and 3 Layout
List 3: Relevant Correspondence with Local Planning Authority	
3.01	Letter to Councillors 21/06/2021
3.02	Letter from Optimus dated 30/09/2020 summarising revisions
3.03	Presentation to Planning Committee Members - November 2020
3.04	Letter to planning committee members - November 2020
3.05	Letter from Ardent dated 22 December 2020 - addressing highway design and transport assessment
List 4: Consultation Responses	
4.01	Anglian Water
4.02	Ashingdon Parish Council
4.03	Cadent Gas
4.04	Canewdon Parish Council
4.05	ECC Archaeology
4.06	ECC Development and Flood Risk

4.07	ECC Education, Public Health and Highways
4.08	ECC Energy & Low Carbon
4.09	ECC (Growth and Development Team)
4.10	ECC Minerals and Waste
4.11	ECC Place Services - Ecology
4.12	ECC Place Services - Landscaping
4.13	ECC Urban Design
4.14	Essex Badger Protection Group
4.15	Essex Police
4.16	Essex Wildlife Trust
4.17	Hawkwell Parish Council
4.18	London Southend Airport
4.19	Natural England
4.20	RDC Arboriculture
4.21	RDC Housing
4.22	RDC Public Health & Protection Services
4.23	RDC Waste and Street Scene
4.24	Rochford Parish Council
4.25	Neighbours
List 5: Committee Report and Decision Notice	
5.01	Development Committee Report 24 June 2021
5.02	Development Committee Report 26 November 2020
5.03	Decision notice 29 June 2021
5.04	Development Committee Minutes 24 June 2021
List 6: Development Plan and Policy Documents	
6.01	The Rochford District Core Strategy (adopted 13 December 2011)
6.02	The Rochford District Allocations Plan (adopted 25 February 2014)
6.03	The Rochford District Development Management Plan (adopted 16 December 2014)
6.04	New Local Plan: Spatial Options Document (Consultation Paper 2021)
6.05	Allocations Development Plan Document: Sustainability Appraisal (December 2011)
6.06	Allocations Plan Document: Detailed Assessment of Potential Residential Site Options (September 2012)
6.07	Allocations Plan Submission Document: Sustainability Appraisal (April 2013)
6.08	Inspector's Interim Report into the Allocations Plan Document (17 October 2013)
6.09	The National Travel Survey 2020
6.10	Manual for Streets
6.11	Local Cycling and Walking Infrastructure Plans Technical Guidance document (Department for Transport, April 2017)
6.12	Local Development Scheme (adopted 20th July 2021)
6.13	Urban Capacity Study 2020
6.14	Inspector's Final Report into the Allocations Plan Document (14 February 2014)
6.15	<b>Essex Planning Officers' Association (EPOA) Vehicle Parking Standards (2009)</b>
6.16	<b>ECC's Developers' Guide to Infrastructure Contributions (2020)</b>

List 7: Relevant Decisions and Judgements	
7.01	Land north of London Road and South of Rawreth Lane - Committee Report
7.02	Pond Chase Nursery, Folly Lane, Hockley - Committee Report
7.03	Land west of Oak Road and North of Hall Road - Committee Report
7.04	Land to the west of Sweechbridge Road, Hillborough, Kent: APP/J2210/W/20/3260611
7.05	Land north of Viaduct, adjacent to Orchard Business Park, Ledbury: APP/W1850/W/20/3244410 - Costs Decision
7.06	Monkhill vs SoS HCLG and Waverley Borough Council (2019)
7.07	Wavendon Properties vs SoS HCLG and Milton Keynes Council (2019)
7.08	Gladman Developments Ltd vs SoS HCLG and Corby BC and Uttlesford DC (2020)
7.09	Oxton Farm vs Harrogate Borough Council and D Noble Ltd Judgment (2020)
List 8: Other Documents	
8.01	Addendum to the South Essex Strategic Housing Market Assessment (May 2017)
8.02	Rochford and Southend-on-Sea Housing and Employment Land Availability Assessment Combined 2020 Update (June 2020)
8.03	Authority Monitoring Report (AMR) 2019-20
8.04	<b>Council's housing land supply trajectory at 31st March 2021</b>
List 9: Statements of Common Ground	
9.01	Planning Statement of Common Ground between the Appellants and the Council (17 December 2021)
9.02	Housing Land Supply Statement of Common Ground between the Appellants and the Council (7 December 2021)
9.03	Highways Statement of Common Ground between the Appellants and ECC (29 November 2021)
9.04	NOT USED
9.05	Highways Statement of Common Ground between the Appellants and the Council (19 January 2022)
9.06	Highways Statement of Common Ground between the Appellants and the Council (24 January 2022)

## DOCUMENTS SUBMITTED AT THE INQUIRY, AND SHORTLY BEFORE

Document	1	Opening submissions on behalf of the Appellants
Document	2	Opening submissions on behalf of the Council
Document	3	Opening submissions on behalf of the Rochford Supporters Group
Document	4	Statement and supporting document from the Rt Hon Mark Francois MP
Document	5	Statement from Ms Sarah Jones
Document	6	Statement from Mr Clarke Dalby
Document	7	Statement from Ms Helen Wright
Document	8	Statement from Mrs Barbara Beer
Document	9	Statement from Mrs J M Taylorson
Document	10	Statement from Dr Christopher Taylorson
Document	11	Statement from Mr Jon Fuller on behalf of South East Essex Friends of the Earth
Document	12	Statement from Mrs Leanne Dalby

Document	13	Statement from Mr Mick Vanner
Document	14	Statement from Mrs Sharon Taylor Eve
Document	15	Statement of Mr Kevin Stephens
Document	16	Statement of Mr Roger Gardner
Document	17	Revised proof of evidence/statement from Mr Foster, on behalf of the Rochford Supporters Group
Document	18	Aerial photograph of the wider Southend-on-Sea/Ashingdon area, submitted by Cllr Eves
Document	19	Bundle of enlarged diagrams and photographs, together with still from the time-lapse video, submitted by the Rochford Supporters Group
Document	20	Statement from Mrs D Crosbie – submitted as a written representation
Document	21	Letter from the Headteacher, Holt Farm Infant School, dated 7 January 2022, with covering email from Cllr Julie Gooding, dated 11 January 2022
Document	22	Bundle of further evidence submitted by the Rochford Supporters Group on 23 December 2021
Document	23	Email dated 10 December 2021 relating to Bus Service contributions, submitted by the Appellants
Document	24	Comments on the Draft Suggested Planning Conditions, submitted by the Appellants
Document	25	<b>Statement of Truth submitted by Mr Grubb, the Appellants' Air Quality expert</b>
Document	26	Extract from CD1.14 – Figure FD25 – am peak hour trip generation from the proposed development
Document	27	Secretary of State Decision and <b>Inspector's Report relating to Appeal Ref APP/A2280/W/20/3259868 – Land off Pump Lane, Rainham, Kent</b> , submitted by Mr Francois MP
Document	28	Extract from Ringway Jacobs Technical Note 'Rochford Local Plan: Highways Baseline Technical Note' dated 25 October 2017, submitted by the Rochford Supporters Group
Document	29	Final Schedule of suggested conditions - with comments
Document	30	Signed and completed S106 agreement
Document	31	CIL Compliance Statement, submitted by the Council
Document	32	Closing Submissions on behalf of the Rochford Supporters Group
Document	33	Closing Submissions on behalf of the Council
Document	34	Closing Submissions on behalf of the Appellants

## APPENDIX HR8

# POULTON LE FYLDE AND MONKTON HEATHFIELD APPEAL DECISIONS

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# Appeal Decision

Hearing held on 17 May 2022

Site visit made on 17 May 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

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Appeal Ref: APP/U2370/W/21/3278191

Land south of Blackpool Road, Poulton Le Fylde, 333704, 439607

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Blackpool Council against the decision of Wyre Borough Council.
  - The application Ref 19/00615/OULMAJ, dated 20 June 2019, was refused by notice dated 4 March 2021.
  - The development proposed is the erection of up to 330 dwellings and associated infrastructure.
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## Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 330 dwellings and associated infrastructure at land south of Blackpool Road, Poulton Le Fylde in accordance with the terms of the application, Ref 19/00615/OULMAJ, dated 20 June 2019, subject to the conditions in the attached schedule.

## Applications for costs

2. An application for costs was made by Blackpool Council against Wyre Borough Council. This application is the subject of a separate decision.

## Preliminary Matters

3. The application submitted to the Council was in outline, with all matters reserved for future consideration.
4. Having regard to the draft Unilateral Undertaking (UU), I raised concern at the Hearing about Lancashire County Council (LCC) not being party to the various highway obligations, and contributions to education and healthcare, as there would be no certainty that these monies would be spent by LCC on the projects identified. I therefore provided the appellant time after the Hearing to submit a bi-lateral s106 agreement (s106 agreement) for contributions to the public right of way, travel plan, the Poulton Highway Mitigation Strategy (PHMS), the Fleetwood Road traffic calming scheme, public transport works, education and medical healthcare. A UU for the affordable housing, the maintenance, monitoring and phasing of the open space; and the ecological enhancement area was also submitted. I have had regard to the UU and s106 agreement in reaching my decision.

## Main Issue

5. The main issue in this case is whether the proposal development, together with traffic generated by other committed developments in Poulton-Le-Fylde, would result in an unacceptable highway safety impact at the Blackpool Road / Blackpool Old Road junction and/or a severe residual cumulative impact on the

local road network, having regard to the proposed mitigation measures.

## Reasons

6. The appeal site is an undeveloped parcel of land to the south of Blackpool Road within the settlement boundary of Poulton-le-Flyde. The land sits between Blackpool Road, which is lined by residential dwellings, to the north and the Blackpool to Preston railway line to the south. Part of the eastern site boundary adjoins a site allocated for housing in the Wyre Local Plan (2011 – 2031) (Local Plan). **The site's southern boundary abuts a Biological Heritage Site (BHS).** Internal and external boundaries to the site are lined by hedgerows and trees, some of which are subject to a Tree Preservation Order. A Public Right of Way extends across the southern part of the site in an east to west direction.
7. Although the site is not allocated for development, Local Plan Policy SP1 permits development within settlement boundaries provided it complies with other policies of the Local Plan. Having regard to these, the main parties agree that subject to planning conditions and planning obligations that the proposal accords with other Local Plan policies, except for Local Plan Policy CDMP6 which is concerned with accessibility and transport. I have no reason to disagree with this position based on the evidence before me.
8. Access is a reserved matter, but primary and secondary vehicular access points from Blackpool Road to the site have been shown on the Parameters Plan. This plan alongside the Illustrative layout and Swept Path Analysis plans show that each point of access could be a priority junction, be of an appropriate width and design with pedestrian footways and visibility splays in accordance with Manual for Streets in both directions. Therefore, the appeal site could be accessed in a safe and suitable manner, subject to planning conditions to inform any future reserved matters applications.
9. The site is in a sustainable location near to a range of facilities and services that would serve future occupants' day to day needs. The local area provides good levels of pedestrian and cycle provision, and public transport can be accessed on foot from the site. However, the appellant proposes several measures to encourage the use of sustainable modes of transport and address the effect of the proposed development on highway safety through changes to help with the safe and efficient flow of traffic on the local road network, to reduce delays, vehicle speeds or by improving safety for vehicles, pedestrians and cyclists. These would be delivered either through a planning condition or the s106 agreement<sup>1</sup>. Based on these, the Council agrees that the proposal would not result in a severe residual impact on highway safety across the highway network, save for the level crossing and Blackpool Road/Blackpool Old Road junction. The concern here relates to the effect of the proposal, along with other committed development on highway safety and the residual cumulative impacts on the road network.

### *Blackpool Road / Blackpool Old Road junction - existing situation*

10. Blackpool Road extends to the south and west of the site to a level crossing over the Blackpool to Preston railway line and the priority-controlled junction with Blackpool Old Road. Both roads provide one lane in either direction, pedestrian footways and are subject to a 30mph speed limit. Blackpool Old Road links Poulton-le-Flyde Town Centre and the A586 Poulton Road/Garstang Road West. Bus stops are on Blackpool Old Road near to the junction.

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<sup>1</sup> Paragraph 1.5 of Highways Statement of Common Ground



11. Analysis prepared by the main parties shows that there are higher traffic flows in the morning peak hour period travelling south on Blackpool Road towards the level crossing and the junction and onto Blackpool Old Road. This flow is then typically reversed during the evening peak hour period. The flow and que of traffic in either direction is affected by the frequency and duration of time that the barriers at the level crossing are down to enable trains to pass. The nine-vehicle capacity between the junction and the level crossing is also a factor. Jointly, on occasion, this seems to lead to instances when the que does not fully clear on either Blackpool Road or Blackpool Old Road before the barriers are next down during either the morning or afternoon peak hours.
12. The junction and the approaches to it are not solely used by vehicles. Pedestrians and other vulnerable road users travel along Blackpool Road and Blackpool Old Road. This includes young people attending the places of education to the south-west of the junction on Blackpool Old Road.
13. Testimony from interested parties and the main parties' highway witnesses indicate that there are several issues associated with the existing situation. These are: lengthy ques and journey times, inappropriate overtaking of stationary vehicles in queues, risks to vulnerable road users, driver frustration, unsafe manoeuvres and diversion onto other routes as people seek to find an alterative to avoid the queue. Based on what I saw on site, these are all likely occurrences in the current situation.
14. Accident records from the last ten years show incidents of vehicles colliding with more vulnerable road users at and on approach near to the junction/level crossing. They also highlight incidents have occurred when vehicles have been carrying out manoeuvres in the road, slowing down or turning. However, there has only been one recorded accident in the last six years.

*What is the effect of the proposed development*

15. The proposed development would increase the use of the Blackpool Road/Blackpool Old Road junction through additional traffic. Given the outline nature of the application, and the need for subsequent reserved matters applications, the highway assessments undertaken by the appellant and the Council are based on agreed data, traffic flows and traffic distribution<sup>2</sup>.
16. The appellant relies on LinSig to **model the proposal's effect**. LinSig is a deterministic model and is commonly used to assess signalised junctions. The Highway Authority raised no concerns about using LinSig during the planning application. Despite this, the Council refused planning permission and as part of the appeal it submitted a microsimulation model, VISSIM which models multimodal transport operations in urban areas. It is a microscopic, time step oriented, and behaviour-based simulation tool for modelling flows. It is typically used to model complex and congested traffic networks where deterministic modelling cannot provide a sufficiently realistic representation. It is usually used in conjunction with deterministic modelling like LinSig. The Council did not **seek the Highway Authority's view of the use of VISSIM** so it is unclear whether **it's stance** would be any different to that with suitable mitigation measures the development will not have a severe impact on highway capacity or an adverse impact on road safety.
17. The junction itself is not complex due to the alignment of the roads, the visibility of the level crossing in either direction and at the junction, and the

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<sup>2</sup> Paragraph 2.3, Highways Statement of Common Ground

nature of judgement and subsequent manoeuvres road users need to make at the junction. That said, it is evident that at certain times of the day the junction and the roads leading up to it are currently congested. Both models indicate that congestion will increase by 2026 taking account of development already committed. This is baseline from which to assess the proposed **development's impact.**

18. VISSIM allows for the frequency and duration of the level crossing barriers to be factored into the model. This is useful as there are instances when the level crossing barriers are down in quick succession during the morning peak hour period. However, this is not the norm across the entire period, with the frequency at which the barriers go down more akin to every 7 to 9 minutes. This frequency was picked up **by the appellant's modelling which followed on-site observations. The Council's more recent on-site observations** about the frequency of the barriers going down corroborates the general operation of them in terms of frequency and the duration that they are down.
19. **In terms of the proposal's effect on the junction and level crossing, both** models report queue lengths slightly differently. Nevertheless, during the morning peak hour period, VISSIM indicates an increased length of queue along Blackpool Road whether that is on average or a maximum. According to **the Council's oral response at the Hearing, the effect of the development above that already committed is said to result in a maximum queue of around 411 metres back from the level crossing. In comparison, the appellant stated that the queue back from the junction of Blackpool Road and Blackpool Old Road would be 440 metres. Whilst the Council's figure does not take into account the nine vehicle capacity between the level crossing and the junction, even if they were accounted for, the two parties' models do not differ significantly in terms of the length of queue along Blackpool Road.**
20. It is fair to assume that the effect of a longer queue will mean that it will take longer for the queue to clear in periods when the barriers are down at the level crossing, and **based on the Council's model, queues are more likely to occur throughout the morning peak hour period.**
21. As set out earlier, the flow is said to reverse during the evening peak hour period. Despite this, and the photographic evidence showing vehicles queuing along Blackpool Old Road as they wait to turn into Blackpool Road, the Council has not offered any PM peak hour data to compare against **the appellant's analysis. LinSig shows that whilst there would be an increase in the length of queues on either side of the level crossing during this period, they would be modest increases to queue lengths compared to either the 2019 Base or the 2026 Base plus Committed.**

#### *Highway Safety*

22. Against the existing baseline conditions for the highway and the issues set out above, the appellant recognises that, without any mitigation at the junction, the appeal scheme would only make the existing experience worse and to the detriment of highway safety. I agree based on the expected trip numbers, the local road network and based on the existing operation of the junction.
23. Modifications are proposed to the junction to address highway safety. These include: forming a lane so that some vehicles can wait and turn right into Blackpool Road; increasing the carriageway width of Blackpool Old Road to allow vehicles travelling east to west to pass stationary vehicles waiting to turn

- into Blackpool Road; tactile paving and a central island reserve to allow pedestrians to cross safely; and hatch markings in the centre of the two roads.
24. The Highway Authority has found it difficult to determine suitable changes to improve highway safety at the junction to avert the potential for inappropriate overtaking of stationary vehicles in queues, risks to vulnerable road users, and driver frustration leading to unsafe manoeuvres. Notably, the proposed works to the junction would not alleviate the existing situation that includes queueing vehicles. However, in my opinion, they would improve the safety of all highway users at this junction. This would be achieved by allowing some vehicles to turn right on Blackpool Old Road while other traffic flows past, thereby reducing potential driver frustration and inappropriate overtaking manoeuvres. As a result, there would be a slight reduction, based on VISSIM to queue lengths along Blackpool Old Road for traffic travelling eastbound.
25. There would be no material increase in queue lengths on Blackpool Old Road travelling eastbound in the morning peak hour period compared to the 2026 Base plus Committed development based on VISSIM. However, the changes proposed to the junction would provide safe and convenient pedestrian crossing points and physical deterrents to vehicles looking to overtake vehicles queueing on Blackpool Old Road when the level crossing barriers are down. These would all address factors in the accidents recorded in and around the junction. On this basis, the proposal would not prejudice highway safety or mean that the proposal would have an unacceptable effect on it.

*Residual cumulative impact*

26. Based on LinSig, during the morning peak hour period there would be an increased journey time of around 30.3 seconds per vehicle when the 2026 Base plus Committed is compared against the 2026 Base plus Committed plus Development. During the evening peak hour period the increase would be around 1.2 seconds per vehicle.
27. However, based on VISSIM, journey times would be longer. The Council has focussed on the busiest 15 minutes within the morning peak hour. During this time, it is estimated that every vehicle would take around 2.5 minutes longer on average compared to the 2026 Base plus Committed scenario. There may well be instances when journey times are longer during the busiest period, but it is not unusual for there to be peaks and troughs within that period, given that it includes the school run. Focussing on one part of the morning peak hour period does not therefore illustrate the whole picture and people are typically aware that their journeys can take longer around school start times for example. If the whole morning peak hour period is looked at, as the Council recognised that it should be at the Hearing, the proposal would see the average journey time increase by around 1.68 minutes.
28. The Framework in paragraph **111 outlines that 'development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe'**. The term severe is not defined by the Framework. The Council considers severe to be something more than a minor inconvenience. This could be a substantial delay over a long period of time and not just an impact on a driver. My attention is also drawn to Local Plan Policy CDMP6(B) which refers to the safe, efficient and convenient movement of all highway users.
29. The increase in journey times is likely to be perceptible to persons using

vehicles at certain times of the day resulting in delays for them. However, the **Highway Authority's approach** to seek the introduction of traffic calming schemes for Blackpool Road and Fleetwood Road indicates that it is not concerned with longer journey times and the effect this can have on highway users. This is a trade-off between highway safety and journey speed.

30. The term severe is a high hurdle to overcome when considering residual cumulative effects on the road network. When this is set against the existing situation, the proposed mitigation measures, and the increased average journey time during the busiest time of the day, I do not consider the extra congestion and inconvenience to highway users would be severe in this case.

#### Other Matters

31. Developing the site for the number of dwellings proposed would cause a change in the visual appearance and character of the site. Nevertheless, the illustrative details show that the site could be laid out to retain most of existing hedgerows, trees and ponds and that the new dwellings could be laid out and designed in such **a way that the site's development would not cause** unacceptable harm and not dominate the surrounding area. Nor would the development result in settlements merging due to the combination of the area of ecological enhancement and the BHS.
32. The site is not designated for nature conservation, and it will not directly involve the BHS or any other designated site. However, due to recreational disturbance and impacts upon water quality the proposal could have an indirect impact on the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Liverpool Bay SPA, Special Area of Conservation, Site of Special Scientific Interest and RAMSAR. However, the evidence before me leads me to consider that the proposal would not, subject to the imposition of planning conditions and the UU, cause a direct or indirect impact to these sites, nor cause an unacceptable impact on protected species or their habitats.
33. The appeal site is not in the Green Belt, and it falls within Agricultural Land Classification Grade 3 (Good to moderate quality land). As it is not the best and most versatile agricultural land developing the site would not be detrimental to **Wyre's** supply of quality agricultural land.
34. Residents are concerned about drainage and localised flooding. The site lies in Flood Zone 1. A site-specific Flood Risk Assessment and an outline drainage strategy have been assessed, and found to be acceptable subject to planning conditions, by United Utilities, the Lead local Flood Authority and the **Council's** Drainage Engineer. I have no reason to disagree with their view.
35. Concerns about the environmental effect of additional traffic have been raised, but I do not disagree with the **view of the Council's Environmental Health** Officer about the findings of the submitted air quality assessment. There is also no reason why a suitable scheme could not be designed to ensure that neighbouring and future occupants have satisfactory living conditions.

#### Planning Obligations

36. The various obligations are split between the UU and the s106 agreement. The education contribution would address a shortfall of primary school places due to the proposed development. The healthcare contribution would also mitigate the effects the proposed development and the additional demand it would place on the Queensway Medical Centre by allowing it to be refurbished and altered

- to cater for the additional new patient registrations. The provision of 30% affordable housing on the appeal site would help address the significant need for this type of housing in the Borough and would be secured through the UU.
37. Open space would be required as part of the new development to provide amenity areas, SuDS and ecological features. The UU makes provision for the necessary maintenance and phasing arrangements together with a monitoring fee to ensure that the effective operation of the maintenance strategy. It is necessary to compensate for any loss of habitat and to increase biodiversity of the wider area, by creating, managing and maintaining an area of ecological enhancement for great crested newts and other important species to the south of the site and next to the Woodhouse Farm BHS.
  38. The travel plan would encourage the use of sustainable modes of transport. The public transport works contribution would allow a new bus service to be created linking the appeal site with Poulton. It would therefore encourage the use of public transport to access Poulton and the facilities and services that it offers. The upgrade of the public footpath through the site to a bridleway would increase its usability as well as connectivity to, from and through the site.
  39. To mitigate the effects of traffic from the development on Fleetwood Road and the highway safety concerns with this, a scheme to review existing road markings and traffic signs is necessary, proportionate and directly related to the development. The PHMS is necessary to promote the use of sustainable transport modes and to encourage a modal shift in favour of safer and healthier travel to address development traffic that affects highways in and near Poulton.
  40. All the above contributions, whether they be secured through the UU or the s106 agreement, would meet the statutory tests in Regulation 122 of the CIL Regulations. As such, they are material considerations in this appeal.

#### Conditions

41. I have imposed an approved plans condition and a condition in respect of the total number of dwellings. Both are necessary in the interests of certainty. I have imposed several reserved matters conditions. Details of drainage, foul and surface waters are necessary to ensure there is no risk of pollution to water resources of human health and to prevent surface water runoff. Details of ground, slab and finished floor levels are necessary in the interests of certainty. A condition for a further noise assessment and any appropriate mitigation measures is necessary so neighbouring and future residents have satisfactory living conditions. Details of the housing mix and their suitability for all are necessary to ensure the development meets the identified and future housing needs in the Borough. Conditions in respect of green infrastructure and biodiversity are necessary so that details of the amount, location and type of green infrastructure are secured, and so that the existing ecological assessments are reviewed to identify whether there are any new ecological impacts, and if necessary, amended to prevent ecological harm.
42. To allow for the timing of supporting infrastructure I have imposed a condition requiring a phasing schedule. A condition in respect of the management and maintenance plan for the sustainable drainage system is necessary so that funding and maintenance mechanisms are in place for the lifetime of the development; to reduce the flood risk to the development; and to identify the responsibility for the sustainable drainage system. I have imposed a condition to secure the necessary on and off-site highway works in the interests of



highway safety and to encourage use of sustainable modes of travel. A condition is necessary for a Construction Management Plan to safeguard biodiversity on the site and the local highway network. Given the sensitive end use of the site, I have imposed conditions so that potential contamination risks are assessed and mitigated if necessary. So that there is an understanding of the significance of any archaeological remains at the site, I have imposed a condition requiring a programme of archaeological work and investigation.

43. To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles a condition is necessary for a travel plan. So that there is on-site provision and to promote sustainable transport modes I have imposed a condition for electric vehicle charging points.
44. To safeguard biodiversity from the recreational disturbance effects of residential development near to Morecambe Bay I have imposed a condition so that home-owner information packs are provided. To protect and prevent unnecessary disturbance of nesting birds, I have imposed a condition limiting when works to trees and hedgerows can take place. So that trees are protected from damage or loss, a condition is necessary to secure a Tree Protection Plan. A condition to secure a Landscape and Habitat Creation and Management scheme is necessary so that the site is satisfactorily landscaped and in the interests of visual amenity and biodiversity.
45. A condition is necessary to secure details of any external lighting to safeguard visual amenity and biodiversity and residential amenity. To remove a potential source of odour and noise nuisance that would adversely affect future occupants' living conditions I have imposed a condition to control the demolition of the agricultural buildings at Woodhouse Farm.

#### Conclusion

46. Even if the Council can demonstrate a supply of deliverable housing sites in excess of five years, this is a minimum not a maxima and the proposed development would help to significantly boost the supply and mix of housing in Wyre. In doing so, the development would result in social and economic benefits to the local economy through the construction phase such as temporary construction jobs, and from ongoing spending by future occupants.
47. I recognise that the proposal would result in additional traffic on the local highway network, and that at peak times this would exacerbate the existing situation. However, in taking into account the package of highway measures, the proposal would not prejudice road safety and the safe, efficient and convenient movement of all highway users. Hence, it would not cause an unacceptable impact on highway safety or cause a severe residual cumulative impact on the road network. Therefore, the proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
48. For the reasons given above I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission and the development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18 0744 OP01; 180744PR03 Rev C; and 18 0744 PR 06.
- 3) The total number of residential units to be provided on the site in the general locations shown on the approved Parameters Plan (Drawing Number 180744PR03 Rev C) shall be up to 330.

### *Reserved matters*

- 4) Prior to the submission of a reserved matters application relating to the layout for each approved development phase, or simultaneously with that first reserved matters application, a drainage scheme for the development phase, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31. The scheme details shall include, as a minimum:
  - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + 40% allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing as applicable;
  - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - g) Details of water quality controls, where applicable; and
  - h) Details of future maintenance.

For the avoidance of doubt, surface water must drain separate from the foul



and unless otherwise approved in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. Each reserved matter relating to layout should demonstrate compliance with the approved drainage scheme for that development phase.

No part of the development in that phase shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the approved scheme shall be retained, managed and maintained in accordance with the approved details.

- 5) Prior to the submission of a reserved matters application relating to layout for each approved development phase, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels for that development phase shall be submitted to and approved in writing by the Local Planning Authority. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.
- 6) Any reserved matters application relating to layout shall be accompanied with a noise assessment demonstrating that the noise levels set out in the supporting Noise Assessment submitted with the outline application (by PDA Acoustic Consultants ref J002528/3871/1/TD) will be achieved, together with details of noise mitigation if required to achieve the noise levels stipulated. The approved noise mitigation measures, if required, shall be provided prior to first occupation or first use of any part of the development to which they relate and thereafter shall be retained and maintained.
- 7) As part of any reserved matters application where layout is applied for, the amount, general location and type of green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan and the approved Parameters Plan (Drawing Number 180744PR03 Rev C) submitted with this application.
- 8) As part of any reserved matters application where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018).
- 9) Prior to the submission of any Reserved Matters application relating to layout, the ecological measures and survey submitted with the outline application (Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment (Rev 1.4), Cameron Crook & Associates, September 2019) shall be reviewed and, where necessary, amended and updated specifically in relation to great crested newts (Habitats Regulations 2017). The review shall be informed by further ecological surveys commissioned to:
  - i) establish if there have been any changes in the presence and/or absence of great crested newts; and
  - ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new/amended measures and a timetable for their implementation shall be submitted to and approved in writing by the local planning authority prior to the commencement

of the development. Works shall then be carried out in accordance with the proposed new approved ecological measures and approved timetable for implementation.

*Pre-commencement*

10) No development shall commence until a phasing schedule for the whole of the application site to include the approved residential and green infrastructure has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule shall include:

- a) identification of each phase of development;
- b) a construction schedule for each phase of the development including the phasing of any infrastructure (roads, drainage and associated infrastructure)

Development shall be carried out in accordance with the approved phasing schedule unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

11) Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company;
- b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments;
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

12) Prior to commencement of the development, a construction phasing programme that includes delivery and completion of the site accesses and all off-site works of highway improvement to be carried out as part of a section 278 agreement under the Highways Act 1980, shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall include:

- Blackpool Road - new priority junctions
- Blackpool Road - traffic calming / road safety scheme
- Blackpool Road / Blackpool Old Road - junction improvement the scope of which is shown on drawing 69952-CUR-00-XX-DR-TP-75005-P04

- P02
- Blackpool Road / Poulton Road signalised junction upgrade to include MOVA and PUFFIN facilities
- Tithebarn Street / Queensway signalised junction upgrade to include MOVA and PUFFIN facilities

The site accesses and off-site highway works shall be carried out in accordance with the approved phasing programme.

13) Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the demolition/construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition/construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition/construction period
- (f) arrangements during the demolition/construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition/construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition/construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) how biodiversity would be protected throughout the construction period
- (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre.

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

14) Prior to the commencement of development, a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme

implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

- 15) The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.
- 16) Prior to the commencement of development, a programme of archaeological work and investigation (which shall include the timetable for the investigation) shall be submitted to and approved in writing by the Local Planning Authority. The archaeological work and investigation shall thereafter be carried out in accordance with the approved programme.
- 17) Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars (namely Tree Survey and Arboricultural Impact Assessment Sept 2019) unless otherwise approved in writing by the Local Planning Authority.

- 18) No development shall commence until a Landscape and Habitat Creation and Management scheme (LHCMS) has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation. For the purposes of this condition the scheme shall identify:
- the retention of hedgerows and trees, or where this is not possible, sufficient replacement native tree and hedgerow planting;
  - the removal of any trees, with those which have the potential for bat

roosting to have been inspected for the presence of bats. Should any bats be found these trees shall be either retained or compensation put forwards for the potential harm to bats;

- provision of bird, bat, beetle and hedgehog boxes within the development;
- details of elements to mitigate for loss of any hedgerows, trees and bird nesting habitat;
- continuous terrestrial connectivity along the boundaries of the development for species movement and ecological connectivity across the site;
- opportunities to enhance the value of the site for wildlife through, for example, new structure planting;
- opportunities for the road infrastructure to include amphibian friendly features such as off-set gully pots and dropped kerbs and locations between ponds and adjoining hedgerows/green infrastructure;
- The use of locally native species planting specification;
- Design of attenuation ponds to hold water under normal circumstances and to include amphibian protection measures to outflows and flow control mechanisms and;
- The use of ecologically permeable boundary treatments across the site to allow the movement between green infrastructure and gardens of amphibians and small mammals such as hedgehog;
- Details of informative signage in relation to North Blackpool Pond Trail and any new countryside furniture/path/surfacing details; and
- Details of management and maintenance arrangements of each of the above.

The development shall be carried out in accordance with the approved scheme.

*Before development above slab level*

- 19) Prior to the commencement of above ground development, a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

*Before first occupation*

- 20) Prior to first occupation of any dwelling a Framework Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe such as on first occupation or other identifiable stage of development. Where the Local Planning Authority approves a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.
- 21) A scheme for the provision of electric vehicle recharging points (EVCP) shall be submitted for all dwellings with parking provision within each approved development phase unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle

- recharging point shall be maintained and retained for that purpose thereafter.
- 22) Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and approved in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours in the vicinity of the housing development on public rights of way along with what would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future homeowners in line with the approved methodology.
- 23) No dwelling hereby permitted shall be occupied until the adjacent agricultural buildings at Woodhouse Farm located to the southwest of the application site, as shown within the blue edge on the approved Site Location Plan (and identified to be demolished on the Proposed Plan ref: 180744PR06), shall be fully demolished to at least ground level and all demolition waste shall be removed from the land.

*Other*

- 24) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.
- 25) Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment for that shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

END OF SCHEDULE



## APPEARANCES

### FOR THE APPELLANT:

David Manley	Of Queens Counsel, instructed by Blackpool Council
Aaron Tiley	Curtins
Alexis De Pol	De Pol Associates

### FOR THE LOCAL PLANNING AUTHORITY:

John Hunter	Counsel, instructed by Wyre Borough Council
Karl Glover	Wyre Borough Council
Gemma Wheatley	SCP Transport
Carmel White	Wyre Borough Council
Councillor Peter Le Marinel	Wyre Borough Council
Councillor Phil Orme	Wyre Borough Council

### INTERESTED PARTIES:

L Kennedy	
Janet Lawson-Marsden	Lancashire County Council
Callum Torrans	Lancashire County Council
Catherine Greener	Wyre Borough Council
Carmel White	Wyre Borough Council
Kate Owens	Wyre Borough Council
Janice Crompton	
Charles Crompton	
Talha Yakub	Blackpool Council
Rick Dewhurst	Blackpool Council
David Fish	Blackpool Council
Owen Greenop	Blackpool Council
Rebecca Ridgway	Blackpool Council
Brian Ward	NWLP

## DOCUMENTS

- 1 – Draft Unilateral Undertaking
- 2 – Screenshots of **Council's VISSIM model**





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## Appeal Decision

Hearings held on 9 January and 21 February 2018

Site visit made on 9 January 2018

**by Mike Fox BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22<sup>nd</sup> March 2018.**

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**Appeal Ref: APP/D3315/W/16/3157862**

**Land at Hartnell's Farm, Monkton Heathfield Road, Monkton Heathfield, Taunton, Somerset, TA2 8NU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
  - The appeal is made by Strategic Land Partnerships against the decision of Taunton Deane Borough Council.
  - The application Ref 48/16/0033, dated 27 April 2016, was refused by notice dated 30 August 2016.
  - The application sought outline planning permission for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at **Hartnell's Farm, Monkton Heathfield without complying** with a condition attached to planning permission Ref 48/13/0008, dated 26 November 2015.
  - The condition in dispute is No 12 which states that: *No more than 150 dwellings shall be constructed and occupied until the Western Relief Road, as required by the Taunton Deane Core Strategy, has opened for use.*
  - The reason given for the condition is: *In the interests of highway safety and to ensure that the development does not result in an unacceptable overloading of the existing highway network.*
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### Decision

1. The appeal is allowed and outline planning permission is granted for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved **including the point of access on land at Hartnell's Farm, Monkton Heathfield** in accordance with application Ref 48/16/0033, dated 27 April 2016 without compliance with condition number 12 previously imposed on planning permission Ref 48/13/0008, dated 26 November 2015 and subject to all the other conditions imposed on that permission.

### Preliminary Matters

2. A second application (Ref 48/16/0025), which is a resubmission of the appeal application (same proposal, same site), was granted planning permission on 26 May 2017. Unlike the appeal application, the second application includes a Section 106 Agreement, which makes provision for a financial contribution of £1 million towards the provision of the Western Relief Road (WRR) prior to or on commencement of development.

3. Although all matters were reserved in the original outline application for future approval, an illustrative layout drawing shows a possible location for the vehicular access in the form of a priority junction. The Appellant also indicated that the precise form of this access would be determined in consultation with the highway authority, including the possibility of either a signalised junction or a roundabout, and a couple of options were submitted<sup>1</sup>.
4. In determining the appeal, I have taken account of the Statement of Common Ground (SCG), dated December 2017, signed by the Appellant and the Local Planning Authority. This document states both the areas of agreement and those aspects which are still an issue between the main parties.
5. The areas of agreement state: (i) housing land supply figures are not relevant to the determination of this appeal; (ii) the dispute over the impact of the proposed development on the local highway network is confined to the junction **of the A3259, Milton Hill and Greenway**; (iii) **the highway authority's** automatic traffic counter (ATC) data is correct and can be relied upon; (iv) the development and occupation of 320 dwellings on the appeal site will not have a severe impact on the highways network; (v) the traffic on the network in 2017 is lower than that forecast in 2013 for 2018; and (vi) there is a planning permission for the construction of the WRR, which must be implemented by 9 March 2018, and a mechanism for its funding is included within a signed Memorandum of Understanding (MOU).
6. The matters still in dispute centre on traffic considerations and partly cut across the areas of agreement. In particular, the highway authority contends **that the Appellant's conclusions** on the traffic counts since the introduction of the Bridgwater Road bus gate are premature, and that there is insufficient evidence to conclude that the traffic pattern will settle at the current recorded level. I will address this matter later in my decision.

### **Main Issue**

7. The main issue is whether condition no (12) attached to planning permission Ref 48/13/0008 is necessary and reasonable for the satisfactory development of up to **320 dwellings at Hartnell's Farm**, having regard to the impact of the 'full' proposal on the local highway network, including the principles of sustainable development, highway safety and the satisfactory flow of traffic.

### **Reasons**

8. The appeal site is agricultural land, to the north-west of the A3259 main road, about 5 kilometres north-east of Taunton town centre. The 16.1 ha site lies on the north-west edge of the Monkton Heathfield urban extension, which is being developed into a large, sustainable neighbourhood.

### ***Policy background***

9. Policy SS1 of the Core Strategy<sup>2</sup> makes provision for a new sustainable neighbourhood comprising 4,500 new homes, in addition to 22.5 ha of employment land, other community uses and strategic landscaping, to be delivered at Monkton Heathfield. This will form phase 1 of a north-eastern urban extension of Taunton. In addition to the number of homes in Phase 1,

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<sup>1</sup> Hearing Document 12.

<sup>2</sup> Adopted Taunton Dean Core Strategy 2011-2028; September 2012.

the Council has agreed to the release of interim sites, such as **Hartnell's Farm**, to ensure a 5 year supply of available housing land in the Borough.

10. Policy SS1 highlights the importance of strategic highway improvements as part of an integrated strategy for the new development at Monkton Heathfield. Improvements to the A38 and A3259 are identified as a prerequisite of the urban extension, and the policy identifies two specific highway schemes as part of its approach. The first is a new eastern development spine, the Eastern Relief Road (ERR) which has recently been opened to traffic. It is designed to be converted to a dual carriageway should this be necessary.
11. The second scheme is a new western development spine, the Western Relief Road (WRR), to the south-west of the appeal site. The WRR has not been constructed in its entirety<sup>3</sup>, and it is a material consideration in this appeal. In addition, the former A38 at Bridgwater Road has been closed to private vehicles, with the implementation of a bus gate at its southern end. Through traffic has been diverted to the ERR, which is now designated as the A38. A second bus gate is proposed on the A3259, just to the north of the appeal site, with through traffic to be diverted to the ERR, to be implemented once the WRR is open to traffic.

### ***The Main Issue – Highways Impact***

12. The role of the WRR, which is identified on the Monkton Heathfield Concept Plan in the Core Strategy, is to connect the A38 and the A3259 on a route to the south-west of Monkton Heathfield. By linking these two roads, and connecting to the ERR, the WRR will take a significant amount of the existing vehicular traffic using the A3259, which will provide access to the appeal site.
13. The Council considers that condition (12), which limits the number of dwellings that can be constructed and occupied to 150 on the appeal site until the WRR has opened for use, is necessary for highway safety and to ensure that the proposal does not result in a cumulative severe vehicular impact on the existing highway network.
14. The Council considers that the cumulative impact on the existing A3259, including the operation of the A3259/Greenway/Milton Hill junction, and the Milton Hill/Bridgwater Road junction, which is located a short distance to the south of the appeal site in the absence of condition (12) would be severe<sup>4</sup>. It therefore considers that the proposal would be contrary to paragraph 32[3] of ***the Framework***<sup>5</sup>, which states that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
15. There is no definition of the term 'severe' in either ***the Framework*** or in the **Government's Planning Practice Guidance (PPG)**. There was a discussion at the Hearing into what is meant by 'severe', and the Appellant drew my attention to an appeal decision and an Inspector's report to the Secretary of State which consider the term<sup>6</sup>. In the report to the Secretary of State<sup>7</sup>, the Inspector

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<sup>3</sup> A short section of the WRR has been built at the eastern end of the route, to enable access to the housing development at Agin hills.

<sup>4</sup> This was confirmed at Day 2 of the Hearings and in the Appellant's Technical Note 2, Section 1 – Introduction and Overview.

<sup>5</sup> DCLG: National Planning Policy Framework (NPPF) (***the Framework***); March 2012.

<sup>6</sup> Hearing Documents 8 and 9.

<sup>7</sup> Hearing Document 8.

comments (paragraph 34) that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: *"The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion"*. I agree with my colleague's comments, which have influenced my determination of the appeal...

16. In the above mentioned appeal decision<sup>8</sup>, the Inspector considers (paragraph 25f), and I agree with him, that the queuing of vehicles is a relevant matter in looking at cumulative impact of development on the local highway network.
17. The main parties considered that the critical elements in assessing whether the impact was severe were firstly, increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety. In addition, the ability for pedestrians to cross the main road conveniently and safely and the ease of vehicles to gain access to the main road from side streets and access points, were agreed to be important factors in assessing potential severity of impact.
18. In considering whether the cumulative impact of the 'full' proposal at Hartnell's Farm on the local highway network would be 'severe' (i.e. with the removal of condition (12)) and in the light of the written submissions and discussion at the Hearings, I have identified four relevant considerations:

***Consideration 1 – Projected traffic flows on the A3259 Corridor as a result of the full proposal in terms of congestion and highway safety***

19. In looking at the projected traffic flows along the A3259, it is necessary to consider the impact of the full development on **the 'carrying capacity' of the road**; would it significantly erode the free flow of traffic and driver/pedestrian safety and would the critical junctions be overloaded?
20. **The Appellant's Technical Note 2 (TN2)**, dated January 2014, analyses traffic conditions at both the Milton Hill/A38 (now the declassified Bridgwater Road) junction and the A3259/Greenway Junction. It is based on three development scenarios over the period 2015 - 2020, for 100, 150 and 320 units of housing.
21. TN2 states that in the forecast year 2020, the Milton Hill/Bridgwater Road junction would continue to function "comfortably", even with the full 320 dwellings at the appeal site.
22. The modelling for the A3259/Greenway Junction, however, reveals serious congestion, even at the 2015 baseline scenario. It is expected to continue to operate above the 85% threshold. However, TN2 shows that with the inclusion of the proposed signalised crossings on the A3259, this figure reduces from 109% capacity, in the 150 dwelling scenario, to 100.1%, for the AM peak, i.e. 9% betterment, with a slight rise to 103.0% for the PM peak, still representing a substantial betterment over the 2020 base year. The 320 dwelling scenario gives a higher figure of 103.9% in the AM peak and 105.6% for the PM peak.
23. TN2 concluded **that the development at Hartnell's Farm should be capped at 150 dwellings until such time as both the ERR and WRR were constructed and opened to public use, based on the operational capacity of key pinch points**

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<sup>8</sup> Hearing Document 9.

- (i.e. the two above-mentioned junctions) being safeguarded within reasonable levels. TN2 was also prepared against an expectation by the main parties that **the development of the WRR was "imminent"**.
24. Two updated traffic reports were submitted by the Appellant since TN2. The first, dated January 2016, showed traffic growth was lower than forecast when the original Transport Assessment (TA) was produced in 2013. The highway authority stated that January is not considered **to be a 'neutral' month for traffic surveys**<sup>9</sup>, and considered the timing of the survey to be premature in being able to assess the full effects of the recent opening of the ERR, whilst there were also several temporary road closures in the area at that time. However, the SCG's Matters of Agreement (section 7, bullet point 7) indicate that the actual traffic on the network in 2017 is lower than that forecast in the 2013 TA for 2018<sup>10</sup>.
  25. Concern was expressed by the highway authority that the full effect of the implementation of the Bridgwater Road bus gate in September 2017 could result in increased traffic using the A3259 past the appeal site; ideally, more time was needed to understand the effects of both the ERR and the bus gate on traffic patterns in Monkton Heathfield.
  26. The Appellant submitted a further updated traffic statement, 'Supplementary Transport Statement of Evidence (STS) No 3'<sup>11</sup>, dated 14 February 2018. It provides data based on highway authority vehicle counts at its ATC on the A3259, a short distance to the north-east of the appeal site. This shows four months of traffic data recorded since the implementation of the Bridgwater Road bus gate, i.e. from September to December 2017. The STS shows not only a fall for both AM and PM peak traffic from October to December in 2017 compared to 2016, but importantly, a sharp decline in both the AM and PM peaks to below the December 2016 levels, in the region of 8.6% for the AM peak and 10.3% for the PM peak.
  27. The veracity of these traffic figures was not challenged by the local planning authority, although members of the public pointed out that even if the amount of traffic has declined (which they doubted), the noise impact from large vehicles using the A3259, especially after midnight, remains high. In view of the late submission of the STS, and little officer time to digest it, the local planning authority was given additional time to make a written response.
  28. It appears from the latest data that traffic has adjusted to both the Bridgwater Road bus gate and the ERR. There is no evidence to suggest that more traffic will use the A3259 in preference to the ERR. In fact the opposite appears to have happened. The ERR would be the **'obvious' through route for the majority** of drivers, even before the opening of the WRR, in terms of signing and quality/alignment of the highway, whilst the proposed pedestrian crossings on the A3259 and the impact of the proposed access to the appeal site would further discourage traffic from using this route. An additional supporting factor is that the ERR provides direct access to the M5 as well as to Taunton town centre.

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<sup>9</sup> DMRB Volume 13, Part 14.

<sup>10</sup> This conclusion is also set out in SCDC's second bullet point in its comments on the Appellant's Rebuttal, in the form of a Memorandum dated 20 December 2017 (although the date is given erroneously as 2018).

<sup>11</sup> Examination Document 13.

29. Both main parties submitted late final documents: a SCC Memorandum<sup>12</sup> maintaining its concern that the removal of the 150 dwelling cap would be premature, and a response by the Appellant<sup>13</sup>, arguing that the latest figures show an overall decrease in peak hour traffic between 2016 and 2017. Whilst I accept there has been relatively little time since the implementation of the Bridgwater Road bus gate in September 2017, the SCC Memorandum acknowledges **"some spare capacity" due to considerable network changes**, and the ATC figures show a decrease in traffic for eight out of the twelve months over 2016/17, including a significant decrease in the December totals. I accept that part of the reason for the overall drop in peak flows could be that the peak period has spread from one to over two hours in recent years, but the fact remains that the figures show an overall reduction in peak traffic.
30. Based on the above information, and in particular the additional, updated highway survey work in the STS and the highway authority's acceptance at the Hearing that the projected traffic numbers have fallen, I do not agree that the cumulative traffic impact generated by the increase from 150 to 320 dwellings **at Hartnell's Farm would** result in unacceptable congestion on the A3259 in the vicinity of the appeal site. On this basis, I conclude that the impact would not be 'severe' with reference to paragraph 32 of *the Framework*.

### ***Consideration 2 - Infrastructure improvements along the A3259 Corridor***

31. The Appellant argues that the existing and proposed infrastructure improvements along the A3259 Corridor would enhance pedestrian access both along and across the main road, and enable key junctions to operate within capacity. These improvements include the following:
- (i) Relocated 30 mph speed limit sign further to the north-east, to reduce legal vehicle speeds at the entrance to the **Hartnell's Farm**. This is to be reinforced by a village gateway feature.
  - (ii) Three signalised pedestrian crossings on the A3259 between its junction with the A38 to the north-east and Yallands Hill to the south-west, one of which is in place and operational.
  - (iii) Sections of footway along the A3259 are to be improved to ensure a continuous 1.8-2m width.
  - (iv) Several junctions are to be improved, most notably Greenway/Milton Hill/A3259.
  - (v) **The proposed access to Hartnell's Farm is to be in the form of either a roundabout or a signalised T junction.**
32. These improvements would slow traffic and break up the continuous flow of vehicles **into what were described at the Hearing as 'platoons'**, which would allow for the emergence of gaps to enable turning traffic to manoeuvre safely. **The Appellant's modelling**<sup>14</sup> shows that although vehicle delays would increase, this is not sufficient to cause a material impact on the road network.
33. **I find no reason to doubt the robustness of the Appellant's traffic modelling.** The projected traffic flows, delays and queue lengths would not be sufficient to

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<sup>12</sup> Examination Document 26.

<sup>13</sup> Examination Document 27.

<sup>14</sup> For example included within the Appellant's Transport Statement; August 2016.



cause material harm to either safety or ease of traffic flow along the A3259 corridor, or to any other parts of the local highway network. On the basis of the traffic data discussed at the Hearing, I consider that the existing and proposed infrastructure improvements along the A3259 Corridor would improve pedestrian movement along and across the main road. I therefore do not consider that the impact on highway safety or on ease of traffic movement **could be classified as 'severe'**.

### ***Consideration 3 – The potential for sustainable transport***

34. The Appellant argues that the sustainable location of the appeal site means that it is likely that a high proportion of trips could take place by sustainable means without using the private car.
35. Clearly, not everyone would stop driving cars along the A3259 as a result of public transport improvements. I consider, however, that the combination of **the appeal site's proximity to several facilities and services, such as** schools and shops, and the likelihood of significant improvements to bus services (including the Taunton-Bridgwater rapid transit bus proposal), cycling and pedestrian routes coming to fruition, will have some effect in reducing the growth of vehicular traffic along the A3259.
36. From the evidence before me, I expect the proposals for sustainable transport along the A3259 would have some effect on reducing the volume of traffic, even if the amount of modal shift from the car turns out to be less than expected. I have already stated that the traffic impact of the full proposal would not be **'severe'**, so the effect of any modal shift would be likely to improve an already non-severe impact on the local highway network.

### ***Consideration 4 – Implementation of the Western Relief Road (WRR)***

37. Both parties agreed that the delivery of the road is not straightforward. The Council's situation update on the implementation of the WRR<sup>15</sup> maintains it is a critical part of the proposed strategic highway network for the new community of Monkton Heathfield, as outlined in Policy SS1. It states that its detailed design is almost complete, with the only matter holding back its delivery being the lack of a £1 million contribution, included in the Section 106 Agreement accompanying the second application for the same scheme (see Preliminary Matters above). The Council also stated its intention to start work on the WRR by 9 March 2018, before the expiry of the planning permission. It submitted a plan<sup>16</sup> showing the critical importance of the WRR in relieving the A3259.
38. The Council also submitted a schedule of estimated costs for the delivery of the WRR<sup>17</sup>, amounting to £5.4 million, and outlined its concern that, in the absence of funding from the Appellant, there could be further delay in the delivery of this road. In the absence of the necessary funding for the WRR to come forward in the near future, the Council, supported by SCC, stated that the **development of the full planning permission at Hartnell's Farm** would result in severe cumulative highway impact. However, at the Hearing, the Council stated it would look to other potential finance to complete the road, such as through **the Borough's** recently granted Garden City status.

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<sup>15</sup> Hearing Document 6.

<sup>16</sup> Hearing Document 2.

<sup>17</sup> Hearing Document 19.



39. The Appellant states<sup>18</sup> that the delivery of the WRR is in the hands of a third party, the Persimmon/Redrow Consortium (PRC) and that the Council is a party to the second deed of variation to a unilateral undertaking made under Section 106 of the Act<sup>19</sup> in relation to the planning application for Phase 1 of the Monkton Heathfield urban extension. The significance of this document is that it gives the owners at their absolute discretion up to ten years to complete the WRR. The Council has also removed the cap on the number of dwellings PRC can build without the completion of the WRR, from 651 to 900 dwellings on this phase. This indicates an acceptance by the Council that some latitude in the absence of the WRR is acceptable.
40. Despite the second deed of variation, it seems likely that the PRC will be keen to develop more than 900 dwellings on their land at Monkton Heathfield, and that it will be in their commercial interests to ensure the delivery of the WRR in the short term. From the evidence submitted and discussed at the Hearing, I consider that there is a realistic prospect of additional resources, either from the Council or the PRC, to construct the WRR in the short term.
41. However, the precise timing of the delivery of the WRR is unclear at this time, and the key question is whether the WRR is critical to the delivery of the full application without resulting in severe cumulative traffic impact.

### ***Main Issue - Conclusion***

42. From the first three considerations, all of which have as their context the lack of the WRR, I consider that the full **proposal at Hartnell's Farm** would not result in unacceptable congestion on the A3259; it would not significantly harm highway safety or ease of traffic movement; and the proposed sustainable transport measures would further reduce the traffic impact to a degree. Without the WRR, the evidence conclusively demonstrates that the cumulative traffic impact of the full proposal would not be severe, and as such it would not be contrary to national planning policy or the development plan.

### **Housing land supply**

43. Although it is not my remit to consider whether the Council has a five year housing land supply, the amount of housing that the site could deliver within five years was contested between the main parties and is relevant.
44. **The Council's** Strategic Housing Land Availability Assessment (SHLAA)<sup>20</sup> estimates a delivery rate of 50 dpa **at Hartnell's Farm from 2018/19, meaning** the site has a build life of about 6-7 years. These figures could be optimistic, given that planning permission for the appeal site is in outline, with all the reserved matters still to be determined. However, a second developer has expressed an interest to work on the site<sup>21</sup>, effectively giving it dual branding. I therefore consider that the figure of 50 dpa in the SHLAA is realistic. On this basis, it is reasonable to assume that the 150 dwelling cap, as required by condition (12) would not be breached until year 4, by which time it is likely that the WRR would be open to traffic. If the above scenario comes to fruition, the highways impact issue, as identified by the Council, is unlikely to happen.

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<sup>18</sup> Hearing Document 14.

<sup>19</sup> Hearing Document 16.

<sup>20</sup> SHLAA, Taunton Urban Area Trajectory, site 48/13/00080A Hartnell's Farm; dated March 2017

<sup>21</sup> Hearing Document 6.

## The Planning Balance

45. The principal benefit of deleting condition (12) is the opportunity to bring forward the delivery of an additional 170 dwellings on the appeal site. If the entire complement of up to 320 dwellings were developed within 5 years, (which I consider to be possible but unlikely), the site would be able to contribute even more effectively **to the Council's 5 year housing land supply, as required by paragraph 47 of *the Framework***. I have therefore given substantial weight to this consideration in determining the appeal.
46. The potential harm relates to whether the traffic impact generated by the additional 170 dwellings over the 150 dwelling cap would result in a severe cumulative impact on the local highway network, such that it would be contrary to national policy as set out in paragraph 32 [3] of *the Framework*. I find that:
- Traffic generation could be absorbed by the highway network without undue congestion, in the context of peak flows on the A3259 that have declined over the period 2016-2017;
  - The proposed infrastructure improvements along the A3259 would enable the safe and convenient movement of traffic, both along the main road and for gaining access/egress to/from the surrounding areas;
  - The potential for modal shift to bus, cycle and pedestrian movement would further limit vehicular traffic increase on the A3259; and
  - It is reasonable to assume that the WRR would be completed and open to traffic in the near future and certainly within five years, by which time at a rate of 50 dpa, only about 250 out of the **320 dwellings at Hartnell's Farm** would have been completed. **However, even if the WRR's** implementation is further delayed the development of the full proposal would not result in a severe cumulative impact on the A3259.
47. On the basis of my findings, I consider that the benefit of allowing the appeal outweighs the cumulative impact on the local highway network following the implementation of the proposed development, which, without the imposition of condition (12) would be less than 'severe'. As such there is no sound basis for placing a restriction on the number of dwellings to be built and occupied on the site prior to the opening of the WRR. Based on these considerations, Condition (12) becomes redundant.

## Other conditions

48. At the Hearing, the main parties agreed that the remaining conditions attached to the original planning permission Ref 48/13/0008 were still appropriate and complied with the requirements set out in paragraph 206 of *the Framework*. Having read these conditions, I consider that they all comply with national policy and I shall impose all of them, with the exception of course of condition (12). In the event that some of these conditions may have been discharged, that is a matter which can be addressed by the parties.

## Conclusion

49. Taking account of the above considerations, the disputed condition (12) is not justified, having regard to national policy and the development plan. For the reasons given above and having regard to all other matters raised, I conclude

that the appeal should be allowed and that condition (12) should be deleted. All the other conditions imposed on planning permission Ref 48/13/0008 are not at issue and are not changed by my decision.

*Mike Fox*

INSPECTOR

## APPEARANCES

FOR THE APPELLANT:

Celina Colquhoun	Counsel
Jeremy Penfold	WSP
Tim Baker	Strategic Land Partnerships
Phil Jones	Turley

FOR THE LOCAL AUTHORITY:

Julie Moore	Taunton and Deane Borough Council
Helen Vittery	Somerset County Council
Lisa McCaffrey	Somerset County Council

INTERESTED PERSONS

Cllr Norman Cavill	West Monkton Parish Council
Barry Gage	Resident
Michael Plaister	Resident
Mrs Plaister	Resident
Jeanette Weston	Resident

## DOCUMENTS SUBMITTED ON OR AFTER THE HEARING

1. Plan showing infrastructure improvements along the A3259 in the vicinity of **Hartnell's Farm**; submitted by Taunton Deane Borough Council (TDBC).
2. Plan showing location of the Western Relief Road (WRR), Eastern Relief Road (ERR), the A3259 and the Appeal Site; submitted by TDBC.
3. Statement of Common Ground (SCG) signed by the main parties, dated 20 December 2017 and 5 January 2018; joint submission.
4. Plan showing new housing, both built and committed/proposed at Monkton Heathfield, showing Persimmon/Redrow Consortium (PRC) developments as well as the appeal site; submitted by TDBC.
5. Unilateral Undertaking under Section 106 of the TCP Act 1990 relating to land at **Hartnell's Farm, dated 4 January 2018; submitted by Appellant.**
6. Situation update on the implementation of the WRR; submitted by TDBC, dated 2 February 2018.
7. Master Plan for Monkton Heathfield/Bathpool at 1:2,000 scale, dated 02/05/2016; submitted by Somerset County Council (SCC).
8. Report of Inspector to Secretary of State Ref APP/U1105/A/13/2208393 for land at Pinn Court Farm, Pinn Hill, Exeter, EX1 3TG, dated 20/03/2015; submitted by Appellant.

9. Appeal Decision Ref APP/Y1138/W/17/3172380 for land off Silver Street, Willand, Devon, dated 3 November 2017; submitted by Appellant.
10. Record of Attendance, Day 1, dated 9 January 2018.
11. Document of Clarification regarding points within Section 7 of SCG, dated 1 February 2018; submitted by SCC.
12. Plan Ref 1492-SK-04 Monkton Heathfield/Bathpool Overview, showing new housing, both built and committed/proposed at Monkton Heathfield; submitted by TDBC.
13. Supplementary Transport Statement (STS) of Evidence no 3 – 14 February 2018; submitted by WSP on behalf of Appellant.
14. E-mail from Turley addressing (i) housing land supply and delivery rates; (ii) timescale for construction of WRR; and (iii) comments on third party representations; submitted on behalf of Appellant, dated 30 January 2018.
15. Annex 1 to Turley letter (Document 14); submitted by David Wilson Homes on behalf of Appellant, dated 5 January 2018, concerning build out rates.
16. Second Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Taunton Deane Borough Council in relation to a Unilateral Undertaking made under Section 106 of the Act, dated 18 April 2008; submitted by Appellant.
17. Third Deed of Variation between Persimmon Homes Ltd, Redrow Homes Ltd and Somerset County Council in relation to an Agreement made under Section 106 of the Act, dated 14 April 2008; submitted by Taunton Deane Borough Council.
18. Extract from Somerset Local Transport Plan, dated November 2011; submitted by SCC.
19. Appendices A and B of MOU between main parties on estimated costs associated with delivery of WRR and contributions to delivery of WRR, dated 2 February 2018; submitted by SCC.
20. **E-mail from TDBC, commenting on Appellant's e-mail of 30 January 2018**, dated 2 February 2018.
21. E-mail from SCC as lead local flood authority regarding flood risk, dated 24 January 2018.
22. Plan showing Phase 2 of Monkton Heathfield, dated 25 April 2017; submitted by TDBC.
23. **Land at Hartnell's Farm, Monkton Heathfield**-Schedule of housing numbers related to TDBC Plan; submitted by SLP.
24. Letter from Sarah Nicole to Cllr Cavill; submitted 21 February 2018 by Cllr Cavill.
25. Record of Attendance, Day 2, dated 21 February 2018.
26. **Memorandum from SCC to PINS in response to Appellant's STS No 3 (Document 13)**, dated 26 February 2018.
27. WSP Response to SCC Memorandum dated 26 February 2018 (Document 26), dated 6 March 2018.

## **APPENDIX HR9**

# **FUTURE OXFORDSHIRE PARTNERSHIP MEETING HFI PROGRAMME**



**To:** The Future Oxfordshire Partnership

**Title of Report:** Oxfordshire Housing and Growth Deal: Update at the end of Quarter 1 2023/24

**Date:** 26 September 2023

**Report of:** Director of Finance, Oxfordshire County Council  
(Accountable Body)

**Status:** Open

**Executive Summary and Purpose:**

The purpose of this report is to update the Future Oxfordshire Partnership on progress, spend and housing delivery for schemes included as part of the Oxfordshire Housing and Growth Deal. The report provides updates on the following funding streams as at the end of Quarter 1 2023/24:

- Housing from Infrastructure (Hfl) programme
- Growth Deal Capacity Fund

The report is prepared by the Director of Finance for Oxfordshire County Council in the capacity of Section 151 Officer of the Accountable Body for the Oxfordshire Housing and Growth Deal and gives assurance over the grant funding and expenditure.

**How this report contributes to the Oxfordshire Strategic Vision Outcomes:**

The Oxfordshire Housing and Growth Deal has a key role to play in delivering well-designed infrastructure and homes, sufficient in numbers, location, type, size, tenure, and affordability to meet the needs of the county, as set out in the Strategic Vision [here](#).

**Recommendation:**

The Future Oxfordshire Partnership are asked to note the financial position as at the end of June 2023.

**Appendices:**

Annex 1: Housing from Infrastructure (Hfl) Programme

## **1.0 Introduction**

1.1 This report sets out the financial position for the remaining two strands of the Oxfordshire Housing and Growth Deal as at the end of June 2024 as well as an update on housing numbers achieved as a result of the programme.

- Housing from Infrastructure (Hfi) Programme.
- Growth Deal Capacity Fund.

1.2 The report is prepared by the Director of Finance for Oxfordshire County Council (the County Council) in the capacity of Section 151 Officer of the Accountable Body for the Oxfordshire Housing and Growth Deal and gives assurance over the grant funding and expenditure.

## **2.0 Oxfordshire Housing and Growth Deal Fund Financial Governance**

2.1 In accordance with the Oxfordshire Housing and Growth Deal Delivery Plan, the County Council is the accountable body for the financial management of the remaining two financial streams. A quarterly report is provided to the Future Oxfordshire Partnership. Responsibility for the management of each financial stream is held by the programme lead.

2.2 The Terms of Reference and Memorandum of Understanding for the Future Oxfordshire Partnership have been updated to reflect the conditions set out by the Department for Levelling Up, Housing & Communities ([DLUHC](#)) in [December 2022](#).<sup>1</sup> Specifically in relation to the Homes from Infrastructure programme, being the remainder of the Oxfordshire Housing and Growth Deal, Oxfordshire County Council shall :

- make all decisions on the allocation of the remaining grant funding agreed by Government
- prioritise and allocate funding and be accountable for the delivery of projects funded by this funding stream
- act reasonably and in good faith, modelling positive partnership behaviour specifically by making no changes to the programme without careful consultation with affected district partners, and by not seeking to remove schemes from the programme or to reduce their scope as long as they remain on track for delivery on time and within budget

2.3 The County Council also holds the risk should Government require funding to be repaid if it is unspent or deemed to have been misused.

## **3.0 Financial Summary as at the end of Quarter 1 2023/24**

### **3.1 Housing from Infrastructure Programme**

3.1.1 £150.0m grant funding supporting the Housing from Infrastructure Programme was agreed on the basis it would accelerate the provision of at least 6,549 planned homes that might not otherwise have come forward at this pace. The programme comprises schemes covering road, rail, cycle routes and footpaths, as well as a school. Schemes may be either fully or part funded via the programme.

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<sup>1</sup> See Item 6 of the agenda for the Future Oxfordshire Partnership on 20 March 2023.



- 3.1.2 £120.0m of the grant funding was received by the end of 2021/22. The remaining £30m will need to be claimed retrospectively and is subject to the conditions set out by [DLUHC in December 2022](#).<sup>2</sup>. In response to this letter, and following discussions with the Future Oxfordshire Partnership, Oxfordshire County Council wrote to DLUHC and Homes England in March 2023 confirming acceptance of the final funding and agreement to the associated governance and reporting requirements.
- 3.1.3 Grant funding of £143m is expected to be used to support capital expenditure and £7m has been used to fund revenue costs associated with the Housing from Infrastructure programme.
- 3.1.4 In accordance with the new conditions, funding already received along with amounts available as a result of previous funding switches have to be utilised before the remaining £30m growth deal funding can be claimed. These switches, for which alternative funding sources were in place, amount to £49m. This means that spend of £169m in total must be demonstrated before any further funding can be claimed.
- 3.1.5 Annex 1 sets out the total expenditure on the capital element of the Growth Deal programme up to 31 March 2023 (excluding previous funding switches) of £66m compared to the capital funding received to date of £113m (£120m less £7m revenue funding). Expenditure in Quarter 1 of 2023/24 was £4.1m.
- 3.1.6 On the basis of the current programme, forecast spend is £24.7m in 2023/24. A further £53.5m is expected to be spent in 2024/25 with an additional £1.5m retained for safety audits after 31 March 2025. These forecasts are based on the grant allocations and project delivery timeframes as reported in the capital programme to Cabinet in July 2023.

## **3.2 Growth Deal Capacity Fund**

- 3.2.1 The Growth Deal Capacity Fund totals £5.0m. The first instalment of £0.5m was received in 2017/18, followed by £2.5m in 2018/19 and £2.0m in 2019/20.
- 3.2.2 The funding was expected to be used over the life of the programme which was originally planned to run from 2017/18 to 2022/23. Costs expected to be met from the Capacity Fund were:
- Housing Delivery: Staff costs for the core Housing and Growth Deal team.
  - Delivery of the Oxfordshire Joint Statutory Spatial Plan including staff costs.
  - Feasibility: costs of feasibility works including Rail Connectivity Study (part funding) and Oxfordshire Infrastructure Strategy (OxIS) refresh.
- 3.2.3 At each year end, funding that has not been spent has been carried forward through the County Council's earmarked reserves.
- 3.2.4 £1.3m remained available as at 31 March 2023. Actual spend during quarter 1 of 2023/24 was nil.

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<sup>2</sup> See Item 6 of the agenda for the Future Oxfordshire Partnership on 20 March 2023.

3.2.5 Approximately half of the remaining balance is currently committed towards Oxfordshire Infrastructure Strategy (OXIS), Staffing and Net Zero Route Map & Action Plan. Plans for the remaining balance will be determined later in the year.

#### **4.0 Financial Implications**

4.1 The report sets out the financial update at the end of Quarter 1 of 2023/24 for the remaining two strands of the Oxfordshire Housing and Growth Deal.

4.2 On the basis that all existing and recycled funds need to be fully utilised before any further grant funding can be claimed, Annex 1 sets out the forecasted spend position with the expectation that the remaining grant allocation of £30m will be required in 2024/25.

4.3 Since no funding will be available beyond the 2024/25 financial year action is being taken by Oxfordshire County Council as the Accountable Body, in consultation with the relevant district as appropriate, to manage the programme to ensure that any increases in project/programme spend can be met within the available funding and that there is no unfunded spend after 31 March 2025.

#### **5.0 Legal Implications**

5.1 In accordance with the Oxfordshire Housing and Growth Deal Delivery Plan, the County Council is the accountable body for the financial management of the two remaining key financial streams.

5.2 Revised Terms of Reference and the Memorandum of Understanding were endorsed by the Future Oxfordshire Partnership on 13 June 2023 and approved by all of the constituent local authorities during July 2023.

5.3 There are no legal implications arising directly from this report.

#### **6.0 Risk Management**

6.1 As noted in previous updates the availability of workforce and materials and inflationary increases in contract prices have increased risks around the deliverability and cost of capital schemes. With a significant number of the Housing from Infrastructure schemes still to enter contract let, the overall financial risk to the programme remains high but this is being monitored and further changes to manage the overall programme will be considered as necessary.

6.2 The cost of the North Oxford Corridor (Loop Farm to Cassington Road) scheme has increased during construction. An additional £2.4m Growth Deal funding will need to be allocated to the scheme to ensure that it fully delivers all of its benefits including key active travel improvements.

6.3 Further adjustments totalling £0.250m are needed to allow the following schemes to enter into contract; Benson Relief Road, North Oxford Corridor (Kidlington) as well as Wantage Eastern Link Road and Banbury Road Roundabout.

- 6.4 After taking account of these changes, and as shown in Annex 1, the Growth Deal programme is currently over-profiled by £2.650m compared to the available funding.
- 6.5 Adjustments to ensure a balanced programme, taking account of the latest updates on scheme costs, the completion of negotiations on land acquisition and discussions with Homes England around securing additional funding for the A34 Lodge Hill Junction will be discussed with the relevant district or the City Council and shared with the Future Oxfordshire Partnership for endorsement in October 2023.

## **7.0 Conclusion**

- 7.1 This report sets out an update on the actual and forecast spend against the Oxfordshire Housing and Growth Deal funding streams at the end of Quarter 1 2023/24 and housing delivery.
- 7.2 The Future Oxfordshire Partnership is asked to note the updates set out in the report.

Report Author:	Lorna Baxter, Director of Finance & S151 Officer
Contact information:	Kathy Wilcox, Head of Financial Strategy
	Tel: 07788 302163



GROWTH DEAL SCHEMES	Total Expenditure Year 1 - Year 5	2023/24 Planned Expenditure	2024/25 Planned Expenditure	£1.5m Retention (safety audits) - spend beyond March 2025	Total	Current Capital Allocation	Proposed Capital Allocation	Variance to Current Capital Allocation
A361 Bloxham Rd to A4260 Oxford Rd Link Rd	300,000	0	0	0	300,000	300,000	300,000	0
A4095 Underbridge NW Bicester Howes Lane / Lords Lane	3,832,000	0	468,000	0	4,300,000	4,300,000	4,300,000	0
Access to Headington	3,500,000	0	0	0	3,500,000	3,500,000	3,500,000	0
Botley Road Corridor	3,250,000	0	0	0	3,250,000	3,250,000	3,250,000	0
Connecting Oxford /SE Corridors	1,602,000	0	0	0	1,602,000	1,602,000	1,602,000	0
Oxford Citywide Cycle and Pedestrian Routes	2,877,000	500,000	433,000	0	3,810,000	3,810,000	3,810,000	0
Thame to Haddenham Cycle Route	0	0	0	0	0	0	0	0
A40 Minster Lovell West Facing Slips/Access to Carterton	0	0	710,000	0	710,000	710,000	710,000	0
A4074 Golden Balls Roundabout Junction (A4074/B4015)	119,000	250,000	631,000	0	1,000,000	1,000,000	1,000,000	0
Cowley Branch Line	54,000	50,000	146,000	0	250,000	250,000	250,000	0
Didcot Central Corridor & Jubilee Way Roundabout	614,000	250,000	136,000	0	1,000,000	1,000,000	1,000,000	0
Milton Enterprise Pedestrian and Cycle Bridge	238,000	0	0	0	238,000	238,000	238,000	0
Woodstock Road Corridor	778,000	250,000	2,972,000	0	4,000,000	4,000,000	4,000,000	0
A4095 Realignment NW Bicester Howes Lane / Lords Lane Road	1,370,000	0	-58,000	0	1,312,000	1,312,000	1,312,000	0
Access to Banbury (A422 Hennef Way, Banbury)	200,000	0	0	0	200,000	200,000	200,000	0
Banbury Rd Improvements (Banbury Road Corridor)	698,000	130,000	1,542,000	0	2,370,000	2,370,000	2,370,000	0
Frilford Junction	444,000	306,000	0	0	750,000	1,500,000	750,000	-750,000
Relief to Rowstock	672,000	250,000	3,878,000	0	4,800,000	4,800,000	4,800,000	0
A34 Lodge Hill	778,000	1,000,000	10,222,000	0	12,000,000	12,000,000	12,000,000	0
A40 Access to Witney at Shores Green	3,046,000	2,200,000	11,754,000	0	17,000,000	17,000,000	17,000,000	0
A4095 - B4100 Banbury Road Roundabout Improvements NW Bicester	677,000	1,000,000	3,523,000	0	5,200,000	5,200,000	5,200,000	0
Former RAF Upper Heyford M40 J10 Improvements	981,000	900,000	6,819,000	0	8,700,000	8,700,000	8,700,000	0
Oxpens to Osney Mead Cycling and Pedestrian Bridge	5,935,000	0	2,865,000	0	8,800,000	8,800,000	8,800,000	0
Tramway Road Banbury	1,240,000	1,300,000	3,577,000	0	6,117,000	6,117,000	6,117,000	0
Watlington Edge Road	1,306,000	1,600,000	4,194,000	0	7,100,000	7,100,000	7,100,000	0
A40 Scheme Transit	12,000,000	0	0	0	12,000,000	12,000,000	12,000,000	0
Benson Relief Road	1,228,000	2,342,000	680,000	0	4,250,000	3,750,000	4,250,000	500,000
NOC Cassington -A4260 and A44 Corridor Improvements	13,492,000	9,638,000	0	0	23,130,000	20,730,000	23,130,000	2,400,000
North Oxford Corridors - Kidlington	1,271,000	2,729,000	500,000	0	4,500,000	4,000,000	4,500,000	500,000
Shrivenham New School	2,500,000	0	0	0	2,500,000	2,500,000	2,500,000	0
Wantage Eastern Link Road	1,000,000	0	0	0	1,000,000	1,000,000	1,000,000	0
								0
<b>Scheme Spend</b>	<b>66,002,000</b>	<b>24,695,000</b>	<b>54,992,000</b>	<b>0</b>	<b>145,689,000</b>	<b>143,039,000</b>	<b>145,689,000</b>	<b>2,650,000</b>
£1.5m Retention (safety audits) - spend beyond March 2025 (will be allocated to			-1,500,000	1,500,000	0			
<b>Total Scheme Spend</b>	<b>66,002,000</b>	<b>24,695,000</b>	<b>53,492,000</b>	<b>1,500,000</b>	<b>145,689,000</b>	<b>143,039,000</b>	<b>145,689,000</b>	<b>2,650,000</b>