

## **TOWN AND COUNTRY PLANNING ACTS 1990 – SECTION 78**

**Appeals by:** Croudace Homes Limited  
The House Trustees Limited  
Lower Thrupp Limited

**Appeal References:** APP/M 9570/A/08/2083327/NWF  
APP/Y 2810/A/08/2083322/NWF

**Appeal Site Address:** Proposed Urban Extension known as  
Church Fields, Long Buckby Road,  
Daventry

### **TRANSPORTATION AND HIGHWAYS POSITION STATEMENT (22 June 2009) Submission Document: CHL 45**

#### **1.0 Introduction**

- 1.1 This Statement has been prepared by Stuart Michael Associates (Transportation Consultant for the Appellant) to inform the Inspectors and the Public Inquiry of the Appellant's position (as at the 22 June 2009) with regard to all of the key transportation considerations. These were identified and commented upon in the earlier Interim Position Statements presented to the Inquiry (see CHL 35, Appendices to Mr. Atkinson's evidence, Appendix 1).
- 1.2 The Inspectors will also be aware (CHL 34, Section 6.0 of Mr. Atkinson's evidence) that a further draft Statement of Common Ground on these transportation topics had been prepared by the Appellant and circulated to the local planning and highway authorities (WNDC, DDC, NCC and the Highways Agency) on 19 March 2009. It was intended that this would be a "travelling document" enabling all of the parties to contribute to and reach agreement upon in advance of the resumption of the Inquiry. No response had been received by the Appellant (at the time of preparing this Statement).
- 1.3 It is therefore considered it will be helpful and that it will assist the Inspectors, through the submission of this Statement, if the Appellant confirms its position and its current understanding of where matters have been substantively resolved and similarly as to where matters remain at issue. In so doing it should be recognised that discussions and deliberations over the transport planning obligations remain ongoing.

1.4 The purpose of this statement is to review progress on the key transportation considerations, particularly in the absence of an agreed Statement of Common Ground.

1.5 The key transportation considerations are addressed in turn in the order that they were generally listed in the earlier Interim Position Statements and added to as is considered necessary.

## **2.0 Transportation Policy**

2.1 It is the Appellant's understanding that there are no areas of dispute over the relevance of the transport policies that have been referred to in the evidence submitted by all parties to the Inquiry.

## **3.0 Site Access Strategy**

3.1 Whereas in Mr. Reeve's evidence, (NCC3, Paragraph 6.65), he had suggested that further analysis may be necessary to confirm the adequacy of the site specific access proposals (all Appeal Sites) it has since been established by communications with Mr. Reeve that NCC is not requiring any further analysis. The Inspectors will be aware that the acceptability of the access arrangements had in fact been confirmed at the Exploratory Highways Round Table Session on 22 January 2009 (ID4).

3.2 It is therefore the Appellant's understanding that it is agreed that the technical approval of the access proposals can be covered by Planning Conditions. Implementation of access will require that a Section 278 Agreement shall be entered into by the Appellant and NCC. This is acceptable to both parties.

## **4.0 Connectivity by All Modes**

4.1 The details of the Appeal Site's connectivity to the existing local footpath and cycleway networks had been considered at meetings with NCC/the Appellant and the local planning authorities prior to submission of Evidence. This had been reported upon in the earlier Interim Position Statements (CHL 35, Appendix 1).

- 4.2 It is the Appellant's understanding that agreement has been reached with NCC upon the principles of connectivity (as generally shown on drawing 2994.004A) and with regard to the type of potential off-site improvements and measures that the developer contributions might be directed to in order to encourage sustainable travel by foot and cycle (see CHL 35, Appendices 4 and 11).
- 4.3 The Appellant has proposed that a local transport contribution is made by it towards a number of local measures and improvements (to be implemented by NCC) in order to ensure an acceptable level of connectivity. This can be covered by a Planning Condition and secured by funding provided as Section 108 developer contributions.
- 4.4 Details of the Appellant's offer are dealt with in the Appellant's proposed Section 106 Planning Obligations. The Appellant is awaiting confirmation, or otherwise, of the acceptance of the offer by NCC.
- 4.5 Whilst it is noted that NCC has indicated its concern that some parts of the Appeal Site would be located in excess of 2 kilometres (an indicator for the potential for journeys to be made by foot) from the town centre and local employment areas, it is the Appellant's view that this does not preclude the opportunities for such trips to be undertaken by cycle, by public transport or car share. This is particularly so given the commitment that the Appellant will be making towards providing both on-site infrastructure for non-motorised users and developer contributions towards improving off-site connections by foot, cycle and other sustainable transport measures (public transport, Travel Plans).
- 4.6 The Appellant's position on this is that it considers that any appraisal of sustainability and accessibility of the Appeal Site should take full account of the development proposals and its on-site provisions for employment, retail, education, community facilities and recreation. These will all be within walking and cycling distance of each neighbourhood. Similarly the assessment of accessibility to off-site trip destinations should not be solely based upon journey making by foot alone. To do so would be to ignore the contribution that cycling and public transport (both rail and bus) will make to

future sustainable travel patterns. These matters are dealt with in Mr. Atkinson's main evidence and in his rebuttal evidence.

## **5.0 Travel Plans**

- 5.1 A draft Residential Travel Plan Framework Document (Core Document CHL 31) has been submitted to the Inquiry. This had taken into account the responses received from NCC, DDC and the HA on a previous draft version and also had regard to the consultations at meetings with NCC and the HA.
- 5.2 It is the Appellant's understanding that agreement in principle has been reached with NCC and the HA upon the broad content, operation, monitoring and targets of the Travel Plan (TP). NCC and the HA are content that the submission of the final details of the TP can be covered by a planning condition. It is agreed that the costs of setting up and operating the Travel Plan will be funded through developer contributions. The contributions are detailed in the Appellant's Section 106 Planning Obligations.
- 5.3 It is the Appellant's understanding that the proposed contributions offered by the Appellant are acceptable to NCC with the exception of the provisions that the Appellant has made for the salary costs of the Travel Plan Co-Ordinator. It is the Appellant's view that this matter is not so significant but it remains at issue and will therefore be dealt with in evidence.

## **6.0 Public Transport Provision**

- 6.1 A number of meetings were held by the Appellants with the principal local bus operator and with Officers at NCC (the public transport authority) prior to the submission of evidence. These considered and established agreement in principle upon the desired level of bus service provision.
- 6.2 The objective will be to achieve a level of service that will become commercially viable and self supporting. The provision of any extended or new bus services will be supported by developer contributions.

- 6.3 At the 22 January RTS, Mr. David Bird requested that the Appellants (all sites) should provide him with a bus viability appraisal. Accordingly a viability appraisal of the proposed bus services at Church Fields was issued to WNDC's consultant (SBA) and to NCC on 17 February 2009. The appraisal had been based upon the agreed estimated patronage forecasts provided by NCC's consultant (Arup).
- 6.4 Based upon the evidence submitted by Mr. Bird (WNDC/26) and Mr. Reeve (NCC3) it is the Appellant's understanding that there is agreement that the proposed bus provision is appropriate and represents a viable proposition.
- 6.5 It is the Appellant's understanding that agreement has been reached with NCC upon the strategy for providing the phased introduction of services. This will initially involve extending existing services D1/D2, and subsequently providing new bespoke services as the development proceeds. This will generally be in accordance with Figure SMA 8B and will be covered in the Appellant's Section 106 Planning Obligations (see CHL 35, Appendices 4, 6, 7 and 8).
- 6.6 It is the Appellant's understanding that the provisions made by the Appellant in the proposed Section 106 Planning Obligations are generally acceptable to NCC with the exception of agreement over the precise form of words to be included in the Agreement concerning the level of provision of services and their phasing relative to development thresholds. Whereas, for example, NCC seeks a level of provision related to 151 – 750 dwellings the Appellant proposes that this should be amended to reflect the fact that up to 500 dwellings can be served by the existing level of services currently provided adjacent to the Appeal Site. Other differences of view relate to the period of subsidy for the proposed new bus services. Based upon the Appellant's consultant's consultations with the local bus operator and upon the viability appraisal it is considered that 5 years is a sufficient period for the bus services to become commercially viable and self supporting. It is the Appellant's view that these matters are not so significant but they may remain at issue. This will be dealt with in evidence.

## **7.0 Construction Traffic Management**

- 7.1 Details of the proposed construction traffic haulage routes were submitted by the Appellant to NCC, the HA, WNDC and DDC on 16 October 2008 (see also the Appellant's evidence (CHL 35, Appendices 4 and 9).
- 7.2 The matter was also discussed at the 22 January RTS (ID4) at which time all parties accepted that this could be addressed through Conditions and/or planning obligations.
- 7.3 It is therefore the Appellant's understanding that all parties have agreed that this can be covered by a planning condition.

## **8.0 Transport Modelling and the Appellant's Mitigation Strategy**

- 8.1 On the 5 August 2008 at a meeting attended by representatives of the HA, WNDC, NCC and the Appellant, Ms. Bennett informed those present that the HA would be objecting to all of the major development proposals under consideration by WNDC/DDC at that time (Church Fields and Monksmoor) and submitted for determination by the Secretary of State (Danetree Appeal). Ms. Bennett advised that both the HA and NCC were intending to carry out further transport modelling to re-examine the impact of the proposed developments, individually and cumulatively. NCC advised that the modelling was necessary to support its case at the Danetree appeal and that it would also apply to its ongoing consideration of the Church Fields and Monksmoor sites.
- 8.2 This modelling was completed at the end of March 2009 and comprises the following:
- a) Daventry Public Inquiry Modelling – Northamptonshire County Council Technical Note Final Draft (dated 13 February 2009; issued 16 February 2009)
  - b) Junction Modelling Summary Note – Interim Note 3 Faber Maunsell (dated 29 January 2009; issued 6 February 2009)

- c) Flore-Weedon Bypass analysis r2  
Faber Maunsell (dated 4 February 2009; issued 6 February 2009)
- d) Daventry – Mode Share and Bus Service Frequency Tests  
Faber Maunsell (dated 18 February 2009; issued 20 February 2009)
- e) Daventry Public Inquiry – Assessment of Flore Weedon  
Bypass Minimum Impedance “Buffer” Test  
Faber Maunsell (dated 27 March 2009; issued 2 April 2009).

- 8.3 As a consequence of examining the technical reports and the outputs of the transport modelling, the Appellant has proposed a mitigation strategy for addressing the impact of the proposed development upon both the local and strategic road network. This has been dealt with in evidence (see CHL 34, 35 and 36) and in the Appellant’s proposed Section 106 Planning Obligations.
- 8.4 The Appellant has proposed that financial contributions, secured by a Section 106 Unilateral Undertaking, will be made to NCC with regard to off-site highway improvements to the local highway network and the Flore Weedon Bypass and similarly to NCC, acting as “ringmaster” under the terms of Circular 02/2007, with regard to strategic highway contributions towards improvements to the trunk road network.
- 8.5 The basis for determining the contributions has been deduced from the corresponding computed development traffic impacts at various locations on the local and strategic road networks. The data relied upon for this exercise are the outputs from the transport modelling that has been independently carried out by the NCC’s consultant (Arup) and the outputs provided from the follow up assessments by the HA’s consultant.
- 8.6 It is the Appellant’s understanding that the use of the transport modelling data for the purposes of deducing the developer’s mitigation strategy and financial contributions is not disputed.

- 8.7 It is the Appellant's understanding that the matters at issue between the Appellant and NCC relate to the methodology proposed by the Appellant and hence the sufficiency of the Appellant's monetary offer in relation to the Flore Weedon Bypass. Without prejudice to either party's position, the Appellant is seeking agreement with NCC upon the respective costs of elements of the Bypass. This is necessary to enable the Appellant to confirm its offer. The information requested from NCC is expected before or soon after the resumption of the Inquiry.
- 8.8 It is also the Appellant's understanding that NCC is not satisfied with the extent of mitigation proposed by the Appellant with regard to the local highway network. The Appellant's position on these matters is made clear in the evidence of Mr. Atkinson and in his subsequent rebuttal evidence.
- 8.9 With regard to the mitigation strategy for dealing with the Appeal Site's impact upon the strategic road network, the methodology for deducing proportionate developer contributions has been provided in Evidence. Details of the Appellant's offer regarding the Strategic Highways Contribution are being dealt with in the Appellant's proposed Section 106 Planning Obligations.
- 8.10 To assist in seeking agreement upon the timing of the developer contributions, the Appellant has sought further clarification from the HA regarding the rationale for its proposed triggers/thresholds of development (as shown in Mr. Braddock's evidence HA 7/1, Table 6.1 and Appendix 10). This is necessary to enable the Appellant to confirm its offer.

**9.0 Control of Development Releases Pending the Implementation of the FWUH Bypass**

- 9.1 At the 22 January RTS (ID4) the Highways Agency informed the Inspectors that a small amount of development (therefore additional traffic) in advance of the implementation of the Bypass would be acceptable subject to there being a firm commitment to delivering a long term solution (ie. the Bypass) to address and mitigate against the congestion problem at the A5/A45 crossroads.

- 9.2 The HA subsequently advised the Appellant's consultant and all parties by e-mail on 14 April 2009 (see CHL 38, Appendix 22) that it would provide an indication of what level of reduction in performance it would accept and that it would advise this at exchange of evidence.
- 9.3 The HA has not, as yet, indicated a development threshold that it would find acceptable in advance of a permanent solution (ie. the implementation of the FWUH Bypass). The Appellant considers that the HA's response on this issue should be provided to the Appellants (all sites) to enable all parties to agree upon a suitable Grampian Condition.
- 9.4 The Appellant supports the initiative taken by WNDC in terms of it identifying a potential interim junction improvement at the A5/A45 crossroads. On the basis of the details submitted by WNDC (subject to Audit and agreement with the highway authorities) and the associated cost estimate, the Appellant is prepared to commit to funding the interim improvement in a proportionate way subject to a Grampian Condition that allows up to 1400 dwellings to be constructed at the Appeal Site.
- 9.5 The Appellant accepts that in addition to providing funding towards the interim improvement, the Appellant shall also, in a proportionate way, contribute towards the funding of the Flore Weedon Bypass. This has been covered in the Appellant's proposed Section 106 Unilateral Undertaking.

## **10.0 Grampian Conditions**

- 10.1 A full response is being prepared by the Appellant (under separate cover) to the Inspectors request (ID6) for a view from each party upon the principle of using such conditions having regard to the prospects of the necessary highways works being carried out, whether it is necessary to set development thresholds and how these might be structured in the event of the Secretary of State allowing one or more appeals.
- 10.2 It is the Appellant's view that it will be appropriate to use such conditions particularly given that no party has suggested that there is no prospect at all that the Flore Weedon Bypass or other highway works will happen.

10.3 The Appellant considers that there is a very good prospect that the Bypass will be delivered by NCC. The evidence before this Inquiry indicates that:

- i) the Bypass is now the County Council's number one priority capital scheme
- ii) the Bypass is considered necessary by NCC to support growth in the MKSM SRS (Local Transport Plan, paragraph 3.2.4.6)
- iii) NCC will be applying again for funding and since it is confident of receiving this for a dual carriageway scheme then logically it should be similarly confident of receiving funding for a less costly single carriageway scheme
- iv) it is agreed by all parties that the Bypass is the only solution to enable the realisation of the proposed growth at Daventry and therefore this should weigh heavily in the decisions to be made by government over the granting of funding applications
- v) it would seem logical to the Appellant that the Secretary of State would not wish to stand in the way of planned and necessary development proceeding on a phased basis and accept that this can do so on the basis of any gap funding in the financing of the Bypass can be dealt with by further applications by NCC for public sector funds.

#### **11.0 The Proposition of Forward Funding by Developer Contributions**

11.1 It is the Appellant's view and firm position that the funding of the Bypass should principally rely upon public sector funding with some developer contributions. This was the position advocated by NCC prior to the submission of the planning applications (LTP, paragraph 3.2.4.6) and the Appellant finds no justification that NCC should now propose a different stance. All parties have accepted that a Bypass will be required by Year 2021 regardless of any development taking place at the Appeal Site. The effect of the proposed development at Church Fields would be to bring forward, by a few years, the requirement for a single carriageway bypass.

- 11.2 The proposition put forward by Danetree (DANE15) that it is prepared to forward fund the cost of providing a single carriageway bypass may appear superficially attractive in terms of the determination of its Appeal. However it gives rise to a number of questions as to how it could be fairly and reasonably imposed upon, or accepted by, other parties to this Appeal or other developers who might submit applications in the future.
- 11.3 The offer is based upon Danetree being granted planning consent and is therefore only relevant to such an outcome.
- 11.4 It appears that the proposition/offer put forward by Danetree is based upon only the Danetree site being allowed to proceed in advance of the provision of a single carriageway bypass. This would not be fair upon other contributing development.
- 11.5 The offer assumes that all other relevant developments (housing, commercial etc) benefiting from the Bypass shall contribute upon the same basis to avoid any gap in funding provision. In the context of the Church Fields Appeal Site, it is the Appellant's view that it cannot be required to pay above what is otherwise required to address the level of mitigation necessary for Church Fields to be granted planning consent. The Bypass is necessary by 2021 regardless of development and therefore any contribution must reflect the respective contributions of development traffic together with background traffic. On this basis there is no case for requiring Church Fields to contribute towards the cost of a single carriageway Bypass without a proportionate public sector commitment.
- 11.6 The offer is based upon a single carriageway bypass whereas the transport assessment by NCC indicates that the Danetree site alone gives rise to the requirement for a dual carriageway bypass.