

**CHPT/8**

Town and Country Planning Act (1990)  
(As Amended)

APPEAL BY

CAPEL HOUSE PROPERTY TRUST LTD

Against the failure of

West Northamptonshire Development Corporation

**Monksmoor Farm, Welton Lane, Daventry**

Proof of Evidence of Jeremy P Hurlstone BSc(Hons) CMILT  
MIHT

Capel House Property Trust Ltd

21<sup>st</sup> April 2009

Final

3P5138PL



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## SUMMARY

My name is Jeremy Peter Hurlstone; I am a consultant to the Denis Wilson Business Group of Royal Haskoning (UK) Ltd, which acquired The Denis Wilson Partnership (DWP) in 2007. I hold a BSc (Hons) in Civil Engineering Management. I am a Member of the Institution of Highways and Transportation (MIHT) and a Chartered Member of The Institute of Logistics and Transport (CMILT).

I have over 21 years experience in the transportation industry, during which time I have been involved in many projects for varying development types.

I worked for the multi-disciplinary consultancy Scott Wilson Kirkpatrick for approximately 11 years before moving to The Denis Wilson Partnership, a more specialised transportation company.

I have prepared and given evidence at numerous Public Inquiries and Hearings during my career for various types and scale of development.

DWP was instructed to provide support to Capel House Property Trust Ltd in respect of highway and infrastructure matters pertinent to the proposed development at Monksmoor Farm, Welton Lane, Daventry (the Appeal Site) on 24<sup>th</sup> February 2005.

Since then I have been involved in numerous stakeholder and technical meetings which sought to agree parameters for the Transport Assessment to be submitted to accompany the planning application for the proposed development.

It was agreed that the TA should be limited to the immediate vicinity of the site and NCC/HA would take responsibility for assessing the impact of the proposed development in combination with others on the wider highway network.

An appeal for non-determination was lodged and following instructions from the Inspector both NCC and the HA has undertaken further assessments of the individual and cumulative impact of the Appeal Site.

I have reviewed the results of the assessments undertaken and concluded that the Appeal Site would not have a significant detrimental impact on the local highway network.

I have assessed the accessibility of the site and confirmed that the site is accessible by a choice of travel modes and that proposed improvements to non-motorised links and public transport would not only serve the site but enhance the opportunities for sustainable transport at existing developments.

An appropriate mitigation strategy on the neighbouring highway network has been established, which could be delivered via conditions and planning obligations.

Based on the limited impact of the proposed development I have concluded that there is insufficient justification to restrict development at the Appeal Site pending physical provision of infrastructure improvements.

Contributions towards strategic infrastructure improvements would ensure that timely delivery of necessary works could be achieved by the highway authority in conjunction with the HA.

Having considered the foregoing I conclude that the Appeal should not be rejected on the grounds of highway and transport matters.

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## **1 INTRODUCTION**

- 1.1 My name is Jeremy Peter Hurlstone; I am a consultant to the Denis Wilson Business Group of Royal Haskoning (UK) Ltd, which acquired The Denis Wilson Partnership (DWP) in 2007. I hold a BSc (Hons) in Civil Engineering Management. I am a Member of the Institution of Highways and Transportation (MIHT) and a Chartered Member of The Institute of Logistics and Transport (CMILT).
- 1.2 I have over 21 years experience in the transportation industry, during which time I have been involved in many projects for varying development types.
- 1.3 I worked for the multi-disciplinary consultancy Scott Wilson Kirkpatrick for approximately 11 years before moving to The Denis Wilson Partnership, a more specialised transportation company.
- 1.4 I have prepared and given evidence at numerous Public Inquiries and Hearings during my career for various types and scale of development.
- 1.5 DWP was instructed to provide support to Capel House Property Trust Ltd in respect of highway and infrastructure matters pertinent to the proposed development at Monksmoor Farm, Welton Lane, Daventry (the Appeal Site) on 24<sup>th</sup> February 2005.

## **2 MONKSMOOR FARM TRANSPORT ASSESSMENT**

- 2.1 Following instruction, there were been a number of stakeholder and technical meetings which informed the development proposals and subsequent planning applications for the three sites before the Inquiry.
- 2.2 The stakeholder and technical meetings were held in order to agree the methodology for undertaking assessments of the highway/transport infrastructure impacts and requirements associated with the proposed developments.
- 2.3 It was recognised that due to the level of development proposed, the various locations in and around Daventry, the implications of other committed developments and infrastructure improvements, rather than each individual developer being responsible for preparing a Transport Assessment (TA), the individual and cumulative impacts of the developments could be assessed using an area wide traffic model, which was being constructed and validated by ARUP, consultant to Northamptonshire County Council.

- 2.4 The various interested parties were represented at most of the technical meetings which took place regularly between the outset of the studies early in 2005 up to the time of the planning application in relation to the Appeal Site, including NCC and the Highways Agency (HA).
- 2.5 Whilst it would not be beneficial to rehearse the discussions of all of the individual meetings, it is important to recognise the basis on which DWP and other highway consultants representing the Danetree and Church Fields sites were instructed to assess the individual developments.
- 2.6 It was agreed between the parties that in terms of highway/traffic matters each transport consultant should provide details of the proposed means of access to the public highway network only, and that the traffic model would assess the impact of the developments thereafter under a range of potential options/scenarios based on the aspirations of the individual developers and also the preferred options of the local authorities.
- 2.7 The HA, in its response to the request for a Scoping Opinion dated 07 October 2005, confirmed that *“The EIA should include a Transport Assessment (TA) that assesses the impact of development on the trunk road network, particularly the A5, M1 and A45”*. This was received in a package of information on 27<sup>th</sup> October 2005.
- 2.8 The role of the model and use of its output were discussed at the Technical Meeting of 27<sup>th</sup> October 2005 at ARUP’s London Offices. The minutes of the meeting, which was attended by Gary Oakes of Faber Maunsell, the Highway’s Agency’s transport consultant state:-

*“The Highway Improvements paper outlines the current proposed network improvement strategy with associated costs based on the current understanding of the proposed developments. A working paper will also be presented that will outline the non highway strategy, in terms of public transport, cycling and walking improvements. In terms of TA requirements, these would only need to consider the site access arrangements in terms of highway provision, as the wider highway network improvements will have been considered in the Highway Improvements analysis.*

*SD/SA raised the question regarding the HA, + the impacts on the trunk road network. KD noted that developers should concentrate on the site access issues and the strategic impacts will be dealt with by NCC/HA. HA/FM to provide feedback regarding strategy for dealing with trunk road impacts.”*

- 2.9 Following the meeting and having read the letter from the HA, I contacted Keith Day of NCC on 28<sup>th</sup> October 2005 to discuss the stance of the HA, which appeared to be totally contrary to the philosophy of the various developers agreeing the strategy of utilising the model to assess the impact of proposals on the wider highway network. Keith Day again confirmed that the EIA should just refer to the flow increases from the model which the HA would then use to assess the implications on the trunk road to determine what improvements are required.
- 2.10 It is therefore clear that the developers' consultants and NCC as highway authority were collectively agreed that the respective TAs should be limited as described, and as subsequently produced, and that the HA together with its consultants were also aware of this agreed strategy.
- 2.11 The production of the model continued and regular stakeholder/technical meetings were held to update on progress. Initial findings of the Daventry Transport Strategy (DTS) (CD3.41) were presented, which were subsequently updated with the findings of the Core Strategy Option 4 scenario (CD3.43) to reflect the then preferred development allocations identified by Daventry District Council in consultation with NCC.
- 2.12 The DTS Highway Improvements Working Paper (CD3.41) was published in November 2005 with the Addendum Report (CD3.42) covering the Option 4 (preferred) scenario following in July 2006.
- 2.13 A separate study undertaken to assess Public Transport and Non Motorised Modes was presented in a Strategy Working Paper also published in July 2006 (CD3.43), which considered the non-motorised transport for the preferred Option 4 of DTS.
- 2.14 In order to provide data for the EIA, ARUP was instructed to provide various outputs from the DTS model for various development scenarios. The requested data was duly provided by e-mail in November 2006 and formed the basis of the TA produced by DWP, which, as agreed via the technical and stakeholder meetings, was limited to the site access junctions.

- 2.15 The Monksmoor Farm Transport Assessment (Core Document CD9.16) confirmed *“It was agreed by Stakeholders that the principle of assessing the network using the model was acceptable at an early stage. This agreement effectively discharged the individual developers from considering the wider implications of their respective sites on the local road network in terms of traffic impact and accessibility. It also avoided the situation where one developer takes the liability for undertaking significant improvements to the network purely because their site’s impact tips the balance in terms of exceeding capacity, which has been iteratively reduced by ongoing developments in the area.*

*On this basis, the scope of the TA in terms of Transportation issues is limited to the local impacts in the immediate vicinity of the site.”*

- 2.16 CD9.16 demonstrated that the proposed access arrangement to the Appeal Site, i.e a new priority junction to the north and an additional arm on the existing Welton Lane/Marston Way roundabout would provide a suitable connection to the public highway network. The CD9.16 also demonstrated that the Appeal Site was accessible to a range of services and facilities by a choice of travel modes. Provision was made within the masterplan to divert bus services into the Appeal Site and also for a public transport link to the neighbouring Church Fields site.
- 2.17 The findings of CD 9.16 were found to dovetail extremely well with those of the DTS and preferred strategic development for Daventry.
- 2.18 It was therefore with some surprise that holding objections were received preventing determination of the application based on highway and transport grounds, particularly with reference to the TAs failing to consider the respective developments’ impacts on the wider highway network, as it had been agreed that this was not necessary and that NCC/HA would undertake that work.
- 2.19 Due to the holding objections, failure of WNDC, NCC or the HA to provide an indication of when the revised modelling work initiated by WNDC (Daventry Infrastructure Studies CD 4.2) was due to be completed, together with the time constraint imposed as a result of the appeal lodged by Danetree, Capel House Property Trust was also forced into a position where it was left with no alternative but to submit an appeal for non-determination.

- 2.20 As a result WNDP recommended refusal in the report to the Planning Committee dated 29<sup>th</sup> September 2008 on the grounds of Transport and Accessibility in the following terms:-

*“Strategic and Local Highways Impact & Public Transport*

*The application, by nature of lack of information within the submitted Transport Assessment, fails to demonstrate how the additional traffic generated by the development proposed development, would be accommodated within the strategic and local highway networks. In addition, by nature of lack of information within the Transport Assessment, the application fails to demonstrate that the public transport strategy will achieve an acceptable level of modal shift that will be sustainable in the long term. As such, the proposals are contrary to PPG13, RSS8 1, 2, 3, 4 Northamptonshire Structure Plan ‘saved’ Policy T3 and Daventry Local Plan ‘saved’ Policies GN2, CM7.”*

- 2.21 The policies referred to in the reason for refusal relate principally to the need to ensure that in approving any new development, satisfactory access and parking provision can be secured (Policies GN2, T3 and RSS Policy 1); that the traffic that is generated by the development will not result in adverse impacts upon the road network (Policy GM2); that where necessary improvements to the road network occasioned by the proposed development can be secured (Policy GM2); that the development can be adequately served by an integrated transport network including Public Transport facilities (Policies CM7 and RSS Policies 1 and 2); and that it is designed to be accessible by non-car modes of travel, including travel by foot and cycle way as well as by public transport (RSS8 Policies 3 and 4).
- 2.22 CD9.16 in conjunction with the DTS demonstrated that satisfactory access can be provided subject to infrastructure improvements that were identified by the DTS. In terms of on-site parking, this level of detail would not normally be required at the outline application stage of such a strategic development site, as such information would be identified as part of the subsequent Reserved Matters submissions. The only outstanding issue was the final contribution figure towards the infrastructure improvements that would be sought from the developer by way of a planning obligation, which would, had an appeal not been necessary, be negotiated following a resolution to grant planning permission.

- 2.23 It was understood that the final contribution figure would be identified taking into account all of the improvements to the strategic road network including the trunk road network.

### **3 REASON FOR REFUSAL AND DAVENTRY INFRASTRUCTURE STUDIES (DIS)**

- 3.1 Following further enquiries, it became apparent that whilst the HA suggested that no assessment of the impact on the trunk road network had taken place, this was misleading.
- 3.2 Through the changes to the strategic planning system, which have been detailed in the Proof of Evidence of my colleague, Mr. Bob Meek, and therefore not repeated in my evidence, the Daventry Infrastructure Study Consultation Draft (CD4.2) was produced, which effectively assessed the Option 4 scenario used in the DTS. This was eventually supplemented by the Final Published Document (CD4.7).
- 3.3 Faber Maunsell on behalf of the Highways Agency, undertook an assessment of the impact of the Option 3 and Option 4 scenarios of the DIS, which included the cumulative impact of the Appeal Site with further development at Church Fields and Danetree sites, which would accord with the identified strategic development requirements for Daventry.
- 3.4 The Faber Maunsell Report of May 2008 (Daventry Infrastructure Study – ITRN) identified that there were five junctions of nine examined on the trunk road network that could, assuming unrestrained traffic growth, require mitigation by the year 2021. The results of the Faber Maunsell study found that the strategic road network was relatively insensitive to the location of development within Daventry.
- 3.5 The Report also demonstrated that junction improvements could be implemented to accommodate the increase in traffic associated with the Option 3 and Option 4 scenarios, which could deliver up to 6200 houses within the planned period.
- 3.6 As this work has already been completed, I must question why the HA felt it necessary to issue a direction preventing the granting of planning permission for the Appeal Site, when a resolution to grant consent subject to a planning obligation could have been issued.

3.7 It is apparent that there was a technical solution to the HA's concerns. It is also apparent from discussions at subsequent meetings that the HA has an apparent objection to providing road space to accommodate traffic growth, preferring to look at trip restraint or other alternatives. This is particularly apparent in terms of its stance with regard to the Floore/Weedon/Upper Heyford bypass scheme, which is identified as a strategic scheme by NCC and for which funding was sought by means of the RFA bid. Whilst the scheme received a low ranking in the RFA, I will deal with the significance of this later within my evidence.

3.8 A letter from SMA to the HA dated 10 November 2008 confirmed that the assessment made no allowance for peak hour spreading or the potential modal shift of up to 20% sought by the Travel Plan proposals for developments in the area and stated

*"Based upon what FM had reported in the ITRN document and the above analysis by SMA, it is clear that there are solutions to accommodate the MKSM SRS housing targets and growth scenario for Daventry for the period up to 2021.*

*NCC has stated that there is a prima facie case based upon existing traffic conditions to support the LTP2 and NCC Transport Strategy for Growth policy objectives for a Flore-Weedon By Pass. This, we presume, would be designed to accommodate growth beyond 2021.*

*It would therefore appear to us that there are solutions to accommodate both medium and longer term growth and there is sufficient time to enable the necessary planning and procurement processes to take place whilst development proceeds in Daventry."*

3.9 Further confidence in terms of assessing the cumulative impact of the Appeal Site using DIS can be gained from NCC's position statement of 9<sup>th</sup> January 2009, which confirms at paragraph 3.2 *"However, with reference to the three proposed development sites, only Monksmoor is included in its entirety in the optimal development scenario indicated in the DIS."* The Optimal development scenario was developed on the basis of what at the time was considered to be desirable, but is understood to be undeliverable as a result of other constraints in terms of where some sites were located. However, this limitation did not extend to the Appeal Site, which remained in accordance with the proposed development as assessed under the DTS.

- 3.10 I am firmly of the opinion that it is only the appeal proceedings that have resulted in the significant steps taken to overcome the outstanding issues given as a reason for issuing holding objections, particularly when considering the lack of progress between the time the concerns were originally raised and the time of preparing this proof. I wrote to WNDC on 10<sup>th</sup> October 2007 requesting confirmation of when the modelling work it had instructed would be completed and received no reply. The letter highlighted the process developers had entered into and the frustration of the stance now taken resulting in what were considered to be unnecessary delays in determining the application for Monksmoor Farm.
- 3.11 It was apparent from the meeting of the Working Party on 19<sup>th</sup> September 2008 that relatively little progress had been made in terms of moving matters forward towards a point where decisions could be made.
- 3.12 Following completion of the recent traffic modelling work, the HA confirmed it would not be in a position to determine the impact of the proposed developments on its SRN until it had assessed the schemes using a WebTAG compliant traffic model. The HA confirmed that this would take at least 6 months to complete. It is somewhat unfortunate in my view that the HA did not initiate work on this project in 2005 when NCC's consultant ARUP did. Had the HA performed the role I had understood it agreed to, i.e. to work with NCC to assess the impact of the three sites on the wider highway network, I believe this appeal would not have been necessary.
- 3.13 At the time of writing, there remains a degree of uncertainty regarding the level of mitigation required to accommodate the cumulative developments, particularly as the number of units beyond the 6200 previously identified within the strategic targets remains speculative.
- 3.14 Notwithstanding the speculative nature of potential future housing numbers, the HA and NCC have, at the request of the Inspectors, undertaken a theoretical assessment to confirm that junction solutions are technically available to accommodate the cumulative impact of all three Appeal Sites, which I will consider within my Proof of Evidence.

## **4 REVISIONS TO THE APPLICATION SCHEME**

- 4.1 Revisions to the Master Plan since the original application have been made by KLW following discussions with WNDC. These revisions do not materially impact upon traffic flows to/from the site. As part of the revised proposals, a crossing will be provided on Northern Way to the south of the Welton Lane roundabout. This will improve accessibility to both Daventry town and also the local centre off Speke Drive for future occupiers of the site and existing residents travelling to/from the northwest. The principle of the crossing has been agreed with NCC.
- 4.2 Discussions have also been held regarding linkage to the Lang Farm development to the west of the site. At the time the planning application was made, NCC was not supportive of reducing the speed limit on Welton Lane to 30 mph, although this aspiration of the developer was reported in the ES at paragraph 15.64.
- 4.3 Provision is made to accommodate a reduction in speed limit and signal controlled crossing facilities on Welton Lane in accordance with NCC's preference at the time at the S278 detailed design stage, which will be required prior to construction of the accesses to the Appeal Site. This is not considered to materially affect the acceptability of the proposed development.

## **5 UPDATED TRAFFIC MODEL**

- 5.1 As a result of the requirements of the Inspector, the revised model has now provided details of the individual impacts of the various proposed developments, including Monksmoor Farm (the Appeal Site).
- 5.2 The Appeal Site is considered in isolation as Option 5 within the Model report (CD NCC2). During the Technical Meetings which have taken place since it was agreed to update the model I had been advised that the revised model was effectively an update of the DTS/DIS model taking into account projected growth to 2026 and other committed developments. I was also informed that the updated model included the same traffic generations from the Appeal Site as the DTS/DIS.
- 5.3 When reviewing the traffic flows assigned to the Appeal Site, in an earlier draft of the updated model report, I noted that there had been an increase of some 172 movements during the modelled AM peak hour when compared with the previous DTS scheme, which represents an increase of some 24.2%.

- 5.4 I questioned the basis for this change and discovered that this was a result of some inconsistent assumptions by ARUP regarding the nature of the development proposed at the Appeal Site, specifically in respect of the live-work units and retail elements of the scheme.
- 5.5 I requested the traffic generation at the Appeal Site be revisited by ARUP and incorporated into the final report. However, I understand that whilst the ARUP model was updated to reflect the change, the revisions were not included within the assessments undertaken by Faber Maunsell on behalf of the HA. Therefore, the FM report (CDHA3) incorporates an over-estimate of the impact of the Appeal Site both in isolation and cumulatively.
- 5.6 Table 4.2 of CDNCC2 confirms the impact of the Appeal Site in terms of a proportional increase in car person trips over the entire road network is just 0.8% rising to a 2.3% increase in terms of vehicle kilometres travelled. The table also confirms that the Appeal Site would not result in a reduced performance in terms of speed on the network, as the change is 0.0%.
- 5.7 The report confirms *“The overall network speed in Option 5 (Monksmoor only) remained unchanged compared with the Reference Case. This was due to lower levels of demand coupled with an increase in public transport uptake as a result of improved bus services, related to the proposed Monksmoor development.”*
- 5.8 I note that the bus service provision assumed in the modelling process is less than is now proposed following consultations with NCC. It has been agreed that the service level requirements of Appendix 8 of Northamptonshire Strategy for Growth (CD2.3) would be met, i.e. a 20 minute frequency of service during the daytime Monday to Saturday etc. In addition, a weekday peak service would be provided to/from Long Buckby Station and the western employment areas of Daventry. Both services would also link to the neighbouring Lang Farm development. Should the Church Fields site also be granted permission, provision has been made to link bus services between the sites.

- 5.9 Taking the foregoing into account, the potential modal shift is likely to be greater than assessed within the ARUP model. Accordingly, the impact of Monksmoor Farm on the local highway network may be overestimated and therefore considered to be a worst case scenario. It therefore follows that the modal share proportions identified in table 4.3 of CD NCC2 are considered to be an under-estimate. This would also affect the information contained on page 36 of the ARUP report.
- 5.10 Table 4.5 of CD NCC2 summarises the Link Analysis undertaken. This confirms that the Appeal Site would not result in the requirement for link improvements in isolation, as all links would fall below the capacity threshold. This is again confirmed on page 21 under the heading 2026 AM Peak Hour Option 5 vs. Reference Case, which advises that whilst there is predicted to be some trip diversion as a result of the Appeal Site development, none of the links on the local road network would breach desirable capacity thresholds and therefore no link improvements are required.
- 5.11 The impact on the wider network is reported on pages 24 and 25 of CD NCC2. Again, it is confirmed that the Appeal Site would not trigger the requirement for link improvements on the neighbouring County Road network including *“corridors such as the A45, B4036, routes through Whilton Locks and Long Buckby (to the east of the town); Welton Lane, A361 Ashby Road and the A45 Braunston Road (to the north of the town); A425 Leamington Way and the A361 Badby Road (to the south of the town).”*

#### **Local Junction Improvements**

- 5.12 Table 4.6 of CD NCC2 summarises the junction analysis undertaken as part of the modelling work. This confirms that all of the junctions on the local road network, which are under NCC's control, would continue to operate satisfactorily in 2026 with the Appeal Site development in place, with the exception of Junction 17 (Badby Road/Western Avenue). The capacity at this junction is exceeded in all scenarios considered, including the Reference Case, which assumes none of the three sites are developed.
- 5.13 The improvements identified at this junction are identified on pages 43 of the report to be *“Widening and realignment of Badbury Road West”*. The cost estimate for the works is identified in Table 6.1 on page 65 of the report to be £0.18 million.
- 5.14 Following my request, ARUP kindly provided the Origin/Destination (O/D) flow diagrams for the Appeal Site.

- 5.15 However, according to the O/D diagrams provided, it does not appear that any of the Appeal Site traffic actually travels through this junction. It is also apparent that the improvements to Junction 17 are allocated to every scenario assessed by the model, and that the improvements are already required in the Reference Case. On this basis, I do not consider that the Appeal Site should contribute towards these works.
- 5.16 When reviewing Table 4.6 and the requirement to improve junctions under the various scenarios considered, it is apparent that the Appeal Site only triggers the need to improve one junction in conjunction with the other sites which would otherwise not be required when the alternative sites are considered on a stand-alone basis. This is Junction 8 – A361 Drayton Way/A45. The improvements are identified to be an increase in the A45 Southeast flare from 16 – 30m and an increase in the radius from 20 to 26m. These improvements would be required under Options 1,2,3 and 6. It would be triggered by Church Fields alone and cumulatively with the Appeal Site. It would be triggered by Danetree with the Appeal Site but not by either Danetree or the Appeal Site in isolation. The cost of this improvement is identified to be £ 0.19 million.
- 5.17 Reviewing the junction flows at Appendix D of the ARUP report under the Reference Case, Options 2,5 and 7 revealed that with no development in place the total flows through the junction are 2659, rising to 2867 under Option 2, 2786 under Option 5 and 2785 under Option 7. It is therefore apparent that the Appeal Site (Option 5) and Danetree (Option 7) each contributes approximately the same volume of traffic to the junction. On this basis, it would seem equitable to divide the cost of the works equally between the two sites, giving a contribution of £95,000 each should these two sites be granted. By undertaking the same calculation with Church Fields, the comparable flows are calculated to be 2855 under Option 6 and (Church Fields only) and 2943 under Option 3 (Church Fields and Monksmoor Farm). Based on the cumulative total of the individual impacts of Church Fields and Monksmoor Farm on this junction, it is apparent that Church Fileds constitutes a 60.7% proportion of the total. On this basis, it is reasonable to calculate a contribution of approximately £74,700 for Monksmoor Farm and £115,300 for Church Fields, should these two sites be granted permission.
- 5.18 On the same basis of the individual traffic increases associated with the proposed developments, should all three sites be permitted, I have calculated the contributions towards the junction improvements would be £53,742 for Monksmoor Farm, £53,318 for Danetree and £82,940 for Church Fields.

- 5.19 Table 4.7 of CD NCC2 summarises the variations in congestion indicators and confirms the Appeal Site would increase congestion on the network by just 0.1% in 2026 when compared with the reference case.

### **Other Local Infrastructure Improvements**

- 5.20 In terms of other improvement costs, Table 6.2 confirms that the Appeal Site in isolation generates no contribution towards link improvements. When comparing the difference in cost between the individual and cumulative sites it is apparent that there is no difference in link improvement costs when other sites are considered independently of the Appeal Site.
- 5.21 Table 6.3 details the Bus Priority Measures Cost Estimate and confirms that none are required as a result of the Appeal Site. When comparing the difference in cost between the individual and cumulative sites it is apparent that there is no difference in Bus Priority Measures costs when other sites are considered independently of the Appeal Site.

### **Summary of Local Infrastructure Improvements**

- 5.22 Having considered the foregoing, in term of contributions towards transport infrastructure on the local road network in and around Daventry, it is calculated that the Appeal Site would justify a total of between £0 if only it was granted a planning permission and approximately £95,000 if developed in conjunction with Danetree alone. A figure between these two extremes would be justified for its approval with either Church Fields alone or both Church Fields and Danetree.
- 5.23 There would be no justification for further contributions towards link improvements or bus priority measures based on the model output. Therefore other highway related costs would be associated with the direct access and associated costs, including the proposed pedestrian crossing on Northern Way.

## 6 DIRECT ACCESS

- 6.1 In terms of the actual access arrangement to the Appeal Site, the NCC Position Statement of 9<sup>th</sup> January 2009 confirms at paragraph 5.1 *“NCC is satisfied following discussion with the developers that the proposed access arrangements from existing highways will, in principle, be capable of accommodating peak traffic flows associated with each development. Final design and technical approval can be covered by planning conditions and the implementation of the works will require a Section 278 Highways Act agreement to be entered into by the Appellants and NCC.”*
- 6.2 On this basis, it is clear that the provision of satisfactory strategy for connecting the Appeal Site to the existing public transport infrastructure could be achieved via a standard planning condition. Therefore, this is not a matter on which the appeal should be determined.

## 7 FLOORE, WEEDON, UPPER HEYFORD BYPASS (FWUH)

- 7.1 The Draft Final Report V3 of the East Midlands Regional Funding Allocation (Transport) Period 2 2009/10 to 2018/19) of January 2009 considered the various bids made by Authorities within the region for central funding. The *“A45 Weedon, Floore and Upper Heyford Bypass”* was included in the *“Second Five Years Schemes”* section on page 14 of the document as low scoring. However, this should be recognised taking into account the following guidance contained within the report on page 26:

### ***Strategy for the remaining funding***

*5.23 Having assessed all the schemes listed in chapter 3, it is clear that some perform better against a range of criteria than others. The first five years schemes performing best, and fitting with the strategy set out in paragraph 5.2, have been included in the revised package.*

*5.24 With the exception of the A38, none of the remaining schemes are explicitly included in the package.*

*5.25 As the Government’s DSTS agenda develops over the coming 18 months, greater clarity will emerge over the policies which Government wishes to see delivered at a regional level. Further, the challenge-led approach to transport planning encapsulated in DaSTS will, by the time of RFA3 (likely to be completed by 2011), have clearly*

*established the key challenges facing the East Midlands and therefore the types of interventions best-suited to overcome them.*

*5.26 For these reasons, the final element of the RFA2 package has not been defined in terms of specific schemes at this point. Rather it earmarks the remaining £117.7 million of allocation for investment to support growth in the region's 11 Housing Market Areas and in strengthening inter and intra regional links. 12.5% of this funding is programmed for expenditure in each of 2014/15 and 2015/16, 25% in each of 2016/17, 2017/18 and 2018/19.*

*5.27 Investment in the region's 11 Housing Market Areas to be spent on schemes which support what will remain a top priority for the region – delivering growth. In the period leading to RFA3, the region would therefore encourage promoters to review those schemes which are not explicitly named in the package, consider which perform best currently, particularly in terms of delivering sustainable growth and inter/intra regional links, and prioritise them.*

*5.28 The definition of the full post 2013/14 programme is therefore then deferred to the RFA3 process, by which time we would expect DaSTS to have advanced, as will the Integrated Regional Strategy and a long term view of the region's transport strategy will have emerged.*

*5.29 At this stage, none of the schemes assessed have been ruled-out for future prioritisation in subsequent RFA rounds. However, The policy of prioritising high scoring schemes over others will be retained and therefore we would advise promoters of those schemes which currently score poorly to look at why this is the case and whether there is potential to improve the scores in the future. It may be appropriate to do this as part of the regional DaSTS/RFA3 process or through development of the third round of Local Transport Plans. It is acknowledged that the performance of some of the schemes put forward for the second five years will improve as they are better-defined.*

7.2 Appendix G of the report identifies the 11 Housing Market Areas and specifically refers to Daventry as follows:-

**West Northamptonshire HMA**

*As with North Northamptonshire HMA, the area is earmarked for significant growth, particularly around Northampton. Transport investment must support the strengthening*

*of the roles of Northampton as a PUA through intensification and planned sustainable urban extension and strengthening of the sub-regional role of Daventry and Towcester. Investment is also required in sustainable transport within Northampton, highway and public transport connections and capacity between the main centres in Northamptonshire and Milton Keynes, especially along the A45/43 and A5 corridors, and improving the accessibility of deprived urban communities and rural areas.*

- 7.3 The HA has undertaken an assessment of junction capacity which is reported in CDHA3. The assessments confirmed that in terms of the Trunk Road Network, the A5(T)/A45 junction represents the most significant constraint to the developments in Daventry. It has confirmed that the junction is already operating at capacity and that any increase in traffic would simply compound congestion.
- 7.4 Assessments undertaken by the HA and reported in CDHA3 confirm that in the 2007 base year the Ratio of Flow to Capacity (RFC) reaches 0.997 generating queues of 24 Passenger Car Units (PCU) extending 200m and delays of 2.95 minutes/PCU. By 2026, with none of the Appeal Sites implemented, background traffic growth is predicted to result in the RFC reaching 1.285 generating queues of 72 PCU extending 2.8km and delays of 8.65 minutes/PCU.
- 7.5 The HA and its consultants have reviewed the potential for improvements within the existing highway corridor and confirmed at paragraph 4.14 of CD HA3 that *“Assessment work indicates that it is very unlikely that any scheme could be delivered within the scope of the existing highway that would release any additional capacity or facilitate the release of any further housing development beyond that identified in this note. The HA controls the traffic signals at the junction and whilst it could theoretically manage these to ensure the SRN continues to flow at an acceptable level, this would be likely to have wholly unacceptable consequences for the local road network and the A45. This is not therefore an approach the HA would recommend as desirable.”*
- 7.6 An enlarged signal controlled junction has been identified by the HA as part of the DIS study. This was found to be capable of accommodating traffic associated with approximately 6200 houses in 2021. Stuart Michael Associates, on behalf of Church Fields, has designed an alternative scheme which could accommodate a similar level of development, which has been named *“The Roundabout in the Field”*.

- 7.7 Whilst it may be desirable to restrict traffic growth by reducing the need to travel or providing alternative travel modes, which may occur in the fullness of time, the HA requires developers to demonstrate that traffic levels it predicts would arise from the Appeal Sites can be accommodated on the SRN.
- 7.8 Following the modelling work carried out by ARUP and Faber Maunsell, the Floore/Weedon/Upper Heyford bypass would appear to be the most likely practical solution to the existing constraints at the A5/A45 junction.
- 7.9 In addition to overcoming the existing operational capacity constraints at the junction, the bypass scheme would also overcome the existing A45 link capacity constraints and environmental concerns associated with existing and potentially increased traffic flows through Floore, Weedon and Upper Heyford arising from the developments.
- 7.10 NCC has indicated that the environmental concerns in themselves are suggested to justify the bypass scheme in its opinion, and submitted such information with its RFA bid.
- 7.11 ARUP undertook an assessment of the A45 corridor capacity which is reported in section 5.5 of Daventry Public Inquiry Support Modelling Technical Note of February 2009 (CDNCC2). The A45 Corridor Analysis forms Appendix H to that document. Table 5.8 of the main text provides Trigger Points for the bypass relative to the number of dwellings provided at the Appeal Sites under each of the potential development scenarios. Table 5.8 confirms that a single carriageway bypass scheme would be required to accommodate background traffic growth with none of the Appeal Sites being implemented by 2021.
- 7.12 It is therefore apparent that purely on the basis of background traffic growth significant improvements to the A45 corridor and its junction with the A5 will be required by 2021 irrespective of whether or not any of the appeal sites are granted permission and built out.

- 7.13 Based on the link capacities of the A45 corridor, the HA in its document CDHA3 identified a development threshold of up to 3,500 units split between the three Appeal sites units at paragraph 4.4, whereas ARUP identified up to 2,250 units in the aforementioned Table 5.8. Based on the build out rates provided by the developers, this would trigger the need for link capacity improvements by 2016 (HA) and 2015 (ARUP). The discrepancy between these two figures is the point at which the link capacity has been calculated. The HA has used a section of the A45 close to the SRN whereas ARUP has used the more constrained areas within the villages along the route.
- 7.14 In terms of the Appeal Site in isolation, Table 5.8 of CD NCC2 indicates 850 dwellings could be accommodated up to 2019 before a single carriageway bypass is required. However, it was noted that the table also identified that Church Fields could accommodate 1675 dwellings in 2018 before triggering the need for a bypass. I therefore sought clarification from ARUP regarding the apparent inconsistency. It was confirmed by e-mail on Wednesday 25<sup>th</sup> March 2009 that more than 850 dwellings in 2019, and the proposed 1000 dwellings in 2018, could be accommodated on the Appeal Site before triggering the need for a bypass. This was further clarified by e-mail on 30<sup>th</sup> March 2009, which confirmed it would be possible to accommodate 1000 dwellings on the Appeal Site in 2019 before triggering the need for a single carriageway bypass.
- 7.15 Table 5.8 indicates that the bypass would need to be constructed to a dual carriageway standard in order to accommodate more than 6150 dwellings distributed between the three sites. Should the Appeal Site and Church Fields be developed, giving a yield of 5000 dwellings, it would not be necessary to upgrade the bypass to dual carriageway standard. Neither the Appeal Site or Church Fields would result in the need for a dual carriageway bypass in isolation.
- 7.16 Danetree and the Appeal Site could deliver up to 4750 dwellings by 2022 before a dual carriageway is required. Danetree and Church Fields could deliver 5200 dwellings by 2020. Danetree in isolation would trigger the need for a dual carriageway upgrade in isolation by 2022 with a yield of 3750 dwellings.
- 7.17 The results of the latest modelling assessments differ to those previously derived from the DTS/DIS studies. However, those studies assumed a design year of 2021 and approximately 6200 dwellings in total, which satisfied the strategic growth allocation at the time. Based on these studies the FWUH scheme was not considered to be an inevitable infrastructure requirement and no contributions towards its provision were sought.

- 7.18 This is confirmed by the minutes of the Daventry Transport Working Group meeting held at WNDC offices on 19<sup>th</sup> September 2008. The minutes state:
- “VB confirmed that the HA was not working towards demonstrating Flore-Weedon as the solution. At present the HA is exploring all options for resolving its concerns and was keen to explore solutions short of new road building. As well as potential improvements at the A45 / A5 junction there was also the possibility of exploring corridor management techniques.*
- LM confirmed that as far as the County Council were concerned the Flore-Weedon remained a possibility but that it was not necessarily the way forward. It too was keen to explore schemes short of Flore-Weedon including measures aimed to promoting sustainability within Daventry.”*
- 7.19 The position regarding the FWUH evolved during the Appeal process. At the Round Table meeting of 22<sup>nd</sup> January 2009 NCC confirmed that various avenues of funding for the scheme were being investigated, including the RFA bid. At that time it was envisaged that developers would be contributing a proportion of the cost of the scheme, which was anticipated to be 20 – 30%.
- 7.20 Following the low ranking in the RFA bid, NCC has shifted its stance in that it now considers the FWUH should be funded 100% by developers and has undertaken calculations based on 8260 dwellings being delivered within the planned period to 2026. On this basis, it has identified a 100% developer funded single carriageway bypass scheme with NCC funding the upgrading to a dual carriageway in the future utilising land secured/reserved as part of the procurement process to providing the single carriageway option.
- 7.21 NCC has confirmed that it is pursuing FWUH as its No.1 priority scheme. On this basis, and given the demonstrable need for the bypass to overcome capacity constraints and environmental concerns in the villages along the A45 corridor, it is reasonable to assume that some public sector funding would be made available for the FWUH scheme. As there is no guarantee that any of the appeal sites would be permitted, and given that FWUH is the No.1 priority scheme, it would be equally reasonable to assume that the scheme could be wholly publicly funded and implemented by 2021, when it has been demonstrated to be required even without the development of the three sites considered at this Inquiry.

7.22 On this basis, I consider it is inappropriate to levy the full cost of the scheme onto developers and I understand that this has been done purely to assist in overcoming the question of deliverability the HA has sought to answer. Whilst there remains a question mark regarding environmental impact, land ownership etc. which in some ways supports the HA's position, by shifting the entire cost of the scheme to developers, NCC has sought to avoid the question raised by the HA regarding funding, which it reiterated with some reinforcement following the outcome of the RFA bid.

7.23 The Appeal Site has been consistently included at or around its full development capacity in the DTS and DIS studies and its impact was assessed cumulatively with the development at other sites. NCC's Rule 6 statement states:-

*3.9 With the optimum development scenario recommended by DIS the existing highway network copes with background growth without the need for substantial infrastructure provision for increased highway capacity. However, the key constraint occurs on the A45 south-east of Daventry, which is forecast to approach capacity by 2021.*

*3.10 The DIS identifies the limits and scope for major growth by way of the optimal locations for development in both Strategic Transport and Land Use Planning Terms where Sustainable Urban Extensions (SUE's) have been identified as the acceptable way forward for the delivery of growth. In sustainable terms development should be placed at locations where there are no capacity constraints and where opportunity exists to shift trips to public transport and other sustainable modes.*

*3.11 Whilst it may be possible to develop a transport strategy to mitigate the transport impacts of most development scenarios put forward for Daventry, development options differ significantly in terms of sustainability and infrastructure requirements. The outcomes of the DIS indicate areas within Daventry where development should be encouraged along with the extent of the infrastructure required to support growth in these locations."*

- 7.24 As I previously identified NCC's position statement of 9<sup>th</sup> January 2009, confirms at paragraph 3.2 *"However, with reference to the three proposed development sites, only Monksmoor is included in its entirety in the optimal development scenario indicated in the DIS."* The Optimal development scenario was developed on the basis of what at the time was considered to be desirable, but is understood to be undeliverable as a result of other constraints in terms of where some sites were located. However, this limitation did not extend to the Appeal Site.
- 7.25 The DIS main report states:-
- 4.2.7. The road network as a whole has recently been assessed by consulting engineers Arup with the conclusion that with some relatively minor modifications, the local road system will meet the needs of the target population of some 40,000 people in 2021.*
- 4.2.10. The main infrastructure proposals which are committed to and have been assumed to be proceeding, for the purposes of making the infrastructure requirements assessment, are:*
- ..... (Flore-Weedon bypass).....*
- 7.26 It is not suggested within the DIS report that the schemes which are committed to are to be developer funded.
- 7.27 The latest modelling indicates that the Appeal Site would bring forward the need for the single carriageway bypass by just two years. In terms, it could therefore be concluded that the impact of the Appeal Site on the need for the bypass based on link capacity is equivalent to two years of traffic growth some 11-12 years into the future, assuming predicted traffic growth during the critical peak hours actually occurs.
- 7.28 However, there is no guarantee that such growth will occur when considering the impact of a slowing economy, peak hour spreading and constraints elsewhere on the highway network.
- 7.29 In order to establish the impact of the Appeal Site on the A45 corridor, and hence the FWUH bypass, I have reviewed the traffic flows in Appendix H of the ARUP report CDNCC2.

- 7.30 Within Appendix H of the report the link flows for various scenarios in different years are tabulated. By comparing the flows on each link in 2026 in the Reference Case with those for Option 5, it is apparent that the increase over the annual average 24 hour day (AADT) ranges from 143 movements to 786 movements. It should be re-iterated that these are total daily (i.e. 24 hour) flows rather than peak hour increases. As such they do not specifically relate to the trigger points for requiring the bypass, which are based on hourly capacity. In terms of proportions, these daily increases represent between 0.8% and 4.9% of the Reference Case flows.
- 7.31 Such fluctuations are typical of normal day to day variations, and therefore the significance of such change should be considered in this context. Whilst there would clearly be a net increase in activity, I do not consider this to be so significant that the acceptability of the Appeal Site should be determined on the basis of the deliverability or otherwise of the FWUH.

#### **FWUH Scheme Costs & Potential Contributions**

- 7.32 Based on the cost estimates identified for NCC for the future proofed single carriageway bypass, which makes provision for a dual carriageway, and includes a worst case 44% optimism bias, a figure of £42.647 million has been identified. Without the Optimism bias, the scheme cost is identified to be £29.616 million.
- 7.33 Optimism Bias has been included in accordance with the Department for Transport *“Procedures for dealing with optimism bias in transport planning”*, which states *“there is a demonstrated, systematic, tendency for project appraisers to be overly optimistic and that to redress this tendency appraisers should make explicit, empirically based adjustments to the estimates of a projects costs, benefits and duration.”*
- 7.34 The DfT Transport Analysis Guidance (WebTAG – CD1.44) Unit 3.5.9 identifies three stages of scheme development according to scheme category at Table 8. For Local Authority and Public Transport schemes these are Stage 1 – Programme Entry, Stage 2 – Conditional Approval and Stage 3 Full Approval.
- 7.35 Table 9 of TAG Unit 3.5.9 *“Recommended optimism bias uplifts for different projects at different stages of the life of a transport project”* indicates road projects at Stage 1 should be subject to an uplift of 44%. As the design process progresses, the need to incorporate the 44% optimism bias will reduce. Table 9 identifies the uplift to reduce to 15% at Stage 2 and 3% at Stage 3.

- 7.36 By analysing the elements which contribute towards the overall scheme cost, when incorporating 10% contingencies the land and works costs equate to £28.091 million, of which £3.3 million and £1.1 million are associated with land acquisition and Land Compensation Act costs, leaving £23.691 million for the actual works costs.
- 7.37 In addition there are £0.822 million for supervision and £0.703 million for design costs.
- 7.38 Based on the need for the bypass without development, it is questionable whether developers should be requested to contribute towards the land acquisition, land compensation, design and supervision.
- 7.39 Based on the range of figures identified above, and the highest proportional impact of the Appeal Site on the link flows (4.9%) should it be deemed that a contribution towards the bypass is justified, bearing in mind the limited volume of development traffic and normal day to day variations in daily traffic volume, depending upon the inclusion or otherwise of the Optimism Bias, funding of between £1.16 million and £2.09 million could be attributed to the Appeal Site, which is significantly less than the circa £5.7 million suggested by NCC based on a division of the scheme cost by 8260 dwellings. I note that by multiplying the suggested figure of £5702 per dwelling by 8260 dwellings, a total of approximately £47.1 million is established, which represents an increase of some £4.45 million over the previous cost estimate and approximately 10.4%.

### **Local Highway Impact Conclusions**

- 7.40 Having considered the preceding sections of my Proof and the relevant background documentation, I conclude that subject to agreement regarding the appropriate level and mechanism of contributions under the planning obligation towards reasonable improvements to the local road network, there is no reason to refuse the Appeal on the grounds of highway impact.
- 7.41 Should the Appeal Site be granted planning permission in isolation, it is apparent that there is no justification for contributions towards the local road network within Daventry, i.e. to the west of the A5.

- 7.42 In the event a contribution towards the FWUH scheme is considered essential, when taking into account the day to day variations in traffic, low impact of the proposed development and demonstrable need for the bypass in any event, this should be limited to an upper limit of £2.09 million. The contribution should be linked to the physical provision of the scheme, rather than design, as it is only its provision that would mitigate any traffic impact. As a result, the contribution could be timed to coincide with the commencement of construction of the scheme, which, when allowing for design, land acquisition etc. is likely to be mid-way through the build programme of the Appeal Site.

## 8 TRUNK ROAD NETWORK

- 8.1 The Modelling Summary Note prepared by Faber Maunsell on behalf of the HA (CDHA3) identifies the impact of the Appeal Site in isolation and cumulatively with the Church Fields and Danetree sites. The conclusion of the report identifies *“the following junctions require mitigation for most development scenarios considered:-*

*Junction 4 – A45/B4037 (NCC)*

*Junction 5 – A45/A5*

*Junction 6 – M1 Jn 16*

*Junction 7 – A5/Norton Road (if traffic is not discouraged from using Norton Road)*

*Junction 8 – A5/B4036*

*Junction 9 – A5/B5385*

*Development will need to be constrained to the link capacity of the A45 until such time as link capacity is improved. This has been assessed as around 3500 dwellings if the capacity at the A5/A45 junction can be improved to release the capacity constraint at this location.*

*If only the A5/A45 junction improvement was delivered in order to release some housing growth, based on housing trajectories and background growth improvements at the A5 junctions would be required by 2017 and improvement of the M1 Jn 16 would be required by 2022.”*

- 8.2 Upon examination of the report, it is apparent that the Appeal Site would have a limited impact on the SRN.

### Junction 5 A5/A45

- 8.3 The A5/A45 junction is considered to be the most constrained. Paragraphs 4.1 and 4.2 of CDHA3 confirm the A45 and A5 South approaches to the junction are already at 98% saturation, and that this will rise to some 127% i.e 27% over saturation level by 2026, leading to queues extending at least 2.8km on the arms, with none of the proposed development in place. Despite this, the HA confirms *“There are no planned improvements at this junction by the Highways Agency or NCC”* and paragraph 4.3 continues *“It is clear significant improvements will be required at this junction to accommodate any growth in Daventry. The junction is already at capacity. Growth will make this worse and the developments have the potential to add up to 2038 additional vehicles through the junction”*.
- 8.4 In terms of traffic flow at this junction, based on the traffic flows in Table 4.2, in 2026 the baseline flows through the junction are established to be 3530. Under scenario 5, the total flow increases to 3734. It is therefore apparent that the Appeal Site traffic represents an increase of just 204 movements or 5.8% over the baseline flows based on the predicted model output, as modified by the HA.
- 8.5 When compared with the total additional development flows identified above (2038) the Appeal Site traffic represents approximately 10% of the total development traffic.
- 8.6 The link capacities of routes at the junction have also been assessed and it was identified that the exit capacity on the A45 was the primary constraint. Table 4.1 of CDHA3 identifies the theoretical link capacities and Table 4.2 identifies the respective link flows under the potential development options. Under scenarios 3 (the Appeal Site and Church Fields), 5 (the Appeal Site in isolation) and 6 (Church Fields in isolation), the exit link capacities are not breached. This suggests that should the Appeal Site or the Appeal Site in conjunction with Church Fields, which would release 1000 and 5000 dwellings respectively, the exit link capacity would not be exceeded.
- 8.7 Table 4.2 confirms that it was necessary to adjust the model flows to the exit link capacity under Scenarios 1,2, 4 and 7, which indicates that under these scenarios the demand would exceed the available capacity.
- 8.8 It is therefore apparent that in isolation the Appeal Site would not result in a breach of identified link capacity, or when combined with Church Fields. If combined with the Danetree site the resulting demand would breach the exit link capacity.

- 8.9 Whilst there is clearly a capacity constraint at the A5/A45 junction, and apparently little that can be done to improve matters within the existing highway boundary, it must be recognised that the junction will require some form of mitigation by 2026 based on natural traffic growth with or without the proposed developments being implemented if satisfactory performance of the SRN is to be achieved. The HA correctly identified that such improvement would require land outside the highway boundary, and appears to consider this as justification to frustrate the delivery of the strategic development requirements in Daventry.
- 8.10 Paragraph 4.16 acknowledges that *“The DIS identified junction capacity improvements at the junction in the form of an enlarged signal controlled cross roads that extended onto land outside the highway boundary and would have required the acquisition of property and possibly demolition.”*
- 8.11 As previously stated DIS effectively assessed the preferred Option 4 scenario of DTS to 2021, which included approximately 6200 dwellings and associated infrastructure. It was therefore clear at that time that there was a solution to the constraint on the SRN, which would be deliverable, albeit potentially via compulsory purchase. Further improvement options have also been suggested by SMA, which whilst still requiring third party land would operate satisfactorily under all of the development scenarios considered, as confirmed by Table 4.3 of CDHA3.
- 8.12 Table 4.3 provides details of the impact of the various development scenarios on the operational capacity of the existing junction. In 2026 with no strategic development and no improvement, the junction’s ratio of flow to capacity (RFC) would reach 1.285, which may be compared with the theoretical saturation level of 1.0. The queue length would extend to 72 Passenger Car Units (PCU) incurring delays of 8.65 minutes per PCU.
- 8.13 By adding the Appeal Site to the existing junction in 2026 the RFC rises to 1.408, representing a 9.6% increase in saturation; queues of 108 PCUs, representing a 50% increase in queue length; and delay of 10.81 minutes/PCU, representing an increase of approximately 25% in terms of the overall delay.

- 8.14 In combination with Church Fields (Scenario 3), the RFC would increase to 1.502 generating queues of 198 PCU being delayed by 11.96 minutes/PCU. In combination with Danetree (Scenario 2) the RFC reaches 1.767 resulting in queue lengths of 366 PCU with delays of 15.2 minutes/PCU. Under Scenario 1, whereby the Appeal Site was developed with both Church Fields and Danetree, the resulting RFC, queue length and delay is predicted to be 1.778, 383 PCUs and 15.43 minutes/PCU respectively.
- 8.15 Interestingly, by comparing the output between Scenarios 1 and 4 (All sites and Church Fields with Danetree), it is apparent that other than a slight increase in queue length of 4 PCU, the junction assessment results are identical. This indicates that if the Inspectors consider Danetree and Church Fields sites should be approved, there would be no practical detriment at this junction by also approving the Appeal Site.
- 8.16 Table 4.3 identifies the cost of improving the junction, excluding land costs but including the 44% optimism bias (see paragraph 3.2 of CD HA3) would be £10,228,007.
- 8.17 In the event only the Appeal Site was granted planning permission and it was still deemed necessary to improve the junction, which is already constrained but not allocated for future modification at present, based on a 5.8% increase in traffic a pro-rata contribution would be £593,224.41. Should all of the sites come forward and the developers be required to contribute the full cost of improvements to the junction, based on 10% of the development traffic, the applicable charge to the Appeal Site would be £1,022,800.70. However, in view of the fact that the HA has accepted the junction is already over capacity, I consider the latter calculation would be unreasonable.

- 8.18 The mitigation measures identified by both the HA and SMA provide material betterment when compared with the baseline situation. Paragraph 28 of Circular 02/2007 (CD1.41) states *“Improvements required to mitigate the impact of traffic generated by developments will also need to address any existing issues at that location unless the Agency already has a firm commitment to do so.”* This would suggest that it is reasonable for the HA to require developers to fund the identified improvements in their entirety. However, paragraph 37 of the same document states *“Where the provision of extra capacity is needed to provide for overall forecast demand throughout the Review Period (outside of the Agency’s forward programme of works), capacity improvements may be agreed, subject to environmental and deliverability considerations. These improvements will normally be provided, at the expense of the developer, via the provisions of a section 278 agreement to ensure that local conditions on the strategic road network will be no worse throughout the Review Period with the development than if it had not taken place.”* This is a completely different prospect to addressing existing issues at a location in the absence of HA proposals to do so.
- 8.19 Paragraph 51 of CD1.41 states *“Where multiple developments proposals may have a significant impact on the strategic road network, proportional investment may be required in the necessary improvements to the network. In such circumstances, it may be beneficial for a ‘ringmaster’ to act as a broker for the public sector and developers to invest in improvements to the network. The ringmaster is an organisation or public body that will co-ordinate investment commitments for a particular development or series of developments. It will be responsible for ensuring that developers’ contributions allow the infrastructure to be secured in a fair and equitable way. The Agency will not act as ringmaster, but will work with the designated ringmaster to facilitate delivery of the appropriate schemes.”*
- 8.20 Paragraph 52 continues *“Any works and/or demand management measures, carried out by the Agency as part of the developer’s mitigation measures have to be capable of dealing with the development’s forecast increase in traffic over the course of the Review Period.”* This paragraph also indicates that the mitigation should deal with the development’s forecast increase in traffic, rather than existing congestion and background traffic growth. As the identified improvement schemes result in improvements in performance when compared with the 2026 Base case, it is reasonable to anticipate that these schemes should not be wholly developer funded.

- 8.21 In the case of the A5/A45 junction, it has been accepted that based on the strategic growth target for Daventry, the constraint imposed by the link capacity on the A45 corridor will be a key consideration. As I previously stated, the minutes of the meeting of Daventry Transport Working Group held at WNDC offices on 19<sup>th</sup> September 2008 read:
- “VB confirmed that the HA was not working towards demonstrating Flore-Weedon as the solution. At present the HA is exploring all options for resolving its concerns and was keen to explore solutions short of new road building. As well as potential improvements at the A45 / A5 junction there was also the possibility of exploring corridor management techniques.*
- LM confirmed that as far as the County Council were concerned the Flore-Weedon remained a possibility but that it was not necessarily the way forward. It too was keen to explore schemes short of Flore-Weedon including measures aimed to promoting sustainability within Daventry.”*
- 8.22 To date, no alternatives to the bypass scheme have been proposed or identified. However, it has been acknowledged by the HA that FWUH would resolve the capacity issues at the A5/A45 junction and also along the existing A45 corridor, which is constrained in terms of potential improvements to increase throughput of traffic. However, based on its continued objection, the HA remains concerned over the deliverability of the scheme.
- 8.23 I believe the need for the FWUH bypass has been identified for a significant period of time and have referred to the DIS report (CD4.2), which identified the scheme within the section of committed to or assumed to be proceeding at paragraph 4.2.10 of the document.
- 8.24 I believe the ultimate requirement for the bypass at some stage has been long established and is clearly considered by WNDC through DIS as being key to delivering the strategic growth for Daventry. The HA has clearly reviewed DIS and undertaken assessments of the impact of the optimal development strategy on the Trunk Road.
- 8.25 I am therefore surprised that when taking into account the existence of the scheme in some form or another for a significant period of time, and having been identified by the HA when the A45 was a Trunk Road, that the Agency has been so resistant to the principle of the scheme and has failed to take its impact into account until the Inspectors insisted it did so.

- 8.26 However, it should be recognised that the figures used by the HA and NCC to assess where link improvements are required are based on link Design Capacities, not absolute capacities. There may therefore be some scope to accommodate further development before link improvements are essential in order to avoid unacceptable levels of performance.
- 8.27 For example, the HA and NCC have no proposed improvements to the A5/A45 junction despite the fact it will be over capacity soon, without the additional development. Notwithstanding this fact, the junction does not rank sufficiently high to justify improvement. It must therefore be accepted, the argument that just because a network reaches capacity, it must be improved, or all development must stop is not defensible.
- 8.28 The HA has agreed it will confirm what level of development it could accept before the infrastructure improvements are in place, on the assumption that deliverable improvements would be provided in the future. I understand this in no way undermines its concerns regarding the deliverability of infrastructure improvements, but will inform the Inquiry regarding its stance in terms of potential release of some development at an early stage in order to assist in the possibility of meeting the strategic growth targets. I expect to receive confirmation of these figures soon after 21<sup>st</sup> April 2009 based on assurances given at the meeting at Faber Maunsell's offices on Tuesday 24<sup>th</sup> March 2009. Subject to the information provided by the HA, I may wish to provide further evidence in response following its receipt.

## Junction 6 M1 Junction 16

- 8.29 The impact of the Appeal Site on M1 J16 is also reported in the Faber Maunsell document CDHA3. Table 5.1 confirms the Appeal Site traffic represents just a 2.6% increase over the baseline flow, which equates to 111 vehicles in the AM peak in 2026. Table 5.2 of the report summarises the impact on the worst performing arm in terms of operational capacity. The table demonstrates that the Ratio of Flow to Capacity (RFC) increases from 0.824 to 0.865, resulting in queue lengths increasing from 4.4 vehicles to 6.1 vehicles. The delays actually reduce from 0.32 minutes per vehicle to 0.21 minutes per vehicle, which may be a typographic error. I was initially unable to check the actual capacity outputs as Appendix C includes the variations in approach flows to the junctions rather than the capacity outputs. However, Faber Maunsell kindly provided the full output data by e-mail which revealed that Table 5.2 does not reflect the actual output from the model. The increase in RFC on the worst performing arm rises from 0.824 to 0.880 with queue lengths increasing from 4.4. to 6.4. The inclusive delay on the worst performing arm increases from 0.32 to 0.47.
- 8.30 Whilst the RFC trips over the desirable maximum of 0.85 when the Appeal Site traffic is added, the maximum figure remains well below the theoretical saturation level of 1.0. The maximum queue remains at an acceptable level and delays are not considered to be excessive.
- 8.31 Whilst the HA has assessed an improvement scheme, costing approximately £0.54 million, it is noted that this would result in higher capacity than would exist at the junction before the development traffic is added. Based on these findings and the prediction of traffic flows 17 years into the future, I do not consider the improvements to M1 Junction 16 should be attributed to or could be justified by the impact of the Appeal Site.
- 8.32 Further assessment work has been undertaken at M1 J16 since CDHA3 was prepared to establish the maximum scale of improvement likely to be required in the event the FWUH scheme was implemented to dual carriageway standard. This has confirmed that a technical solution is available based on a worst case scenario assessment.

- 8.33 The report forms CDHA5, with the potential improvement illustrated at CDHA5/3. A letter to the Programme Office from TSoL dated 6 April 2009 confirms the HA is seeking to use the findings to secure mitigation through Grampian style conditions or obligations. This could be acceptable subject to there being sufficient flexibility within the condition or obligation to allow the scale of works/contribution to be reduced without the need to enter into a formal planning application process should acceptable alternatives be provided as a result of design variations or need based on a lesser scale of development or traffic impact than assessed by the HA.
- 8.34 Costs for the worst case scenario are currently awaited from the HA, which will take into account the assumptions made by NCC for the improvements to the junction when it estimated the cost of the FWUH to inform the S106 negotiations.

#### **Junction 7 A5/Norton Road**

- 8.35 The Assessment of the A5/Norton Road junction in the Faber Maunsell Report appears to significantly over-estimate the impact of the Appeal Site. The O/D flows provided by ARUP revealed an increase of approximately 190 movements during the AM peak, which may be compared with a change of 525 in the HA assessment, based on Table 6.1. Unsurprisingly this indicates that the Appeal Site would have a significant impact on the junction which may justify improvements. However, I am advised that the development flows should be consistent between the ARUP and Faber Maunsell models, so something is clearly amiss here and I have sought clarification regarding the basis of the flows as Table D5.2 in Appendix D of CDHA3 identifies "Development Only Flows Scenario 5" as 525 movements through this junction, which represents some 74% of the total 710 movements generated by the Appeal Site, as identified at Table 3.8 of CDNCC2.
- 8.36 Faber Maunsell advised that the flows were taken directly from the ARUP model and therefore I queried the figures with ARUP on 15<sup>th</sup> April and am currently awaiting a response.
- 8.37 Notwithstanding this, two improvement options have been identified for the junction. One is a roundabout and the other is a signal controlled option. These alternatives have been identified to cost £562,893.74 and £901,182.48 respectively at Table 6.2 of CDHA3. The same table confirms that in isolation, the Appeal Site could be accommodated with the roundabout improvement.

- 8.38 By considering the available capacity at the junction in the baseline scenario, subject to confirmation of the apparent discrepancy regarding the impact of the Appeal Site in terms of increased traffic through the junction, it is possible that this junction would continue to operate satisfactorily with the Appeal Site development implemented.
- 8.39 It is also noted that the model undertaken on behalf of the HA assumes no constraint on movement through Norton village and I understand that this has been queried by SMA on the basis that restrictions are anticipated which would deter traffic using that route. It is noted that the conclusion of the Faber Maunsell report states this junction would require mitigation *“(If traffic is not discouraged from using Norton Road)”*. Paragraph 6.7 of CDHA3 states *“However, in order to discourage travel through Norton Village the best solution may be to carry out no mitigation at this junction to encourage traffic to divert elsewhere by inducing significant delay in accessing the A5 at this location. In order for this to work more stringent traffic calming measures may be necessary in Norton Village to prevent through traffic from using the route and reduce the risk of accident rates increasing on the A5.”*
- 8.40 Should such a strategy be adopted, there would clearly be no need to improve the existing junction, and therefore contributions would not be justified.

#### **Junction 8 A5/B4036**

- 8.41 The assessment on Junction 8 between the A5 and B4036 at Long Buckby Wharf undertaken for the HA also incorporates significantly different traffic flows to the ARUP model. The HA model includes 184 movements associated with the Appeal Site, which is some 70% higher than the 108 movements in the ARUP model. Notwithstanding this a comparison between the 2026 baseline and Scenario 5 in Table 7.2 of CD HA3 reveals that the capacity of the junction improves as a result of the development, with queues and delays reducing.
- 8.42 Based on the model output, it is apparent that improvements to this junction would not be justified as a result of the Appeal Site.

#### **Junction 9 - A5/B5385**

- 8.43 Junction 9 between the A5 and B5385 is the most direct route between the site and the A5. The HA assessment has identified 224 movements through the junction from the Appeal Site.

- 8.44 Based on the HA model output, whilst the RFC would increase from 0.692 to 0.826 with no mitigation in place, the queue lengths would increase from 2.15 to 14.7. The delay is predicted to increase from 0.28 to 1.89 minutes per vehicle. Whilst the RFC remains below the desirable minimum, the queue lengths and delay are becoming significant. However, a minor mitigation scheme has been identified, which would reduce the RFCs, queues and delays to below the baseline level. The scheme cost has been identified to be approximately £457,000. The scheme drawings have not been provided at this time. In the event only the Appeal Site was permitted, the cost of the Minor Junction improvement is likely to be imposed upon the developer. Should either or both of the other sites be granted permission with the Appeal Site, the Minor mitigation scheme would continue to provide an acceptable level of performance. Based on all three sites contributing towards the improvement, the cost attributed to the Appeal Site is calculated to be £114,888.14. In combination with only Church Fields the contribution would be £173,795.13 and with only Danetree, the contribution would be £194,610.90.
- 8.45 Schemes have been identified which could be implemented to mitigate the impact of traffic associated with the Appeal Site towards which appropriate and reasonable contributions could be made under an agreed planning obligation.
- 8.46 I therefore conclude that subject to further discussions and agreement regarding the appropriate level and mechanism of contributions under the planning obligation towards reasonable improvements to the SRN, there is no reason to refuse the Appeal on the grounds of highway impact.
- 8.47 On the assumption that the Appeal Site is permitted in isolation, the contributions towards the Strategic Road Network improvements identified have been calculated to be up to approximately £0.5 million at this stage at the A5/B5385 junction. Subject to clarification regarding flows and impact at the A5/Norton Road junction, and a decision on whether or not restrictions through Norton village are implemented further contribution may be justified of potentially up to approximately £0.6 million.

## 9 SUSTAINABILITY

9.1 The sustainability of the site has been reviewed via both the DTS and DIS processes. In terms of the latter, the NCC Position Statement of 9<sup>th</sup> January states at section 3

*“In terms of assessing the optimal development locations for the expansion of Daventry, in terms of maximising the use of sustainable transport modes and minimising the need for highways infrastructure improvements, NCC regards the Daventry Infrastructure Study and the Transport Technical Report which accompanied it (the DIS) as the key reference.*

*However, with reference to the three proposed development sites, only Monksmoor is included in its entirety in the optimal development scenario indicated in the DIS. The other two sites, Church Fields and Danetree, are arguably located too far away from Daventry to encourage significant walking trips into the town, or to encourage additional cycling and bus trips. The sustainability of the sites is therefore an issue which in NCC’s view the Inquiry should examine.”*

9.2 The inference of the above is that when considering the optimal scenario, which did not take into account the constraints to development on some of the identified sites, the Appeal Site was considered sufficiently sustainable to be incorporated in its entirety. NCC clearly agrees with our assessment that the site is within acceptable walking and cycling distance of the town centre, which offers significant potential for encouraging these most sustainable modes.

9.3 The Appeal Site is located within a 2km journey of Daventry Town Centre and therefore falls within the acceptable walking distance of PPG 13 (CD1.22). Whilst there are areas of the Appeal Site which fall beyond the 2km threshold of the Town Centre, it is also located within 330m of the local centre off Speke Drive to the southwest and the entirety of the Appeal Site is within 2km of these facilities.

9.4 Pedestrian accessibility to the town centre and local centre will be significantly improved by a new signal-controlled crossing of Northern Way to the south of the Welton Lane roundabout. Improved linkages are also proposed to the Country Park, which also provides routes to/from the centre of Daventry via the existing footway network and an underpass below Northern Way.

- 9.5 Crossings are also proposed on Welton Lane to improve linkage to the Lang Farm development to the west and the Regional Cycle Route network. The crossings will be included within the S278 works and may be signal controlled, should that be the preferred option of the Highway Authority at the detailed design stage, which will take into account the decision to retain or reduce the existing 40 mph speed limit along the length of the Appeal Site frontage.
- 9.6 CD1.22 confirms *“Cycling also has potential to substitute for short car trips, particularly those under 5km, and to form part of a longer journey by public transport”*. The Appeal Site benefits from being situated adjacent to Regional Route 70, which forms part of the Sustrans Great Central Cycle Ride. Regional Route 70 runs along the west side of Welton Lane to the Marston Way roundabout where it crosses to the east side of the route before crossing Northern Way to the south of the Welton Lane roundabout and continuing along the west of Northern Way towards Daventry Town Centre along a “traffic free cycle route”. Via connections along a combination of signed on-road cycle routes and other traffic free routes access to the central area of the Town and the western employment areas is available within the 5km threshold distance.
- 9.7 The internal layout of the site, albeit at Master Plan stage, makes provision for permeability by pedestrians and cyclists, with identified routes throughout the development, which link to the neighbouring highway network and transport infrastructure.
- 9.8 In addition, provision has been made within the Appeal Site layout to provide direct linkage to the Church Fields development, should the two sites be developed. This would assist in providing linkage between Church Fields and the Regional Cycle Route adjacent to Welton Lane.
- 9.9 The site has been specifically designed at this stage to maximise the potential for travel by non-motorised modes, which are recognised as representing the most sustainable form of transport.
- 9.10 The need to travel will be reduced by the provision of a primary school to serve demand generated by the development, a local centre, which is anticipated to provide for the majority of day to day needs, and employment development. Live/Work units are also proposed to provide for those who choose to work from home but require separate commercial floorspace within the demise of their property.

## Bus Services

- 9.11 In accordance with the requirements of NCC, a new service would be provided between the Appeal Site and Long Buckby Station, and also the western employment areas of the town in addition to the Town Centre service that would be provided. In terms of the latter, it is anticipated that the developer contributions would be used to increase the frequency of the existing commercial service D2, which passes the site. As development progresses the service would be diverted and its frequency increased to meet the service level requirements of Northamptonshire Transport Strategy for Growth (CD2.3).
- 9.12 Whilst it cannot be guaranteed that the existing service would be diverted/upgraded, this is the most likely method of meeting the service level requirement as NCC would not allow a new service to be introduced which could undermine an existing and commercially viable route.
- 9.13 As part of the development proposals, in accordance with (CD2.3) and consultations with NCC, the site will be served by a half hourly service between 07:00 – 19:00; an hourly service thereafter until 23:00 Monday to Saturday and an hourly service between 09:00 – 23:00 on Sundays between the site and Daventry Town Centre up to the occupation of 750 dwellings. On the occupation of the 751<sup>st</sup> dwelling the service frequency will be increased to 20 minutes between 07:00 – 19:00 Monday to Saturday.
- 9.14 The bus service through the Appeal Site would commence either on occupation of the 751<sup>st</sup> dwelling or when any dwelling falls beyond 400m of the existing services in the vicinity of the site. Contributions towards the service would continue until 2 years after construction of the final dwelling.
- 9.15 A second service will be provided from the occupation of the 51<sup>st</sup> dwelling. This service will provide two journeys to Long Buckby Station during the AM peak period (07:00 – 09:30) to connect with the commuter trains to Birmingham followed by two journeys to the western employment areas of Daventry during the peak hour. The services will also run during the PM peak period between 16:00 – 19:00 to provide return journeys for commuters. This service would also be funded until 2 years after construction of the final dwelling.

- 9.16 The bus services would be put out to tender based on a service level agreement and on the minimum cost contract, whereby the operator keeps the revenue from the service, thereby maximising the incentive of the operator to increase patronage and viability. Whilst it cannot be guaranteed due to the way contracts are let, as stated above it is anticipated that the Town Centre service will be created by enhancing an existing and financially viable route D2. This is likely because NCC will not permit new services to undermine existing financially viable services.
- 9.17 The new service to Long Buckby will also serve the neighbouring Lang Farm development in order to maximise the potential long term viability of the route. Consultations with NCC and local operator Stagecoach indicates the cost of running the new service would be in the order of £300 per day. Based on an estimated cost of a one way journey to Ling Buckby station being £1.50 and the trip to the western employment areas being £1.00, as suggested by NCC, it is apparent that between 100 and 150 people per day would need to make a return journey on one or other of the two routes offered by the service.
- 9.18 When considering the quantum of potential patronage within the Appeal Site and the neighbouring Lang Farm development, I consider there is a strong likelihood that the service would be commercially viable by the end of the subsidy period.
- 9.19 Provision for linkage between the Appeal Site and the neighbouring Church Fields development has also been made to further enhance the options for services and routing in order to maximise the attractiveness, uptake and viability of new or improved bus services, should both sites receive planning permission.
- 9.20 CDNCC2 considered potential bus patronage within the modelling process. For the Appeal Site it assumed *“A bus service will link between the principle access points through the development along a public transport corridor that passes through the central focus area – A strategic public transport link is maintained to the east to provide the facility to link up with the proposed development at Church Fields”*. (page 13)
- 9.21 The Public Transport Performance analysis of CDNCC2 indicates that in isolation the identified service improvements for the Appeal Site, which under-estimate what is now proposed following consultation with NCC, would attract a total of 158 additional bus trips in the AM peak hour. Of these, 144 would be along the Ashby Road, Shackleton Drive and Danholme Avenue corridor, with the remaining 14 along the A45 east of the B4037.

- 9.22 When compared with the 2026 Reference Case, which identified a total of 134 bus trips on the network, it is apparent that the bus patronage would increase by approximately 118%; more than doubling the base patronage. This is considered to be a significant increase when compared with the current level of use in the area and the limited scale of development at the Appeal Site. However, it is noted that the model predicted *“Minimal uptake of public transport from Monksmoor Farm development, this is due to the relatively small scale public transport improvement compared with the other option scenarios.”*
- 9.23 By reviewing the other option scenarios, it can be seen from page 13 of CDNCC2 that the Danetree development is assumed to divert the D2 service, which starts at Lang Farm and provide a frequency of service of 30 minutes throughout a 16 hour day. With this service in place page 33 of CDNCC2 confirms *“Approximately 250 additional trips associated with the proposed Monksmoor Farm development”*. The identified frequency proposed by Danetree is better during the late evening/night than has been agreed with NCC as required for the Appeal Site but less during the majority of the day, including the peak hour assessed. Based on this, I consider the additional patronage of 250 trips identified by the model based on the Danetree 30 minute frequency to be lower than what could realistically be anticipated to be the uptake from the Appeal Site based on a higher, 20 minute service provision in 2026.
- 9.24 When adding the additional patronage from the proposed service to Long Buckby station and the western employment areas of Daventry, it is apparent that there is greater potential uptake than has been identified by the model.
- 9.25 When looking at Scenario 2 (Danetree and the Appeal Site) it is apparent that the uptake for bus journeys is 522 for Danetree (5150 dwellings) and 250 for Monksmoor Farm (1000 dwellings). This suggests a relatively high proportional uptake for the Appeal Site in terms of public transport use of 25% when set against the number of residential dwellings proposed.
- 9.26 The model output indicates that in conjunction with other developments, public transport patronage is likely to improve from the Appeal Site. This is likely to be a result of greater flexibility in routing and timing should additional developments be served.

- 9.27 Based on the indicated peak hour uptake of public transport, the fact that the existing D2 service is commercially viable and that only 100 to 150 commuters per day would be required to make the new Long Buckby/employment area service commercially viable, I consider the Appeal Site offers significant potential for public transport use on a long term basis beyond the period of developer subsidy.

### **Travel Plan**

- 9.28 Negotiations with NCC regarding the residential travel plan and employment travel plan are well advanced. Draft documents have been prepared based on the requirements of NCC and these have been circulated to NCC, HA and WNDC for comment and agreement.
- 9.29 We are awaiting answers to queries raised at the S106 session held earlier this year before the document can be finalised, as some of the requirements of NCC were considered to be inappropriate.
- 9.30 The response from NCC has been frustrated by the departure of key staff who were involved in drafting the original NCC requirements, and the fact that the NCC representative is frequently tied up in meetings associated with the appeals before the Inspectors. However, we remain confident that the Travel Plan documents and associated S106 obligations will be agreed before the end of the Inquiry and will incorporate appropriate measures aimed specifically at achieving the target of 20% modal shift to sustainable modes.

### **Sustainability Summary**

- 9.31 Having considered the foregoing I consider that the appeal proposals in conjunction with the proposed planning obligations would satisfy the objectives of all relevant elements of PPG13, Policies 1, 2, 4 3 and 4 of RSS8, saved Policy T3 of the Northampton Structure Plan (now superseded) and saved Policies GN2 and CM7 of the Daventry Local Plan in delivering a sustainable form of development.

## 10 PLANNING OBLIGATIONS HEADS OF TERMS

### Contributions

- 10.1 As a result of the appeal proceedings, the agreement of planning obligations prior to the end of the Inquiry has focused negotiations in terms of public transport improvements, contributions towards transport infrastructure and Travel Plan initiatives. Negotiations are ongoing and contributions would ultimately potentially vary depending upon the outcome of the various appeals being considered.
- 10.2 The following provides an indication of the current proposals at the time of writing and may be subject to change as matters progress.

### Public Transport

- 10.3 In terms of the public transport element, discussions with NCC have confirmed that improvements to bus services will be required, which should be funded via the S106 process. The proposed bus services have been identified in accordance with the requirements and advice of NCC's public transport officer.
- 10.4 Although the S106 agreement has yet to be finalised, subject to final evaluation on the overall viability of the scheme pending confirmation of contributions towards the highway mitigation, it is anticipated that agreement will be reached to provide a level of service consistent with the requirements of the NCC Transport Strategy for Growth.
- 10.5 The obligation is based on a service level agreement and will provide a half hourly service between 07:00 – 19:00; an hourly service thereafter until 23:00 Monday to Saturday and an hourly service between 09:00 – 23:00 on Sundays between the site and Daventry Town Centre up to the occupation of 750 dwellings. On the occupation of the 751<sup>st</sup> dwelling the service frequency will be increased to 20 minutes between 07:00 – 19:00 Monday to Saturday.
- 10.6 The bus service would commence either on occupation of the 751<sup>st</sup> dwelling or when any dwelling falls beyond 400m of the existing services in the vicinity of the site. Contributions towards the service would continue until 2 years after construction of the final dwelling.
- 10.7 A second service will be provided from the occupation of the 51<sup>st</sup> dwelling. This service will provide two journeys to Long Buckby Station during the AM peak period (07:00 – 09:30) to connect with the commuter trains to Birmingham followed by two journeys to the western employment areas of Daventry during the peak hour. The services will also run during the PM peak period between 16:00 – 19:00 to provide return journeys for commuters. This service would also be funded until 2 years after construction of the final dwelling.

- 10.8 The bus services would be put out to tender based on a service level agreement and on the minimum cost contract, whereby the operator keeps the revenue from the service, thereby maximising the incentive of the operator to increase patronage and viability. Whilst it cannot be guaranteed due to the way contracts are let, it is anticipated that the Town Centre service will be created by enhancing an existing and financially viable route.
- 10.9 The new service to Long Buckby will also serve the neighbouring Lang Farm development in order to maximise the potential long term viability of the route.
- 10.10 Should the Church Fields proposal be permitted, provision has been made to allow a bus link to be created to link it with the Appeal Site, which would further enhance viability.

### **Travel Plans**

- 10.11 Negotiations with NCC regarding the residential travel plan and employment travel plan are well advanced. Draft documents have been prepared based on the requirements of NCC and these have been circulated to NCC, HA and WNDC for comment and agreement.
- 10.12 We are awaiting answers to queries raised at the S106 session held earlier this year before the document can be finalised, as some of the requirements of NCC were considered to be inappropriate.
- 10.13 The response from NCC has been frustrated by the departure of key staff who were involved in drafting the original NCC requirements, and the fact that the NCC representative is frequently tied up in meetings associated with the appeals before the Inspectors. However, we remain confident that the Travel Plan documents and associated S106 obligations will be agreed before the end of the Inquiry.

### **Transport Infrastructure**

- 10.14 Should the Appeal Site be developed in isolation, it is apparent that there would be no justification for contributions to the local transport network in terms of either links, junctions or bus priority measures.
- 10.15 Should the Appeal Site be developed in conjunction with either or both Danetree and Church Fields, I have calculated that contributions could reach up to £95,000 on a proportional basis.
- 10.16 The FWUH Bypass scheme will be required by 2021 without any development taking place and is NCC's number 1 priority scheme. As a result, it may be questioned whether developer contributions are required to fund this project.

- 10.17 Should it be determined that developer contributions are justified, consideration needs to be given to the level of impact of the site. Based on a proportional impact at various points along the A45 corridor, I have calculated that the level of contribution towards the FWUH bypass that could be attributed to the Appeal Site varies between £1.16 million and 2.09 £million based on current cost estimates, which include the 44% Optimism Bias included due to the early design stages of the scheme.
- 10.18 In terms of the Strategic Trunk Road Network, I have sought clarification on the impact of the Appeal Site on one of the junctions (Junction 7 A5/Norton Road) as it appears the flow increase is illogical when taking into account the scale of development at the Appeal Site. Should the flows and associated capacity analysis prove to be correct, in isolation the Appeal Site could potentially be required to fund an upgrade of the existing junction to a roundabout, at a cost of £562,893.74, including the 44% Optimism Bias. However, this would very much depend upon NCCs strategy for discouraging through-traffic from travelling along Norton Road. It has been strongly suggested that attracting traffic through Norton Village by improving the existing junction is not desirable and therefore local measures may be implemented which negate the requirement to improve the A5 junction.
- 10.19 The only other junction at which the Appeal Site is demonstrated to have a material impact is Junction 9 A5/B5385, which would also require a roundabout improvement in order to reduce potential delay. The cost of the roundabout upgrade had been identified as £456,988.09 including the 44% Optimism Bias. Should other sites be granted planning permission the proportional impact would reduce the contribution made by the Appeal Site. Based on all three sites contributing towards the improvement, the cost attributed to the Appeal Site is calculated to be £114,888.14. In combination with only Church Fields the contribution would be £173,795.13 and with only Danetree, the contribution would be £194,610.90.
- 10.20 The HA is currently considering costs for maximum junction improvements at M1 J16 and also at the junction that could be formed between the A5 and FWUH bypass. I do not consider the maximum scale of improvement to be a robust basis on which to establish the likely contributions towards such improvements. The cost estimates for the FWUH bypass already include these junctions and as such reasonable sums have already been included and subject to the 44% Optimism Bias. These were taken into account in the calculated contribution towards the FWUH bypass identified above.

- 10.21 It is necessary to consider whether there should be any limitations imposed on development pending delivery of identified Infrastructure improvements. In terms of the FWUH bypass scheme, which is the only solution identified to address the impact of the cumulative potential development scenarios, this will be required by 2021 in any event. It has been argued that it is already justified based on the existing congestion at the A5/A45 junction and when taking into account conditions within the villages along the A45 corridor and the limited scope for localised improvement.
- 10.22 The Appeal Site would only bring forward the need for the bypass by 1 to 2 years. Modelling assessment has demonstrated that the 1000 dwelling capacity could be accommodated in 2019 before triggering the need for the bypass based on link capacity.
- 10.23 Based on the uncertainty regarding potential future traffic growth over a 12 year period when taking into account peak hour spreading, alternative travel modes and the fact that analysis reveals that the Appeal Site would contribute only a small proportion of additional traffic, which falls within the range typically expected to occur as a result of day to day variation, I do not believe that there is sufficient justification to limit development at the Appeal Site pending delivery of infrastructure improvements beyond those directly required to access the public highway network.
- 10.24 The HA is also assessing how much development it considers could be accommodated on the SRN despite the existing capacity constraints on the basis that future improvements are committed to and deliverable. I await confirmation of its estimate. However, it has identified the A5/A45 junction as being the most constrained yet has no proposed improvements identified at present, despite the significant queuing predicted in 2026 with none of the strategic development sites being brought forward.
- 10.25 The FWUH bypass scheme has been identified as a component of the strategic growth of Daventry for a considerable period of time and would overcome the problems experienced at the A5/A45 junction.
- 10.26 Accordingly, based on the foregoing and subject to confirmation of the strategy for dealing with the potential for traffic travelling through Norton Village and a commitment from the developer to fund timely improvements to the A5/B5385, A5/Norton Road and FWUH bypass if considered necessary, when allowing for the build programme proposed I see no justification for restricting development at the Appeal Site pending delivery of the identified improvements.

## 11 STATEMENT OF COMMON GROUND

- 11.1 A draft Statement of Common Ground on highway matters has been circulated and comments received. Discussions with the interested parties are ongoing. It is anticipated that following the recent receipt of the model outputs the draft SoCG will be amended to incorporate matters arising and to minimise any outstanding highway issues, thereby limiting the Inquiry time required to consider the matter of transportation.

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