

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78

**TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE)
(ENGLAND) RULES 2000 (SI 2000/1624)**

APPEAL BY THE DANETREE CONSORTIUM

LAND TO THE EAST OF DAVENTRY AND NORTH OF THE A45

**RULE 6 STATEMENT OF CASE ON BEHALF OF
NORTHAMPTONSHIRE COUNTY COUNCIL HIGHWAY
AUTHORITY**

JUNE 2008

PINS Ref: APP/M9570/A/08/2071505/NWF
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1 Introduction

- 1.1 This statement is submitted in accordance with the Town and Country Planning (Inquiries Procedures) (England) Rules 2000 (SI 2000:1624/1625) and represents the Northamptonshire County Council Highway Authority's (NCCHA) statement of case.
- 1.2 The statement refers to an appeal made under Section 78 of the Town and Country Planning Act 1990 by The Danetree Consortium, in respect of the failure of West Northamptonshire Development Corporation (WNDC) and Daventry District Council (DDC) to give notice of their decision in relation to an outline planning application for a mixed use Sustainable Urban Extension on land to the east of Daventry and north of the A45.
- 1.3 The planning application to which the appeal relates was submitted to WNDC and DDC in March 2007.
- 1.4 NCCHA recommended the application be refused on the following grounds:

The applicant has failed to demonstrate that the traffic generated by the development can be adequately accommodated within the existing highway network. Furthermore, the location and scale of the development is such that it would encourage significant trips by private car to employment, shopping, leisure and health facilities, contrary to the guidance given in PPG 13 Transport.

- 1.5 A copy of the County Council Highway Authority formal recommendation of the 2nd June 2006 is attached in Appendix 1.

2 The Role of Northamptonshire County Council Highway Authority at the Inquiry

2.1 NCCHA is the Local Highway Authority for Northamptonshire and its broad remit within the Inquiry is to support WNDC and its reasons for refusing the planning application, had it been in a position to determine it. The deemed reasons for refusal are included within the report by the Director of Planning and Development (WNDC) considered by the Daventry Planning Committee at its meeting on the 10th June. The specific reasons for refusal that are supported by NCCHA are (a) and (e):

(a) By virtue of its location, connectivity, scale, layout and physical relationship with the existing town (and town centre) of Daventry the proposal represents development which would fail to accord with the development plan for the area (comprising the saved policies of the Daventry District Local Plan 1997 and Northamptonshire Structure Plan 2001, and the Regional Spatial Strategy for the East Midlands incorporating the Milton Keynes and South Midlands Sub Regional Strategy 2005) and Government planning guidance set out in PPS1, PPS3 and PPG13 in that it would not deliver acceptable sustainable development. As such, the proposed development amounts to an unjustified departure from the following development plan policies:

Daventry District Local Plan

GN1 and GN2 – General and Policy CM8 Cyclists and Pedestrians

Northamptonshire Structure Plan

GS5 – Design

Regional Spatial Strategy for the East Midlands

Policy 1 – Regional Core Objectives,

Policy 2 - Locational Priorities for Development,

Policy 3 - Sustainability Criteria and;

Policy 4 – Promoting Better Design

Milton Keynes and South Midlands Sub Regional Strategy

Strategic Policy 3 - Sustainable Communities

Emerging East Midlands Plan

Policy 1(e, f and j), 2(2) and 3

(e) The planning application does not demonstrate how the additional traffic generated by the development proposed will be accommodated on the surrounding highway network and whether any mitigation measures are deliverable or desirable. The planning application also fails to demonstrate that the public transport strategy will achieve an acceptable level of modal shift and will be sustainable in the long term, and insufficient details are provided of appropriate bus priority measures. The development proposals are therefore considered contrary to Policy T3 - Transport Requirements of the Northamptonshire Structure Plan, and Policy CM7 – Public Transport Provision, of the Daventry District Local Plan

2.2 NCCHA will provide the Inspector and the Secretary of State with its professional view on the Danetree Consortium proposals in relation to its impact and detriment on the local and strategic road network. This will include assessment of the development proposals in isolation and the combined implications of the appeal proposals alongside other planned growth in

Daventry and the wider Northampton Implementation Area. It will also demonstrate that the proposal as submitted, conflicts with PPG 13 Transport.

3 Current Position

- 3.1 NCCHA recognises that Daventry has been identified as an area of significant future growth in the current and emerging RSS. It is essential however that development of the scale being considered by this appeal should only be allowed to proceed once the full highway impacts of the development, in combination with other committed and planned growth in Daventry and the surrounding area, are known.
- 3.2 Only then can the future highway infrastructure provision, that will be required in order to support and successfully deliver the level of development required in Daventry over the RSS plan period, be fully understood and successfully planned for.
- 3.3 In 2004 the Daventry Transport Study was undertaken by Ove Arup and Partners (Arup) on behalf of Northamptonshire County Council (NCC). The study considered the transportation requirements of a number of development options (initially 4) for the growth of Daventry in line with the development numbers proposed in the MKSM Sub Regional Strategy. A subsequent area wide multi modal transport model was established with each of the development options being tested and a transport strategy developed which included infrastructure requirements and likely costs.
- 3.4 In 2007 the multi modal transport model was reviewed and further modelling work was undertaken by Arup. This further work sought to determine the optimum location and scale of development such that it would be sustainable

in terms of encouraging mode shift (in accordance with PPG13) and achieving best value in terms of required infrastructure. The model formed part of a wider study referred to as the Daventry Infrastructure Study (DIS) and was produced in line with Government policy and guidance on behalf of WNDC.

- 3.5 The Transport Assessment submitted by the applicant is based on the earlier 2004 Daventry Transport Study and is therefore out of date and does not take account of other planned growth within Daventry. It will therefore be necessary for the applicant to update the Transport Assessment so that it is consistent with the 2007 multi modal study and option tested against the various development proposals being considered.
- 3.6 The approach to the DIS estimated the amount of available capacity within the highway network for new development allowing for background growth to 2021. One of the key controlling factors was considered to be the demand and capacity at key junctions and sections of the highway network in the morning peak condition.
- 3.7 Distributing development around Daventry assumed that the significant growth proposed would need expansion of the urban area, with consequent impacts on traffic flows. Without additional investment it was assumed that mode shares would broadly be the same.
- 3.8 The study matched the trips generated by development to the available network capacity based on existing distributions and sought to achieve a sustainable balance of development where improvements to public transport

and accessibility could be achieved to encourage a higher mode share but as far as possible within the existing infrastructure.

- 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 identified that there is limited scope for major growth to the south east of Daventry, along the A45, based on capacity constraints and the weak opportunity to shift trips to public transport and other sustainable modes. Furthermore, the location of the Danetree development is such that it may encourage motorised travel, particularly for employment purposes, outside of Daventry to other neighbouring centres.
- 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 shows that locating development to the South East of Daventry should not be encouraged due to the poor sustainability of the corridor, and the extent of the infrastructure required to support growth in this location.

3.12 The Transportation Assessment (TA) submitted by the appellant has looked only at the transportation implications of the Danetree proposals and has not taken into account other planned growth.

3.13 At the current point in time NCCHA is not satisfied that the impact of the proposed development on the local and strategic road network, either individually, or cumulatively with other development, has been fully or properly assessed.

4 Planning Policy and Reference Documents

- 4.1 The development plan for the area comprises of the Regional Spatial Strategy for the East Midlands (RSS8 - March 2005), the Milton Keynes and South Midlands Sub-Regional Strategy (MKSM SRS – March 2005), saved policies from the Northamptonshire Structure Plan 1996-2016 (adopted March 2001) and saved policies from the Daventry District Local Plan 1991-2006 (adopted June 1997).
- 4.2 Emerging policy may also be relevant to the determination of this appeal, including the draft RSS which was subject to Examination in Public in the summer of 2007. The Panel Report was published in November 2007 and the Secretary of State's proposed changes are anticipated imminently.
- 4.3 NCCHA may refer to the following documents in support of the recommendation for refusal referred to in paragraph 1.4:
- 1) Regional Spatial Strategy for the East Midlands (RSS8) 2005
 - 2) Milton Keynes and South Midlands Sub-Regional Strategy 2005
 - 3) Northamptonshire Structure Plan 1996-2016
 - 4) Daventry District Local Plan 1991-2006
 - 5) Planning Policy Guidance Note 13: Transport (PPG13) 2001
 - 6) Planning Policy Statement 1 : Delivering Sustainable Development
 - 7) Planning Policy Statement 3 : Housing
 - 8) DfT Circular 07/2007 'Planning and the Strategic Road Network'
 - 9) DCLG / DfT 'Guidance on Transport Assessment' March 2007

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- 10) Northamptonshire County Council's Transport Strategy for Growth 2007.
 - 11) Daventry Transport Study 2004
 - 12) Daventry Infrastructure Study 2008
 - 13) 1998 Transport White Paper – A new deal for transport: better for everyone
 - 14) The Roads Review – a new deal for trunk roads 1998
 - 15) The 10 Year Plan for Transport (July 2000)
 - 16) Strategic Roads 2010 – Highways Agency 10 Year Strategy
 - 17) 2004 White Paper – the Future of Transport – A network for 2030
 - 18) Towards a Sustainable Transport System – Supporting Economic Growth in a Low Carbon World (Oct 2007)

APPENDIX 1

Northamptonshire County Council Highway

Authority

Formal Response

**PLANNING APPLICATION 07/0096/OUTWND (WNDC)/DA/2007/0450 DDC
PROPOSED DEVELOPMENT COMPRISING 5,150 DWELLINGS AND
ASSOCIATED EMPLOYMENT LAND, 3 PRIMARY SCHOOLS, 1
SECONDARY SCHOOL TOGETHER WITH RETAIL AND OTHER
COMMERCIAL USES.
LAND TO THE EASTERN SIDE OF DAVENTRY TO THE NORTH OF THE
A45.**

HIGHWAY AUTHORITY RESPONSE

The Highway Authority recommends that the application be refused on the following grounds:

The applicant has failed to demonstrate that the traffic generated by the development can be adequately accommodated within the existing highway network. Furthermore, the location and scale of the development is such that it would encourage significant trips by private car to employment, shopping, leisure and health facilities, contrary to the guidance given in PPG 13 Transport.

Background

In 2004 the Daventry Transport Study was undertaken by Ove Arup and Partners (Arup) on behalf of Northamptonshire County Council (NCC). The study considered the transportation requirements of a number of development options (initially 4) for the growth of Daventry in line with the development numbers proposed in the MKSM Sub Regional Strategy. A subsequent area wide multi modal transport model was established with each of the development options being tested and a transport strategy developed which included infrastructure requirements and likely costs.

In 2007 the multi modal transport model was reviewed and further modelling work was undertaken by Arup. This further work sought to determine the optimum location and scale of development such that it would be sustainable in terms of encouraging mode shift (in accordance with PPG13) and achieving

best value in terms of required infrastructure. The model formed part of a wider study referred to as the Daventry Infrastructure Study (DIS) and was produced in line with Government policy and guidance on behalf of WNDC.

The Transport Assessment submitted by the applicant is based on the earlier 2004 Daventry Transport Study and is therefore out of date. It will therefore be necessary for the applicant to update the Transport Assessment so that it is consistent with the 2007 multi modal study and option tested against the various development proposals being considered. I understand that this work is currently in progress.

The approach to the DIS estimated the amount of available capacity within the highway network for new development allowing for background growth to 2021. One of the key controlling factors was considered to be the demand and capacity at key junctions and sections of the highway network in the morning peak condition.

Distributing development around Daventry assumed that the significant growth proposed would need expansion of the urban area, with consequent impacts on traffic flows. Without additional investment it was assumed that mode shares would broadly be the same.

The study matched the trips generated by development to the available network capacity based on existing distributions and sought to achieve a sustainable balance of development where improvements to public transport and accessibility could be achieved to encourage a higher mode share but as far as possible within the existing infrastructure.

Findings

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.

The DIS identified that there is limited scope for major growth to the south east of Daventry, along the A45, based on capacity constraints and the weak opportunity to shift trips to public transport and other sustainable modes. Furthermore, the location of the Danetree development is such that it may encourage motorised travel, particularly for employment purposes, outside of Daventry to other neighbouring centres.

Conclusions

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 shows that locating development to the South East of Daventry should not be encouraged due to the poor sustainability of the corridor, and the extent of the infrastructure required to support growth in this location.

2nd June 2006