

FAREHAM BOROUGH COUNCIL

Section 78, TOWN & COUNTRY PLANNING ACT 1990

**TRANSPORT ADDENDUM TO
STATEMENT OF CASE**

**FAREHAM BOROUGH COUNCIL
(The LOCAL PLANNING AUTHORITY)**

**LAND EAST OF DOWN END ROAD, FAREHAM
HAMPSHIRE**

Appellant: Miller Homes

LPA Ref: P/20/0912/OA

PINS/Ref: APP/A1720/W/21/3272188

29 June 2021

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1.0 Introduction

- 1.1 This Transport Addendum to Statement of Case (TASoC) has been produced to supplement Fareham Borough Council's (the 'Council's') Statement of Case (SoC) which was submitted on 3rd June 2021 in respect of this appeal made by Miller Homes (the 'Appellant').
- 1.2 Paragraph 10 of the Inspector's post-conference note requested the Council undertake further work to clarify its position in relation to highways matters, in particular to determine whether any further highway modelling work would be undertaken. If necessary, the areas identified for further modelling work and the evidence on which the Council relies were requested to be included as an update to the Council's SoC. This Addendum hereby provides the clarification and update requested by the Inspector.

2.0 Comments on the Appellant's Statement of Case (Section 5)

Paragraph 5.7 of the Appellants Statement of Case asserts that a Transport Assessment is a wholly quantitative assessment. Consistent with the National Planning Policy Guidance and Department for Transport Circular there are elements that are purely quantitative; there are other elements that are qualitative. Responding to the case collectively it would be wrong to adopt a purely quantitative view of all issues and apply some judgement.

2.1 To respond to the salient issues raised at Section 5 of the Appellant's Statement of Case, it is helpful to frame the Councils case with the following responses:

- A development site that is more than 400m from a bus stop or 1km from a railway station will affect accessibility. However, as the previous inspector concluded, it does not mean there would be an unreasonable level of accessibility to local services and facilities via a range of modes of transport (APP/A1720/W/19/3230015, para 80).
- Similarly because there are few more accessible sites for new housing in Portchester, as the previous inspector observed, that does not make the appeal site accessible for walking, cycling and public transport (para 79).
- If infrastructure is adequate, it does not encourage more people to travel in this way; indeed, poor infrastructure will support people in making the easiest or most convenient travel choice.
- Severance is a material consideration and introducing some form of crossing does not remove the effect, it mitigates it.
- An audit by the consultancy that developed signal controlled junction software and encourages best practice in signal design (JCT) does not make the design satisfactory [5.34-5.36]. It helps identify issues that might be missed, indeed JCT suggested the junction arrangement should include additional inter-green times.
- A Road Safety Audit does not make a highway improvement safe, it records opportunities to remove, reduce or mitigate the number and severity of collisions. It is a three or four stage process to independently audit the design through the design stages to help the designers to integrate safety into the design of highway improvements. Although the auditors recorded there were no departures or relaxations from standard, they highlighted problems related to horizontal alignment on

the approach to the traffic signals; indeed, the Highway Authority Hampshire County Council also recorded there were no departures or relaxations from standard and remarked on 'the kink' in the alignment.

- Forecasting traffic to 2026 [5.22], to the end of the current forecast period, does not support good plan making when the Council is looking to support the appeal site and consider additional housing and other development needs to support the sustainable and economic growth of the Borough.
- Hourly assessments of junctions for a 24-hour day does not demonstrate that this will capture the busiest time period [correctly noted in 5.49].

3.0 Highway Matters

3.1 The reasons for refusal are set out at paragraph 4.3 of the Council's SoC.

3.2 The reasons for refusal identify the harm arising from the Appeal Development. These can be summarised as follows:

- The proposals do not make acceptable crossing provision on Downend Road for future residents
- The development results in a material increase in vehicular and pedestrian movements on Downend Road
- The proposals would result in unacceptable harm to the safety and convenience of users of the highway
- The works to the bridge would unacceptably affect the operation of the highway because of the queuing and driver delay that would arise

3.3 In evidence to the Inquiry the Council will demonstrate that, both in terms of the lack of acceptable crossing provision on Downend Road and the proposed works to the Downend Road railway bridge, the design is not safe. Amending the design to make it safe would require the railway bridge junction to be assessed for capacity/delay and the Council will show the resultant residual effects are unacceptable.

The proposals do not make acceptable crossing provision on Downend Road for future residents

3.4 The appellants have used PMV² to consider the need for a pedestrian crossing¹. Whilst Hampshire County Council continue to use the quantitative relationship, to prioritise investment for controlled crossings, this methodology was superseded by Local Transport Note (LTN) 1/95 with a mixed qualitative/quantitative assessment of need. The LTN has since been replaced with other guidance in Design Manual for Roads & Bridges (DMRB) and Chapter 6 of the Traffic Signs Manual. The Council will refer to these in demonstrating its case in line with the reasons for refusal and reserves the right to expand on this matter relative to the Public Rights of Way Improvement Plan (PROWIP) and Local Cycle Walking Infrastructure Plan (LCWIP) if it is necessary to justify the need to prioritise non-car movements on the highway network.

¹ PMV⁵ is a mathematical relationship of Pedestrians (P) and the square of Vehicles (V), based on Technical Advice (TA52/87). The relationship of this equation provided an indication of crossing need, superseded in 1995.

- 3.5 The Council will examine the highway improvement proposals for Downend Road in detail, examining forecast movements (pedestrians, cyclists and vehicles), geometry, visibility, and available gap acceptance relative to the traffic flow).
- 3.6 Based on a thorough examination of vulnerable highway users the Council will show the need for controlled crossings on Downend Road, integrating these into the junction modelling. In the absence of such crossings the Appeal proposal adversely affects the safety and operation of the highway and fails to prioritise and encourage safe and reliable journeys by walking, cycling and public transport contrary to LPP1 Policy CS5. The adverse highways implications mean the proposal is also contrary to LPP2 Policy DSP40.

The development results in a material increase in vehicular and pedestrian movements on Downend Road

- 3.7 There is no dispute between the parties that there is a material increase in pedestrian and vehicular movements on Downend Road. The proposals result in an increase in demand, and it is necessary to improve Downend Road to accommodate this demand.
- 3.8 The material increase in vehicular and pedestrian movements will be affected by the relative success of measures proposed by the Appellant to increase the accessibility of the site for pedestrians and cyclists, for example the means of access proposed via Cams Bridge and Upper Cornaway Lane. The Council has disputed levels of accessibility but accepts the previous Inspector's judgement at Paragraphs 79 of the decision. Reference in the reasons for refusal therefore focus on the effect of the Downend Road improvements but this does not suggest the Council agrees with the Appellant's forecast travel demands. Given the potential residual cumulative effect on traffic flow levels it will be necessary to explore the overall adequacy of pedestrian and cyclist connectivity into the site to some degree.
- 3.9 The emerging Statement of Common Ground seeks to agree peak hour travel demands for a forecast design year for 2026, taking account of the cumulative effect of development, asserted by the Appellants.
- 3.10 It is the Council's case that, having incorporated controlled crossings into the junction design to address the safety issues found by the Council, only then can modelling be completed and a balanced view taken on forecast conditions and the residual cumulative effect on the operation of the highway determined.

The proposals would result in unacceptable harm to the safety and convenience of users of the highway

- 3.11 Paragraph 62 of the previous appeal considered the site access arrangement examining the land to the northern edge of the site, adjacent to the land/highway boundary and the ditch, concluding that “*I therefore consider that there would be adequate visibility for drivers turning right out of the development*”. The Council has framed the reason for refusal and remain keen to avoid re-opening matters that might have been considered previously, however there have been numerous material changes in policy, standard and guidance which should have been revisited as part of the design process. They were not.
- 3.12 The Appellants contend the proposed highway improvements have been designed “*...to accord with all relevant standards*” [5.72]. This is simply incorrect. The proposals include various Departures and Relaxations from standard. The Road Safety Audit and Hampshire County Council’s design check both record that no departures or relaxations from standard were reported. To assist the Inquiry and matters of common ground the Council will prepare a draft list of departures and relaxations from standard to the latest guidance, going further to identify possible mitigation to minimise dispute and inquiry time.
- 3.13 The Council will examine the safety and convenience of highway users, including cyclists within the proposed highway improvements. The examination will take into account the effect of the aforementioned departures and relaxations. Based on this examination it will show the need for changes to the junction configuration but critically the need for inter-greens to avoid head-on collisions within the shuttle-working arrangement.
- 3.14 Without these changes to the highway improvements the proposals would have an unacceptable impact on highway safety, contrary to LPP1 Policy CS5, LPP2 Policy DSP40 and Paragraphs 109 and 100c of the National Planning Policy Framework (NPPF).

The works to the bridge would unacceptably affect the operation of the highway because of the queuing and driver delay that would arise

- 3.15 The appellants contend that the proposed improvements to Downend Road railway bridge have been audited by JCT, Independent Road Safety Auditors and reviewed by Hampshire County Council, asserting the proposals are acceptable and safe. None of these reportedly addressed the needs of vulnerable highway users within the shuttle-working junction, for example cyclists could become stranded within the shuttle-working lights with the risk of a head on collision with traffic advancing under a green-traffic signal.

3.16 In line with the Inspectors request in her post-conference note, the following modelling scenarios were identified on 18 June 2021, with the aim that these would help contribute to the emerging Draft Statement of Common Ground.

- Scenario 1 - (07:30-08:30) AM peak hour.
- Scenario 2 - having established cyclists must cycle within the carriageway over the bridge this scenario will need to consider the conflict points within the inter-visibility zone based on inter-green periods as set out in Chapter 6 of the Traffic Signs Manual.
- Scenario 3 - As Scenario 1 but incorporating controlled pedestrian crossings based on the available gap acceptances (based on guidance in Traffic Signs Manual Chapter 6), available in traffic flows and the visibility available from the pedestrian refuge island (Drw. No. ITB12212-GB-061 refers), when vehicles at the junction or in the right-turning lane, wait to turn.
- Scenario 4 - As Scenario 3, with the cycle inter-green.

3.17 The Transport Assessment explores traffic flow patterns that demonstrate peak spreading affects parts of the Solent region, locally illustrated in Graph 4-1. These patterns arise for various reasons, ranging from inter-urban travel and traveller responses to congestion and delay, highlighting parts of the transport network are at or over capacity.

3.18 The Appellants Statement of Case contemplates levels of congestion and delay through paragraphs 5.64-5.69 and other safety matters at 5.74 et al. GG119 of the Design Manual for Roads and Bridges requires a comprehensive suite of documents to be provided (in the form of an Audit Brief) to an independent audit team can judge the safety of proposals.

3.19 The material increase in vehicular and pedestrian movements along Down End Road across the road bridge over the railway line would unacceptably affect the operation of the highway because of the vehicle queueing and driver delay that would arise. Whilst it may be possible to extend the cycle time to preserve operational capacity within the junction the nature of the junction arrangement will increase queues and delays compounding issues associated with the safe operation of the highway.

3.20 Whilst some level of dispute remains as to the appropriate forecast year, time period (for assessment) and modelling approach to reflect the design, it is anticipated matters can be agreed to provide a point of reference so as to present the cases being advanced by the Council and Appellant. The Council can therefore expand on the areas of dispute so that the Inspector is able to

judge the extent of queuing and delay and thereby determine the operational effect on the highway.

- 3.21 The evidence provided by the Council on this matter will show that as a result of the unacceptable queuing and delay arising, the Appeal proposals adversely affect the operation of the highway network contrary to LPP1 Policy CS5 and LPP2 Policy DSP40. The residual cumulative impact on the road network would be severe contrary to NPPF Paragraph 109.

4.0 Reference Documents

4.1 Having made some progress on matters of common ground the list of reference document has been supplemented to direct the appellants to policies, standards, guidance and research relevant to the Councils case. Below is a list of updated references.

1. National Design Guidance, including
 - a. Design Manual for Roads & Bridges², amongst others including CD123, CD127, CD 143, CD195 and interim advice notes
 - b. Traffic Signs Manuals³, including Chapter 6
 - c. Manual for Streets (MfS, including MfS1⁴ and MfS2) and reserve the right to consider MfS3 if available⁵
 - d. Local Transport Notes, including, which may Include LTN 1/20⁶ et al.
 - e. Traffic Advisory Leaflets
 - f. WebTAG⁷
 - g. Various Institution of Highways & Transport Publications⁸, including Planning for Walking, Planning for Cycling and Buses in Urban Developments et al.
 - h. Guidelines for the Environmental Assessment of Road Traffic
 - i. Departure for Transport Circulars
2. Research Studies which may include:
 - a. TRL publications (incl. 621 & 661)
 - b. Healthier Streets Assessments⁹
 - c. UCL Street Mobility and Network Accessibility Papers¹⁰
 - d. Community Severance: Where is it found and at what cost?¹¹
3. Relevant Planning Policy Documents and Guidance which may include:
 - a. National Planning Policy Framework
 - b. National Planning Policy Guidance
 - c. Hampshire Local Transport Plan
 - d. Fareham Borough Core Strategy/Local Plan
4. Appeal Decisions, which may include:
 - a. Broughton Lane, Maidstone
 - b. Micklethwaite, Bingley, West Yorkshire
 - c. Scotforth Road, Lancaster

² [Standards For Highways | Design Manual for Roads and Bridges \(DMRB\)](#)

³ [Traffic signs manual - GOV.UK \(www.gov.uk\)](#)

⁴ [Manual for the Streets \(publishing.service.gov.uk\)](#)

⁵ [Manual for Streets | CIHT](#)

⁶ [Cycle infrastructure design \(LTN 1/20\) - GOV.UK \(www.gov.uk\)](#)

⁷ [Transport analysis guidance - GOV.UK \(www.gov.uk\)](#)

⁸ [Streets And Transport In the Urban Environment | CIHT](#)

⁹ [Qualitative+Street+Assessment.pdf \(squarespace.com\)](#)

¹⁰ [What do we mean by "community severance"? - UCL Discovery](#)

¹¹ [Full article: Community Severance: Where Is It Found and at What Cost? \(tandfonline.com\)](#)