

**POSITION STATEMENT: DISPUTED ISSUES FINAL
(APPELLANT and LOCAL PLANNING AUTHORITY)**

No.	Disputed Issue	LPA Position	LPA Final Position	Appellant Position	Appellant Final Position
A	<i>Development Plan</i>				
1	CS2, CS6, CS14, DSP6: relevance	Adds to harm in terms of development plan conflict: determinative policy see no.3	Unchanged	Relevant to the status of the site but trumped by HLS shortfall / DSP40: not important or determinative	Unchanged
2.	CS2, CS6, CS14, DSP6: out of date / consistency with NPPF	Generally consistent	Unchanged	Out of date	Unchanged
3	CS2, CS6, CS14, DSP6: weight	Substantial / determinative	Unchanged	No weight for the purposes of this appeal	Unchanged
4	CS5: out of date / consistency with NPPF	Generally consistent	Unchanged	Some inconsistency	Unchanged
5	CS5: weight	Substantial / determinative	Unchanged	Reduced weight	Significant weight
6	CS5 part two: degree of conflict	Full conflict	Unchanged	No conflict	Unchanged
7	CS5 part 3: degree of conflict	Full conflict	Unchanged	No conflict	Unchanged
8	DSP40: out of date / consistency with NPPF	Wholly consistent	Unchanged	Out of date / some inconsistency	Unchanged
9	DSP40: weight	Full weight	Unchanged	Reduced weight	Significant weight
10	DSP40 ii): degree of conflict	Full conflict - ability to be 'well integrated' (no conflict re relationship to settlement edge)	Unchanged	No conflict	Unchanged
11	DSP40 v): degree of conflict	Full conflict - 'unacceptable traffic implications' - highway safety and operation. (no conflict with other environmental / amenity matters)	Unchanged	No conflict	Unchanged
B	<i>Pedestrian/Cycle Routes</i>				
12	Upper Cornaway Lane	Route doesn't encourage safe walking/cycling & address needs of people with disabilities. The	Unchanged	Alleged inadequacies are not a reason for refusal. Route encourages safe walking /	Unchanged. FBC concern limited to cyclists and 90°

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		route does not minimise conflicts between pedestrians and cyclists		cycling & address needs of people with disabilities.	angle. Route will be attractive to all users.
13	Cams Bridge	Route doesn't encourage safe walking/cycling & address needs of people with disabilities	Unchanged	Alleged inadequacies are not a reason for refusal. Consent for improvement granted. Route encourages safe walking/cycling & address needs of people with disabilities	Unchanged; FBC concerns are limited to conflict between partially sighted and cycles/vehicles because of lack of "refuges"/tactile paving and "blind bend". Concerns unfounded and can all be dealt with at Reserved Matters stage.
14	Downend Road	Option 2 does not encourage safe walking or address needs of people with disabilities Option 3 footway width of 2m is acceptable	Unchanged	Improvement options both deliver safe walking/cycling routes & address needs of people with disabilities	Unchanged
C	NPPF				
15	NPPF 108 compliance	Conflict	Unchanged	No conflict	Unchanged
16	NPPF 109 Compliance	Conflict	Unchanged	No conflict	Unchanged
17	Walking distances and public transport accessibility: NPPF 110a) compliance	Conflict CIHT references are appropriate as set out paragraphs 6.15 – 6.20 of LPA Planning Proof of Evidence	Unchanged	<ul style="list-style-type: none"> • Up to 800m is comfortable • Up to 2,000m is reasonable • Up to 3,200m is maximum • 400m to bus stops and 800m to rail stations are guidance, not upper limits • CIHT documents are guidance, not standards 	<ul style="list-style-type: none"> • Up to 800m is comfortable • Up to 2,000m is reasonable • Up to 2,400m is an everyday maximum • 400m to bus stops and 800m to rail stations are guidance, not upper limits Distance from the site to bus stops / rail station is accessible to encourage use. • CIHT documents are guidance, not standards

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18	NPPF 110b) compliance	Conflict: doesn't address needs of people with disabilities (Upper Cornaway & Cams Bridge)	Unchanged	All routes do consider needs of people with disabilities.	Unchanged; Each route will be attractive.
19	NPPF 110c) compliance	Conflict: scope for conflict between pedestrians and cyclists (Upper Cornaway)	Unchanged	No conflict.	Design reduces potential for any conflict between pedestrian and cyclists.
D	NMU Audit				
20	NMU Audit	The audit does not comprehensively consider the existing and proposed routes	Unchanged	The audit comprehensively considers the existing and proposed routes	Unchanged
E	Proposed improvements				
21	Pedestrian / highway improvements	The proposed improvements will not sufficiently improve the accessibility of the site	Unchanged	The proposed improvements will sufficiently improve the accessibility of the site and will provide wider benefits for existing highway users	Unchanged
F	Draft Local Plan				
22	Status of emerging plan / evidence base	Is not relevant and cannot be relied upon as further analysis demonstrates that the site scores poorly as an accessible location.	Unchanged	Evidence base is highly relevant; confirms sustainable location and principle for residential development	Unchanged
G	Housing Land Supply				
23	HLS: inclusion of sites with resolutions to grant	Sites included	Unchanged	Closed list: exclude sites as not meeting the definition of deliverable. In any event, insufficient evidence to include	Unchanged
24	HLS: allocated sites (H3, H4, H12, H13)	Sufficient evidence in Position Statement to include	Unchanged	FBC has not provided the evidence required to demonstrate site is deliverable	Unchanged
25	HLS: allocated site H11	Sufficient evidence in Position Statement to include	Unchanged	FBC has not provided the evidence required to demonstrate site is deliverable	Unchanged

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26	HLS: Warsash Maritime Academy	Sufficient evidence in Position Statement to include	Unchanged	FBC has not provided the evidence required to demonstrate site is deliverable	Unchanged
27	HLS: Welborne	First deliveries expected 2020/21	Unchanged	First deliveries 2021/22; at best	Unchanged
28	HLS: Weight of shortfall	The shortfall is likely to be short lived. The weight is not reduced to the extent that it might have been if a more significant long term shortfall. Affordable Housing should be addressed in a strategic way rather than permitting unsuitable sites.	Unchanged	Substantial weight; insufficient actions to address. Plus affordable position	Unchanged
H	Planning Balance				
29	Harm: conflict with policy	Substantial weight	Unchanged	No conflict But if conflict is concluded then limited weight	Unchanged; very limited weight to conflict if there is any
30	Harm: traffic issues	Substantial weight	Unchanged	Limited harm and some benefits to key junctions	Unchanged; low level of harm outweighed by benefits
31	Benefits: social	Significant weight	Unchanged	Very substantial weight	Unchanged
32	Benefits: economic	Significant weight to limited benefit	Unchanged	Moderate weight	Unchanged
33	Benefits: environmental	No benefits	Unchanged	Moderate weight	Unchanged
I	Detailed Highways Matters				
34	Pedestrian count at Downend Road	Surveyed day not representative	Pedestrian surveys at bridge agreed to be representative	Sufficient	Pedestrian counts agreed to be representative. No suppressed demand.
35	Pedestrian demand and distribution assessment	Methodology inappropriate; overestimates pedestrian demands, underestimates pedestrian demands at Downend Road bridge	Methodology inappropriate; overestimates pedestrian demands. Demand at Downend Road bridge agreed to be 35/36 daily pedestrian movements.	Methodology appropriate and agreed with HCC. A variety of route options available to reach services and facilities.	Unchanged; use of Downend Road limited to 35 daily pedestrian movements. CC fully aware of increase following revised

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					assessments. Movements not confined to 3 hours of the day as FBC claims
36	Design considerations	Option 2 -Footway and carriageway widths are insufficient	Unchanged	Footway width sufficient to address demands and in its local context and provides improvement on existing situation.	Footway width sufficient to address demands to enable two way pedestrian flows and in its local context and provides improvement on existing situation.
37	Design considerations	Option 2 results in unacceptable impacts on highway safety	Unchanged	No adverse impact on highway safety and improvements to pedestrian safety	Unchanged
38	Design considerations	Option 3 Priority Shuttle Working results in unacceptable harm to the safety and convenience of users of the highway. Cumulative impacts on the road network would be severe	Unchanged	Limited, acceptable, delay and pedestrian safety benefits	Unchanged
39	RSA	Not comprehensive	Unchanged	RSA considered all highway improvements and considered acceptable. HCC accept RSA.	Unchanged; A full RSA Brief was issued in advance and traffic / pedestrian data. HCC accept RSA.
40	Traffic modelling of Downend Road Bridge Option 3	Inappropriate modelling assessment which underestimates queues and delays	Unchanged	No standard approach: methodology agreed with HCC. Impacts are acceptable.	Unchanged; Council model uncalibrated, not validated. Entirely erroneous results.
41	Safety of proposed access	Cumulative impacts of proposed highway works not considered. Insufficient visibility at the site access.	Unchanged	Not a reason for refusal. Access is safe, and is agreed with HCC.	Unchanged; No relationship between alleged safety concerns relating to the access and the bridge. Criticism by FBC is limited to the possibility of cyclists being within a theoretical "shadow". Any limitations in visibility splay have no safety impact and no material harm

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					to Number 38 Downend Road.