

Kneen, Peter

From: Sarah Beuden <SBeuden@savills.com>
Sent: 28 October 2021 10:47
To: Salter, Tim; Boulton, Mark
Cc: Peter Warren; Kneen, Peter
Subject: APP/A1720/W/21/3275237 - Land East of Crofton Cemetery and West of Peak Lane, Stubbington- Highways Contribution

Dear Tim

Please find below a note to the Inspector on behalf of the Appellant in respect of the Highways Contribution discussed in yesterday afternoon's Inquiry session in relation to the above Appeal.

I would be grateful if you would pass this onto the Inspector.

Best wishes
Sarah

Dear Madam

Following yesterday's Inquiry session on conditions and section 106, I thought that it would be helpful to clarify the Appellant's understanding and position in respect of the 'Highway Contribution' as set out in the definitions within Schedule One of the Unilateral Undertaking (Highways and Travel Plan Obligations) (CD ref: ID6).

The Appellant's position is that they are agreeable to a 'Highway Contribution' if it meets the statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

It is noted that such a contribution was not requested by Hampshire County Council (HCC) as part of Hampshire County Council's initial response to the Appeal Scheme (dated 4 September 2020). At this time, HCC did state that the mitigation would be required to improve the Peak Lane/Rowan Way/Longfield Avenue junction as a result of increased traffic due to access (left turn out) onto Peak Lane with vehicles travelling north. In the same response, HCC confirmed that the Stubbington Bypass is under construction and the development a committed scheme, so the layout of the should not be altered by the proposed development as part of Appeal Scheme.

IN HCC Highway's later and final comments on the Appeal Scheme (dated 26 November 2020), they commented on the traffic modelling. With regard to the Peak Lane/Rowan Way/Longfield Avenue roundabout, which HCC had in their initial response, HCC confirmed that the Appellant had proposed an amendments to the lane markings to allow both lanes to cater for the straight on manoeuvre in order to increase capacity and this mitigation is secured via Section 106 contribution. HCC confirmed that the principle of the mitigation is agreed and improves capacity at the roundabout.

With regard to the Stubbington Bypass/Peak Lane junction, HCC Highways confirmed in their response that the junction would work within capacity and that the Appeal Scheme would have a 'negligible' impact upon the operation of the Stubbington bypass once completed. However, HCC Highways commented that it would introduce additional queuing and demand on the Stubbington Bypass/Peak Lane arm of the junction but that this was acceptable based on the Stubbington Bypass being implemented, which it now is in the process of being. Despite this, HCC Highways at this point requested a 'proportionate' contribution of £500,000 towards the Stubbington Bypass scheme (which they confirmed is a committed scheme and under development) towards works to minimise traffic flow and improve pedestrian and cycle facilities within Stubbington Village. However, the Appellant has never been provided with information of how the £500,000 was costed or how it meets the regulation 122 tests on the

basis that the Stubbington Bypass was already committed and is being implemented in a 'no Appeal Scheme' scenario.

As the Highways Contribution will be secured as part of a Unilateral Undertaking, there is no mechanism for HCC Highways to repay any monies back if unspent. It is therefore important that it can be demonstrated that the monies are necessary to make the development acceptable in planning terms and directly related to the development in accordance with the statutory tests. We understand that Mr Kneen is seeking further clarification from HCC Highways in this regard.

I hope this provides useful background and clarification as to the Appellant's position that they are agreeable to a Highways Contribution if it meets the statutory tests as set out in regulation 122 of the CIL Regulations.

Best wishes
Sarah

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