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<i>Date</i>	9 th September 2022	<i>Email</i>	Nick.gammer@hants.gov.uk

Land East of Newgate Lane East, Fareham. Outline Application With All Matters Reserved (Except Access) For Residential Development Of Up To 375 Dwellings, Access From Newgate Lane East, Landscaping And Other Associated Infrastructure Works

Dear Sir,

I wanted to contact you regarding the above appeal. Hampshire County Council in our capacity as Highway Authority have been reviewing and commenting on this application. Our initial response dated 8th April 2022 raised a number of concerns regarding transport elements of the application. The application was subsequently appealed for non-determination. HCC continued to work with the Appellant to address these matters, as you will see in the Agreed Statement on Transport Matters, to be submitted imminently. All matters have been addressed with two exceptions; firstly, final agreement of contribution values and secondly, HCC's objection to the principle of the vehicular access based on policy DM2 of HCC's emerging Local Transport Plan 4 (LTP4). The first point has the potential to be agreed and secured prior to opening of the Enquiry, possibly before the submission deadline for the Agreed Statement on Transport Matters of 13th September 2022. The second point is the subject of this letter.

Regarding the principle of vehicular access to the development site, HCC is currently preparing its next Local Transport Plan (LTP4), which will provide its primary transport policy to 2050. Regarding the status of this policy, Hampshire County Council's LTP4 is planned to be adopted in early 2023. LTP4 has been through an extensive development, engagement and consultation. It is now being refined and policy DM2 is set for formal adoption.

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

It is worth noting it has been referred to in many supporting documents of the Appellant and the Local Planning and Highway Authorities whilst in its emerging state. Furthermore, it acknowledges that LTP3, its predecessor, is increasingly out of date.

Policy DM2 states the HA will:

*Only support requests for **NEW accesses onto A roads, the principal road network or traffic sensitive streets** where the strategic flow of traffic is prioritised and not compromised and when all other reasonable options (such as taking access from nearby side roads) has been considered;*

Policy DM2 was expressly created to protect the uninterrupted flow of traffic on roads the Highway Authority regard as having an important strategic movement function and where in principle, interfering with that flow is not acceptable because it contradicts the strategic function of the road and has a severe impact on the coherence of the area transport strategy and road network operation. We envisage this applying to roads like the Strategic Road Network, important A roads, traffic sensitive roads or by-passes (roads built for the express purpose of removing through traffic from areas it is not desired). On such roads, new accesses have the potential to change the strategic function of the road to move traffic at speed and minimise impediments, leading to a lower road hierarchy function. Essentially leading to perform of a local, rather than strategic, function.

The policy is particularly pertinent in the context of Newgate Lane and its desired function in the context of the published local area strategy. In summary the local area strategy responds to a serious access problem impacting the peninsular. A problem which in HCC's assessment means the peninsular experiences the most serious congestion issues on Hampshire's road network. It identified three road corridors that needed to be improved in order to allow better north south connectivity, with the express purpose of offering end to end journey time reliability and shortened travel times across the full length of the Peninsular. Newgate Lane is one of these and as a result HCC has secured improvements to the road corridor, costing in excess of £10m, all of which are aimed at upgrading the road to a by-pass standard and which included removing and rationalising existing access points.

I note comment was made on this emerging policy in section 2.5.4 of the Appellant's Transport Assessment Addendum. The HA does not agree with the conclusions reached. Taking the Appellants points in turn:

- Regarding point a), changing a 3-arm priority junction to a 4-arm roundabout does clearly create a new access to the east onto the existing highway and results in vehicles on Newgate Lane East having to give way to traffic, which currently is not the situation.
- It is noted under point b) that the Appellant accepts Newgate Lane East is a traffic sensitive route.
- Regarding point c), while it is agreed the junction is forecast to operate within capacity, a new access is being formed and priority on Newgate

Lane East changed. This is contrary to the purpose of the bypass, and allows traffic from the secondary roads to take priority over traffic on the primary road.

- Finally, considering point d), the HA agree that there are not any other reasonable alternative vehicular access locations to the highway network avoiding Newgate Lane East; however, as noted below, the HA is not satisfied that options which do not impact upon the strategic flow of traffic or the integrity of the transport network and hierarchy have been explored under this application.

The HA has two fundamental objections to the proposals in relation to Policy DM2 of LTP4:

- Newgate Lane has been recently redesigned to offer by-pass levels of service to road users and is a traffic sensitive road (as accepted by the Appellant) and any form of new access will have a detrimental impact to the Improving Access to Fareham and Gosport Strategy and therefore a severe impact under NPPF.
- The proposals do not give due regard to the policy in that alternative access forms have not been explored or tested under this application that may better accord with policy DM2, for example a left in/ left out junction form that would not change priorities on Newgate Lane East and would cause significantly less delay to through traffic on Newgate Lane East in comparison to the proposed roundabout site access.

The Appellant was aware of a potential in principle policy objection. This was raised in our response and the Appellant attempted to address this point in the Transport Assessment Addendum as set out above. While there is no direct reference to LTP4 in the LPA statement of case, it does state the below.

In the Highway Authorities opinion, it has not been adequately demonstrated at this time that the new access will not have a significant impact on traffic flows on Newgate Lane East and that the proposed development will not cause unacceptable impacts on highway safety or the wider local highway network. Based on the information submitted to date, the Highway Authority cannot confirm there is no conflict with policy DSP40.

The Highway Authority is aware that NPPF paragraph 111 states

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Our objection is not based on a technical traffic assessment case, which does not determine a direct impact as sever using a local traffic flow assessment, but rather on the policy principle that doing so compromises the strategic function and operation of the network. In this way, accepting a new access onto Newgate Lane when considering its function would have an impact of a severe nature. It would see the end-to-end journey times lengthen and become more unreliable and an inevitable debasing of the road hierarchy to a local network with a declining strategic access function. In the Fareham and

Gosport context, it would see road users at the end of the peninsular experiencing worsening traffic and access conditions. It would also invite other developers to build other accesses and further erode the strategic function of the recently improved road corridors and by-passes.

If the proposed access were to be determined as acceptable, for overriding planning reasons, maybe a failure to meet local housing need, then the Highway Authority would expect to see site promoters develop the forms of access most likely to respect the strategic function of the roads. In the context of Newgate Lane the Appellant has not done this and is instead promoting an access form which gives the development traffic priority over the strategic flow.

As such, HCC considered that non-compliance with this policy was grounds for refusal and was suitably covered under Reason for Refusal i). Disappointingly, Fareham Borough Council did not share this view and, as HCC understands it, have declined to continue to defend Reason for Refusal i) on this basis. I just wanted to make you aware that HCC do still consider the above an unresolved issue and valid reason for dismissing the appeal.

I trust that the above is clear, but please do not to hesitate to contact me should you wish to discuss anything further.

Yours faithfully,

Frank Baxter
Head of Integrated Transport
Hampshire County Council