



# **Maidstone Local Plan Examination**

## **Response to Inspector's Session 6B Questions: Larger Villages**

*Prepared on behalf of  
BDW Trading Ltd*

**September 2016  
DHA/11771**

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# 1 Introduction

## 1.1 Overview

- 1.1.1 This evidence is submitted on behalf of BDW Trading Ltd which controls emerging allocation site H1 (29) New Line Learning, Broughton Lane, Maidstone and wishes to continue to promote it for continued inclusion within the Maidstone Local Plan 2011-2031.
- 1.1.2 The site has consistently featured in emerging drafts of the Local Plan as a preferred location for housing and as such, it is underpinned by a comprehensive evidence base to show that it is deliverable. Accordingly, it represents a core and sound component of the Council's Local Plan and housing land supply upon which it relies to help deliver the objectively assessed housing need of the area.
- 1.1.3 It is considered that the Inspectors questions on H1 (29) were drafted prior to the dismissed appeal, referred to in paragraph 1.2 and forming Document ORD 031, being quashed by the High Court. Therefore, no weight can be attributed to this dismissed appeal decision. A copy of the High Court ruling can be found at **Appendix 1**. On the 9<sup>th</sup> September 2016 we were informed by letter from the Secretary of State that a new Inquiry is required in order to re-determine the appeal. This is included as **Appendix 2**.
- 1.1.4 Given our support for the allocation of the site, we attach herewith a response to the questions of the Inspector to aid the Examination. This is undertaken in two parts with the Planning evidence included in this statement and the Highways evidence of Mr Jason Lewis dealing with technical matters as **Appendix 3**.

## 1.2 Scope of Representations

- 1.2.1 Maidstone Borough Council (MBC) has submitted its Local Plan and associated documentation for Independent Examination. An Examination Programme has been published, which divides the hearings into various sections over six weeklong sessions. The first tranche of hearings will be held in October 2015 and will address issues of national policy consistency, housing land supply and other strategic borough-wide policy issues. The subsequent parts, to be heard in November and December 2016, will consider site-specific allocations and more generic planning issues.
- 1.2.2 This statement constitutes BDW Tradings Ltd's formal response to questions raised by the Inspector in regards to Matter 6B in respect of the larger villages.

## 2 Response to The Inspector's Questions

### 2.1 Overview of Evidence

2.1.1 The Inspector has raised three specific questions in respect of matters relating to draft site allocation H1 (29) New Line Learning, Boughton Lane.

2.1.2 We have therefore taken the opportunity to respond to each question on behalf of Ward Homes (BDW Trading) as succinctly as possible where it is felt we can add to the discussion and assist the Examination. Furthermore, in order to aid the Inspector, we append (**Appendix 4**), as evidence, an indicative Site Layout Plan to demonstrate an alternative layout to that of the original Inquiry. At **Appendix 3** we attach the Highways evidence of Mr Jason Lewis which addresses the technical highways issues.

### 2.2 Qn6.24 How do the proposed policy changes address the reasons for the dismissal of the appeal and are they sufficient for the site still to be deliverable?

2.2.1 In the first instance it is important to reiterate to the Inspector that a Consent Order was issued by the High Court on 26<sup>th</sup> May 2016, quashing the decision of the Secretary of State contained in his letter dated 3 March 2016 in which he dismissed the appeal (reference APP/U2235/A/14/222783). No weight can therefore be attributed to the report on the appeal from the Planning Inspectorate or Secretary of State.

2.2.2 Whilst the appeal is due to be redetermined by Inquiry and the appellant remains of the view that the original 220-unit scheme is still appropriate (and the proposed Local Plan allocation sound) as the planning issues raised during consideration of the earlier proposals are not insurmountable. Nevertheless, Ward Homes (BDW Trading) also supports the draft allocation for a minimum of 180 units on the site. Furthermore, in order to assist the Council and to demonstrate this support, a revised planning application is being prepared which accords with the Council's proposed policy changes to the site's draft allocation. The revised development comprises:

*Proposed erection of 180 residential dwellings together with access, parking, landscaping and ancillary works on land at Boughton Lane, and the provision of new playing fields for New Line Learning Academy.*

2.2.3 The indicative site layout plan at **Appendix 4**, has been the subject of a formal pre-application meeting with Officers of the Council.

2.2.4 Amendments compared to the original 220-unit scheme include:

#### Design Amendments:

- (1) Larger area of central open space;
- (2) Additional area of open space;
- (3) Increased number of flats;

- (4) Softer edge to development, properties along the eastern boundary to the footpath all outward facing as opposed to backing on;
- (5) Provision of affordable homes to be increasingly spread throughout the site;
- (6) Increased gaps between properties including car barns and setting back of garages;

Highway Amendments

- (1) Footpath link along entire edge of development;
- (2) Downgrading of secondary access to south of site to emergency access only;
- (3) Widening of Boughton Lane;
- (4) New pedestrian link to existing public footpath;
- (5) New pedestrian / cycleway from the proposed site access with Boughton Lane to the north west of the site, to the existing exit to New Line Learning.

2.2.5 The draft policy changes outlined by the Council can be split into five themes:

- (1) Revised density to provide a spacious development complementary to its semi-rural location at the edge of the urban area;
- (2) Access layout including pedestrian, vehicle and cycle access and connection to the wider highway network;
- (3) Development trip distribution and assignment forecasts;
- (4) Traffic capacity at the Swan junction (the signalised junction of Boughton Lane, A229 Loose Road, Cripple Street); and
- (5) Traffic capacity at the Wheatsheaf junction (the signalised junction of the A229 Loose Road, A274 Sutton Road, Cranborne Avenue);

2.2.6 In order to provide the Inspector with the comfort that the site remains deliverable, we address each of the above themes in turn to demonstrate how they address the reasons for the original dismissal of the appeal and are sufficient for the site to still be deliverable and why it should remain relied upon as a core component of the Council's housing supply for the plan period. Themes 2-5 are highways related matters which are dealt with by Jason Lewis in his technical transport evidence at **Appendix 3**. I therefore deal with theme (1) below and (4) and (5) briefly.

Revised density to provide a spacious development complementary to its semi-rural location at the edge of the urban area

2.2.7 Whilst we strongly believe that 220 units, at a density of 32 dwellings per hectare, is appropriate for this location and the site context, and represents prudent use of land in a borough where there are still concerns regarding the delivery of key sites, the Council have sought to lower the density requirement in order to reflect the comments of the Secretary of

- State in the quashed decision. Whilst it will deliver less homes, we accept that this will lead to a more spacious building arrangement on site.
- 2.2.8 The indicative layout at **Appendix 4** demonstrates a layout that can be achieved taking on board the comments of the dismissed appeal with regards to design. This layout has a reduced the number of units and changed the mix including an increase in the number of flats. In addition, more space has been created by the removal of southern access, replaced by an emergency access only.
- 2.2.9 These changes have led to an increase in the central area of open space as well as introduced a further area of open space. In addition, changes to the location of the affordable housing have been achieved spreading it further around the site and not concentrated in two locations as well as the properties along the eastern boundary now fronting onto the footpath rather than backing onto it.
- 2.2.10 Themes (4) and (5) are directly related to highways capacity issues and are dealt with by Jason Lewis in **Appendix 3**. However, the approach to this site is no different to that of other sites that have come forward in South Maidstone where a blanket set highway contribution per unit has been made towards local highways infrastructure. This is evident in permissions in the vicinity of the site and in the wider transport corridor in Sutton Road. These have been considered justified not only by officers and members of the planning committee but also by Inspectors in appeal decisions.
- 2.2.11 In particular the Inspector for Appeal Decision APP/U2235/W/15/3129105, which is on Cripple Street to the south of the appeal site accessed from the same Swan Junction, stated in paragraph 15 (**Appendix 6**) *"KCC request for strategic highways improvements to the capacity at the Loose Road/Boughton Lane junction and Loose Road/Sutton Road junction and the approaches to the Town Centre Bridge gyratory traffic signal junctions which are necessary due to the incremental additional impacts that the proposed housing development would have. Having considered the evidence submitted, I agree that this is justified."*
- 2.3 Qn6.25 What capacity improvement is possible at the Wheatsheaf Junction and would that be sufficient to clear the Swan Junction as claimed having regard to traffic from other proposed developments?**
- 2.3.1 This question is directly addressed by Jason Lewis in his technical evidence at **Appendix 3**.
- 2.4 Qn6.26 Does the adoption of the Neighbourhood Plan have any implications for the Local Plan?**
- 2.4.1 The Neighbourhood Plan was made on 13<sup>th</sup> April 2016 by Full Council at Maidstone Borough Council and is now therefore part of the Development Plan. Part of the H1(29) falls with the Neighbourhood Plan area.
- 2.4.2 To a large degree the Parish Council's decision to progress a Neighbourhood Plan ahead of the formal adoption of the emerging Local Plan puts the longer term validity of the Neighbourhood Plan (NP) plan in doubt. As the Inspector will be aware, the NP was only required to be in conformity with the strategic policies of the 2000 Maidstone Borough Local Plan, where the scale of housing the plan sought is vastly different to the full objectively assessed development needs that are now required up to 2031.

- 2.4.3 A more prudent approach would have been for the Parish Council to delay plan making or seek to embrace the development requirements/ strategic policies of the emerging plan. By not doing so, parts of the NP will inevitably become out of date or have reduced weight when the new Local Plan is adopted.
- 2.4.4 Furthermore, within our evidence for Session 5A (Housing Supply) we show that Maidstone Borough Council:
- a) does not have a robust 5 year supply of housing land;
  - b) will not have a robust 5 year supply of housing land if the emerging Local Plan is adopted in its current form; and
  - c) there is a high likelihood that the Council will not meet its overall housing requirement for the plan period if the plan is adopted in its current form.

The weight that can be attributed to Neighbourhood Plans was tested in *Woodcock Holdings Ltd. vs Secretary of State (Appendix 5)*. Whilst this case was considering an emerging plan, in his ruling, Mr Justice Holgate concluded that the National Planning Policy Framework (NPPF) paragraphs 14 [the presumption in favour of sustainable development] and paragraph 49 [a demonstrable five-year housing supply] apply to the housing supply policies in all aspects of the development plan. In simple terms, policies for the supply of housing in the Neighbourhood Plan are out of date in the absence of Maidstone Borough Council being able to provide a five-year supply of housing land. These include two HD Policy 1 – Garden Development and HD Policy 2 – House Types, Mix, Density and Car Parking) of the NP.

- 2.4.5 In respect of other implications, the NP refers to the existing playing fields of NLL as “green space” and has a policy to address green spaces. GSSR Policy 2 – “Green and other spaces” states,

*“Proposals for new development which would result in the loss of green and other spaces will not be permitted unless an assessment clearly shows the open space, buildings or land to be surplus to requirements or alternative provision of an equivalent or better quantity and quality would be provided on a suitably located site or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.”*

- 2.4.6 Ultimately the adoption of any higher level allocation in the emerging Local Plan will superseded the policy provisions of the NP in the event of conflict. Furthermore, we would stress that the proposals for H1(29) include the adjacent agricultural site to become the new playing field for NLL. This is located immediately next to the exiting one and nearly doubles the size of the playing field open for recreational purposes. As can be demonstrated therefore the proposed scheme more than addresses the Neighbourhood Plan policy in this regard and would not undermine its objective of securing and protecting high quality open spaces.
- 2.4.7 In summary, for the above reasons and those set out in our evidence of Session 5A, we consider that in planning terms the Development Plan policies restricting the delivery of housing are out of date and that the Neighbourhood Plan is part of the Development Plan. In any case the Neighbourhood Plan does not allocate any development and the sites allocation at H1(29) does not conflict with the policies within it.

### **3 Conclusions and Suggested Modifications**

#### **3.1 Summary**

- 3.1.1 We consider that the continued inclusion of policy H1 (29) New Line Learning, Boughton Way, Maidstone is a sound component of the emerging Local Plan. The proposed site allocation is underpinned by a robust evidence base that the site is suitable, available and achievable and it remains deliverable within the immediate first five years of the plan period.
- 3.1.2 Whilst we consider the site could still accommodate the originally devised 220 homes, we acknowledge that the reduction of 40 units does not go to the heart of the soundness of the plan and therefore do not oppose this change. To the contrary, our client has positively responded to this alteration by advancing a detailed proposal for 180 units, which will shortly advance to the formal application stage.
- 3.1.3 We would stress that the omission of the site would not be based upon a sound evidence base as there would be no justification to show that the site is not deliverable. Instead, the deletion of 180 units would have significant implications for the already fragile housing land supply position on which the plan is based. As set out within our client's Matter 5A statement, there is already a significant shortfall of housing both for the five-year period, and the plan period as a whole, and therefore the loss of a further 180 units would further increase this problem.
- 3.1.4 Finally, if the Inspector were minded to suggest that the site be deleted, a consistent approach would need to be applied to all other proposed allocations that are subject to similar infrastructure constraints. In turn, the cumulative loss of additional housing would leave such a deficit that it would prove fatal to the plan.

#### **3.2 Suggested Modifications**

- 3.2.1 For the reasons outlined above, and to be expanded within the hearing sessions, the proposed allocation H1(29) remains a sound component of the emerging Local Plan and requires no modification.



**1**

**APPENDIX**



*Amey*  
**In the High Court of Justice  
Queen's Bench Division  
Planning Court**

CO Ref:

*TCP*  
CO/1610/2016

In the matter of a claim for Planning Statutory Review

**BDW TRADING LIMITED**

**versus**

**SECRETARY OF STATE FOR COMMUNITIES AND LOCAL  
GOVERNMENT**

**Application for permission to apply for Planning Statutory Review  
NOTIFICATION of the Judge's decision (CPR PD 8C 7.1 to 7.8)**

Following consideration of the documents lodged by the Claimant a consent order  
filed by the Defendant

**Order by the Honourable Mr Justice Dove**

**Permission is hereby granted**

**Observations:**

The consent order contains no provision for the grant of permission to proceed which is  
required before the decision can be quashed. Given that all parties agree that the decision should  
be quashed it is obviously equally agreed that permission should be granted and I do so, and will  
in addition endorse the consent order which has been lodged.

Signed

11: v : 16

**The date of service of this order is calculated from the date in the section below**

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**For completion by the Planning Court**

Sent / Handed to the claimant, defendant and any interested party / the claimant's,  
defendants, and any interested party's solicitors on (date):

Solicitors:  
Ref No.

**26 MAY 2016**

**Notes for the Claimant**

- You are reminded of your obligation to reconsider the merits of your claim on receipt of the  
defendant's evidence.

*(Handwritten signature)*

CO/1610/2016

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
PLANNING COURT

*11:5 v:11*

IN THE MATTER OF AN APPEAL UNDER s.288 OF THE TOWN AND COUNTRY PLANNING  
ACT 1990

BETWEEN:

BDW TRADING LTD

Claimant

-and-

THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

First Defendant

-and-



(1) MAIDSTONE BOROUGH COUNCIL  
(2) KENT COUNTY COUNCIL  
(3) THE FUTURE SCHOOLS TRUST  
(4) NORTH LOOSE RESIDENTS ASSOCIATION

Interested Parties

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**CONSENT ORDER**

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UPON the parties agreeing the terms hereof

BY CONSENT IT IS ORDERED THAT:

1. The decision of the First Defendant, under reference number APP/U2235/A/14/2227839 dated 3 March 2016, to refuse an appeal made under section 78 of the Town and Country Planning Act 1990 ("the Act") against the refusal by the First Interested Party of the Claimant's application for planning permission for the construction of up to 220 residential dwellings, together with access, parking, landscaping and ancillary works, and the provision of new playing fields at Boughton Lane, Loose, Maidstone, Kent, ME15 9QL, be quashed under section 288(5)(b) of the Act and remitted for redetermination.
2. There be no order as to costs.

Dated: *27<sup>th</sup>* April 2016



Department for  
Communities and  
Local Government

Matthew Woodhead  
dha planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

Our Ref: APP/U2235/A/14/2227839

29 June 2016

(Sent by email - see list of those to whom this letter has been sent.)

Dear Mr Woodhead,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY BDW TRADING LTD, KENT COUNTY COUNCIL AND  
FUTURE SCHOOLS TRUST  
LAND AT BOUGHTON LANE, LOOSE, MAIDSTONE, KENT, ME15 9QL**

1. I refer to the Consent Order issued by the High Court on 26 May 2016, quashing the decision of the Secretary of State contained in his letter dated 3 March 2016 in which he dismissed the above appeal and refused planning permission for the above proposal. The planning application now falls to be re-determined by the Secretary of State.
2. Rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 requires the Secretary of State to send to persons entitled to appear at the inquiry, and who appeared at it, a written statement of the matters with respect to which further representations are invited for the purposes of his further consideration of the application.
3. Having regard to the Order of the High Court and the evidence available to the Secretary of State at present, he invites representations on:
  - a) Progress of the Maidstone Borough Local Plan and the relevance of policies for the purpose of this appeal;
  - b) Any relevant policies in the North Loose Neighbourhood Development Plan made on 14 April 2016;
  - c) Any material change in circumstances, fact or policy, that may have arisen since his decision of 21 December 2015 was issued and which the parties

Maria Stasiak, Decision Officer  
Planning Casework Division  
Department for Communities and Local Government  
3<sup>rd</sup> floor, Fry Building  
2 Marsham Street  
London, SW1P 4DF

Tel 0303 444 1624  
Email [pcc@communities.gsi.gov.uk](mailto:pcc@communities.gsi.gov.uk)

consider to be material to the Secretary of State's further consideration of this application.

4. You are now afforded the opportunity of submitting written representations to the Secretary of State in respect of the above matters. The Secretary of State considers that a period of three weeks to submit representations is reasonable in the circumstances of this case. You are therefore asked to submit any representations you wish to make no later than Friday 22 July 2016 by email to PCC@communities.gsi.gov.uk. Please note that any replies received will be copied to other parties for their comment.
5. Alternatively, you have until 22 July 2016 in which you may ask for the inquiry to be re-opened. In deciding whether the inquiry should be re-opened, the Secretary of State will consider all views that may be expressed to him on this matter, but the decision is ultimately one for him.

Yours faithfully

*Maria Stasiak*

**Maria Stasiak**

**2**

**APPENDIX**



Department for  
Communities and  
Local Government

Matthew Woodhead  
dha planning  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

Our Ref: APP/U2235/A/14/2227839

9 September 2016

Dear Mr Woodhead

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY BDW TRADING LTD, KENT COUNTY COUNCIL AND FUTURE  
SCHOOLS TRUST  
LAND AT BOUGHTON LANE, LOOSE, MAIDSTONE, KENT, ME15 9QL**

1. Further to the Secretary of State's letter of 29 June 2016 on the above matter, he has given careful consideration to all the representations before him, on the basis of which he is of the view that in accordance with Rule 19(1)(c) of the Inquiry Procedure Rules he needs a new inquiry.
2. The Planning Inspectorate will be writing shortly to relevant parties to make arrangements for the inquiry.
3. The representations that the Secretary of State has received in response to his letter of 29 June are listed below and copies are available on request:

21 July 2016	Barbara Cooper, Corporate Director, Growth, Environment and Transport, Kent CC
1 August 2016	Jason Lewis, DHA Planning, on behalf of the appellant
1 August 2016	Ian Chittenden Borough Councillor for Maidstone South 2006 to 5 May 2016 County Councillor for Maidstone North East division
3 August 2016	Brian Clark Kent County Councillor, Maidstone South
10 August 2016	Jacqueline Day, Secretary, North Loose

	Residents Association/Planning Forum (NLRA)
11 August 2016	Roy Lane
12 August 2016	Amanda Marks, Principal Planning Officer (Enforcement) Maidstone Borough Council
22 August 2016	Ian Chittenden
22 August 2016	Ray Harris, Chair of Future Schools Trust
23 August 2016	Doug Smith, Chairman, Planning Committee of Boughton Monchelsea Parish Council
23 August 2016	Ian Ellis, Chairman of the Boughton Monchelsea Amenity Trust
23 August 2016	Matthew Woodhead, DHA Planning
23 August 2016	Jacqueline Day, Secretary, North Loose Residents Association/Planning Forum (NLRA)
24 August 2016	Roy Lane
24 August 2016	Amanda Marks, Principal Planning Officer (Enforcement) Maidstone Borough Council

4. I am copying this letter to all those who sent representations listed in the table above and to Paul Bennett at the Planning Inspectorate.

Yours sincerely,

*Maria Stasiak*

Authorised by the Secretary of State to sign in that behalf



**3**

**APPENDIX**

# Boughton Lane, Loose – Response to EIP Inspector’s Questions

Site: Proposed Development at New Line Learning, Boughton Lane, Loose, Maidstone

Prepared by: DHA Transport  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone ME14 3EN

Date: 5<sup>th</sup> September 2016

## 1.1 Introduction

1.1.1 This report is prepared in relation to the emerging Maidstone Local Plan Examination In Public (EIP), and addresses two questions posed by the Local Plan Inspector in respect of the draft allocation site H1(29) New Line Learning, Boughton Lane. The two questions addressed herein are:

*Qn6.24 How do the proposed policy changes address the reasons for dismissal of the appeal and are they sufficient for the site still to be deliverable?*

*Qn6.25 What capacity improvement is possible at the Wheatsheaf junction and would that be sufficient to clear the Swan junction as claimed having regard to traffic from other proposed developments?*

## 1.2 Changes to Draft Policy H1(29)

1.2.1 The changes to the Draft Local Plan Policy H1(29) made by Maidstone Borough Council subsequent to the appeal outcome are summarised as follows:

PC/27	Policy H1(29) New Line Learning, Boughton Lane, Maidstone	<p>Amend Policy H1(29) criterion 3 to read: ‘Access will be taken from Boughton Lane <i>from the western/north western boundary of the site</i> only.’</p> <p>Amend ‘Access’ criterion to include additional criterion to read, ‘<i>Emergency access only shall be taken from Boughton Lane on the south boundary of the site.</i>’</p> <p>Amend ‘Access’ criterion to include additional criterion to read: ‘<i>Provision of a dedicated pedestrian and cycle route along the south and west sides of the site connecting with the existing footway at the southern school exit to the north.</i>’</p> <p>Amend criterion 5 to read: ‘<i>Provision of a safe pedestrian/cycle access will be made to footpath KM98 on the southern boundary of the site crossing point on the southern boundary of the site to link to public footpath KM98 and/or to link to site H1(53) Boughton Lane, Boughton Monchelsea and Loose to the south to provide access to public footpath KM98.</i>’</p>	<p>These changes will reduce the potential for pedestrian/cycle conflicts with vehicles, along the section of Boughton Lane which an appeal Inspector and the Secretary of State considered to be dangerous in its present state (see APP/U2235/A/14/2227839). This will provide a crossing point at a suitable location to provide a safe crossing to link to public footpath KM98, considered a pedestrian desire line for future occupants by the</p>
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Proposed change reference number	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
PC/28	Policy H1(29) New Line Learning, Boughton Lane, Maidstone	Amend Policy H1(29) 'Strategic highways and transportation' criterion to include additional criterion to read: ' <i>Improvements to capacity at the A229/A274 Wheatsheaf junction.</i> '	appeal Inspector. These changes will ensure improvement to the identified junction to mitigate the impact of the development.
PC/29	Policy H1(29) New Line Learning, Boughton Lane, Maidstone	Amend Policy H1(29) introduction text amended to read: 'New Line Learning, as shown on the policies map, is allocated for development of approximately <del>180</del> 220 dwellings at an average density of <del>28.5</del> 35 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.'  Amend criterion 1 to read: 'The character of this development will be <i>Development proposals will be of a high standard providing a spacious development</i> complementary to its semi-rural location at the edge of the urban area.'	Following the Inspector's comments regarding the anonymity and overall design and spaciousness of the development a reduced yield and revised criterion will ensure a more spacious layout and enable the provision of a higher quality design to overcome the reason for dismissal.

1.2.2 The Inspector's questions are dealt with in turn below:

### 1.3 Qn6.24

1.3.1 The above draft policy changes outline the Council's suggestions for addressing the reasons for refusal in the planning appeal for the original proposals for 220 dwellings. The key issues can be split into four themes:

- Access layout including pedestrian, vehicle and cycle access and connection to the wider highway network;
- Development trip distribution and assignment forecasts;
- Traffic capacity at the Swan junction (the signalised junction of Boughton Lane, A229 Loose Road, Cripple Street); and
- Traffic capacity at the Wheatsheaf junction (the signalised junction of the A229 Loose Road, A274 Sutton Road, Cranborne Avenue);

#### **Access Layout**

##### Site Access with Boughton Lane

1.3.2 Whilst the decision has been quashed, the Appeal Inspector highlighted concern over the second southern access serving the development and the width of Boughton Lane southwards of the New Line Learning (NLL) 'in' access, noting in paragraphs 244 through to 248 that narrow lane width would give rise to constraints to vehicle traffic and consequently safety for pedestrians and cyclists.

1.3.3 Subsequently this has led to Maidstone Borough Council (PC/27 above) removing the policy requirement for a second vehicle access to the south, promoting only a vehicle access to the north west.

- 1.3.4 Review of this amended proposal raises no concern in terms of traffic capacity, amenity or safety, given the relatively lightly trafficked nature of Boughton Lane to the south of NLL and the low level of traffic that would be generated from a development of 180 dwellings at the site and the further 100 dwellings promoted to the south in the Local Plan. As is described later in this report the H1(29) development would be expected to generate 86 vehicle trips in the morning peak hour and 95 trips in the evening peak, which is not expected to result in any capacity related need for a second junction.
- 1.3.5 Whilst the Design Manual for Roads and Bridges (DMRB) sets out a 500 vehicle per day side road threshold limit for a single point of access, this guidance is primarily related to the formations of new junctions onto the major Trunk Road network. Kent Design Guide (2006) includes a preference for two points of access serving developments of between 50 and 300 dwellings (page 124), although as point 2 therein notes this assumes direct vehicle access to a local distributor road, which Boughton Lane is not.
- 1.3.6 Furthermore, given that the vast majority of traffic from the development would travel north along Boughton Lane in the case of the former twin access proposal, all this traffic would route through the north west junction anyway; therefore there is no significant additional loading to the junction as a whole resulting from the single access proposal. It is accepted that traffic travelling south along Boughton Lane towards Boughton Monchelsea would have favoured the previous southern access, however as is analysed later in this report the level of traffic heading in this direction is found to be significantly lower than was previously assessed in the original planning application.
- 1.3.7 By removing the southern access there would not be any significant additional conflict created with any vulnerable road users who may be walking in the carriageway south of the now proposed single north west access.
- 1.3.8 The site access with Boughton Lane to the north west of the site is retained in the same form as for the application and Inquiry, and can be seen at **Appendix A**. A Stage 1 Road Safety Audit is carried out on these proposals; a subject of further discussion later in this report.

#### Width of Boughton Lane between NLL access and site access

- 1.3.9 In addition to the above concerns over the proposed access regime and pedestrian/cycle traffic using Boughton Lane, the Appeal Inspector raised concerns over the width of Boughton Lane between the New Line Learning 'in' access and the proposed development north west access junction, which by his measurement confirmed a carriageway width of around 5.0m.
- 1.3.10 The Kent Design Guide states that a 5.5m wide carriageway would cater for a development of between 50 and 300 dwellings, and can provide access for a bus route should it be required. Given the semi-rural nature of Boughton Lane this lane width would be deemed suitable to provide access for existing and proposed flows given the revisions to the Local Plan quantum for this site and the two neighbouring sites.
- 1.3.11 The applicant benefits from the provision of a topographic survey of the site and Boughton Lane surrounding the site and northwards to the NLL 'in' only junction, therefore giving the ability to present accurate measurements of Boughton Lane over the

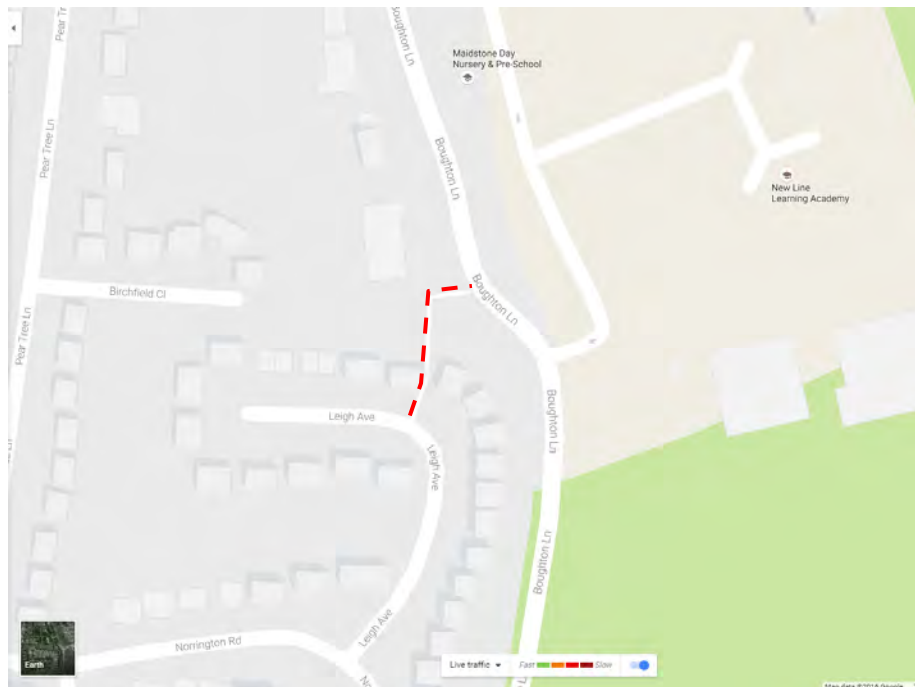
area of original concern. The section of road in question is approximately 245m in length, with the topographic survey confirming that a section of approximately 75 metres between the two NLL accesses falls below 5.5m wide, narrowing at one point to 4.8m wide. The section between the NLL exit and the proposed north west site access is 105m long, of which approximately 70m is less than 5.5m wide.

- 1.3.12 The amount of widening required to facilitate a 5.5m wide access road would therefore be limited in the main to sections of approximately 0.5m or less, with only two short sections of widening extending to approximately 0.7m. As is demonstrated in the drawings provided at **Appendix A** and **Appendix B**, this widening can be undertaken on land which is currently highway verge, requiring no relocation of street furniture or existing footways. The majority of the verge has no kerb edge, but if required the highway authority could install a kerb along these sections should they wish.
- 1.3.13 The above suggested works would be adequate to suitably address the Appeal Inspectors concerns over carriageway widths. The loss of the proposal southern access takes away any need to widen the section of Boughton Lane south of the site's north west access, notwithstanding the proposals discussed later in this report to address safe movement of pedestrians to the south and south west of the site.

#### Pedestrian / Cycleway Access with Boughton Lane

- 1.3.14 The Appeal Inspector highlighted concern over footway / cycleway provision on the northern section of Boughton Lane where the proposal plans showed a foot/cycleway linking with the exit to New Line Learning, noting in paragraph 249 that were the development to go ahead 'this proposed foot/cycleway would be essential'. Within paragraph 250 further concern was raised over 'the central section' of Boughton Lane, referring to the length between the previously proposed north west and southern site vehicle junctions and the lack of a foot/cycleway alongside the lane to cater for both existing and future pedestrian/cycle flows. The Inspector stated in paragraph 251 that there were no proposals before the inquiry to deal with these issues (other than the proposals for the northern section).
- 1.3.15 The previous proposals included a pedestrian link within the site boundary facilitating a safe pedestrian route from the site south east corner (linking with the public right of way that runs alongside the site east boundary), taking access via Boughton Lane to the south east, the site south west corner and joining with the proposed 'street side' facility between the site north west junction and the NLL exit. This route provided the option of a safe traffic-free pedestrian facility which would be open to existing users of Boughton Lane (accessing from the various public rights of way as well as Boughton Lane) as well as future users from the development site.
- 1.3.16 It is noted that the Appeal Inspector assumed that 'for any number of reasons some [pedestrian and cycle] users might choose Boughton Lane in preference to the routes provided through the site'. This statement is not supported as given the opportunity any reasonable person would take the safest route open to them, and would only use a more 'dangerous' route if the time penalty of the alternative is much greater. In the case of these proposals for pedestrians and cyclists travelling from the south and east, they would in the majority of cases take the provided route through the site as this is both

safer and more direct than walking along the Boughton Lane carriageway. For those emerging from Eddington Close who are not travelling to or from the development it is accepted that there could be an attraction to walking along the Boughton Lane carriageway, however this is highly unlikely as there are other options from Eddington Close through the existing residential area that would avoid any need to take this route. The pedestrian 'estate' footway route via Leigh Avenue (not designated as PRow) provides an alternative route towards NLL and Boughton Lane, as demonstrated in Figure 0-1 below:



**Figure 0-1: Leigh Avenue Pedestrian Footway**

- 1.3.17 It is illogical that any reasonable person would seek to walk in the carriageway along Boughton Lane when there are safer and more direct alternative routes available to them. As such a street-side pedestrian or cycle route to the south of the proposed north west junction would not serve any demand and would not therefore be required to make the development acceptable.

#### Pedestrian Crossing to Eddington Close

- 1.3.18 The appeal proposals include a pedestrian route linking the site south west corner with the PRow (KCC reference KM56), leading to Eddington Close. The Appeal Inspector raised concerns over this route and linkage and concluded that because there were no proposals before him as to how the safe crossing of pedestrians could take place, it was not possible to assess the likelihood that an acceptable scheme could be delivered.
- 1.3.19 To address the Appeal Inspector's concerns, Stage 1 outline design work has been carried out to show how a safe pedestrian crossing facility can be provided to serve the route to Eddington Close. This is based on topographic survey and hence can demonstrate a



strong evidence base and a high level of deliverability. The updated proposals can be found at **Appendix C**.

- 1.3.20 The proposal includes the provision of a footway link into the site, emerging on the apex of the bend in Boughton Lane at the site's south west corner. To the west side of the road a footway is provided parallel with the road, leading a short distance to the PRow. Pedestrian barriers are provided on both to prevent children running into the road. The carriageway is provided to a width of 5.5m, widening to 5.9m around the bend as per Kent Design Guide requirements for this carriageway radii.
- 1.3.21 Visibility splays are provided at 2.0m by 43m, which is the standard set out in Manual for Streets for a 30mph road. As per the original proposals the 30mph speed limit point is moved to the east of here along Boughton Lane. In reality the visibility splays towards the east can extend well beyond the 43 metres shown, and it is noted that vehicles approaching the bend would be slowing in any event.
- 1.3.22 The Road Safety Audit has not raised any significant safety issues in relation to this design feature, as described in the Road Safety Audit section below.

#### Improvements to Wheatsheaf and Swan Junctions

- 1.3.23 Given this issue is subject to a single question, this is dealt with separately below.

#### Road Safety Audit

- 1.3.24 Given the Appeal Inspector's comments on highway safety in IR243-254 and the Secretary of State's comments in paragraph 19 of the decision, a Road Safety Audit has been carried out on the above described access scheme to demonstrate suitability in safety terms.
- 1.3.25 M&S Traffic Ltd have been commissioned by the Designer, DHA Transport, to provide an independent Road Safety Audit of the scheme details covering the section of Boughton Lane from the New Line Learning entrance through to the site boundary at its south east corner, encompassing all access design features included on the appended drawings herein. A copy of the Road Safety Audit Brief and the Audit Report can be seen at **Appendix D**. The audit is carried out in accordance with DMRB HD 19/15.
- 1.3.26 A total of eight 'problems' were identified by the Auditors. A Designer's Response to these 'problems' is included at **Appendix D**. This has necessitated the preparation of two additional scheme drawings (10560-T-06 and T-07) and the revision of drawing 10560-T-03-P2, all included with the audit response at **Appendix D**.
- 1.3.27 It is deemed that there are no significant concerns over the details presented for audit that would give rise to objections to the scheme on highways safety grounds. The issue relating to the width of the shared foot/cycleway requires a greater level of topographic survey detail, however on review at the site it is apparent that the area of no-dig construction would need only to extend a further 0.5m into the woodland area, whereby there is only scrub planting and no trees of high value.

## 1.4 Qn6.25

- 1.4.1 The question posed here asks whether improvements can be made to the Wheatsheaf junction adequate to reduce blocking back to a level which does not interfere with the Swan junction. The Appeal Inspector discusses traffic impact and proposed mitigation in paragraphs 234 through to 239.
- 1.4.2 There are connected issues arising from this question, as interrogated at the Public Inquiry, relating to the strength of the analysis and trip forecasting feeding into the impact analysis assessing the scheme. Of further note are the wider implications from permitted, committed and Local Plan development, allied to traffic growth arising from the new TEMPRO version 7.0. These are discussed by the Appeal Inspector in paragraphs 222 to 226. These issues are dealt with first as they provide essential background to aid consideration of the Wheatsheaf issue.
- 1.4.3 The Swan junction also has an effect on the Wheatsheaf junction, therefore assessment is also carried out to demonstrate any impacts from the development and measures that could feasibly be implemented to mitigate impacts should it be deemed necessary.

### ***Trip Forecasting***

- 1.4.4 The Appeal Inspector in his paragraphs 230 to 233 casts doubt on the reliability of the TRICS data and trip distribution analysis carried out in the Transport Assessment for the planning application, noting that the 'overall rate of 0.5 peak hour trips per dwelling'....appears unusually low'.
- 1.4.5 It should be pointed out that trip rates and generation were not a matter discussed at any length, if at all at the Inquiry. It is evident from the Appeal Inspector's queries on this that because of the lack of examination he does not fully appreciate the variation in trips between larger private family homes ranging to small affordable flats. The proposals comprise a reasonable proportion of the affordable housing element, the effect of which is to 'drag down' the overall trip rate for the development. It is accepted that a trip rate of 0.5 trips per dwelling per peak hour could be deemed on the low side for private housing, however when taking account of the significantly lower trips exhibited by flats it is clear that this would influence the overall rate in a downwards direction, as would trips from other affordable dwellings (although to a lesser extent than flats). To demonstrate the effect of this and provide a fully up to date trip forecast to input into the wider analysis, the TRICS assessment has been carried out 'afresh'.
- 1.4.6 In accordance with the TRICS User Guide a new assessment has been carried out using the latest TRICS version 7.3.2 assuming use classes:
- 03 – RESIDENTIAL - A - HOUSES PRIVATELY OWNED
  - 03 – RESIDENTIAL - D - AFFORDABLE/LOCAL AUTHORITY FLATS
  - 03 – RESIDENTIAL - B - AFFORDABLE/LOCAL AUTHORITY HOUSES



- 1.4.7 The trip rates for each of the above, together with the trip rate for the development as a whole is presented in Table 0-1, with the full TRICS data being made available at **Appendix E**.

Period	Arrivals	Departures	Total
<i>Private Houses</i>			
AM 8-9	0.153	0.395	0.548
PM 5-6	0.367	0.203	0.570
Daily 7-7	2.375	2.465	4.840
<i>Affordable Houses</i>			
AM 8-9	0.160	0.340	0.500
PM 5-6	0.392	0.276	0.668
Daily 7-7	2.702	2.739	5.441
<i>Affordable Flats</i>			
AM 8-9	0.040	0.109	0.149
PM 5-6	0.158	0.109	0.267
Daily 7-7	1.567	1.468	3.035
<b>Total Development Rate</b>			
<b>AM 8-9</b>	<b>0.135</b>	<b>0.340</b>	<b>0.475</b>
<b>PM 5-6</b>	<b>0.335</b>	<b>0.197</b>	<b>0.532</b>
<b>Daily 7-7</b>	<b>2.282</b>	<b>2.334</b>	<b>4.616</b>

**Table 0-1: TRICS Trip Rates (vehicle trips per dwelling)**

- 1.4.8 As can be seen from the above table the trip rates for housing, both affordable and private, are in the majority of cases for the peak hours above the 0.5 rate mentioned by the Appeal Inspector, and in the case of the affordable houses in the PM peak above 0.6. The trip rates for flats are significantly lower, as would be the expectation, and these act to pull the overall rates down to around the 0.5 level.
- 1.4.9 Applying the above trip rates to the revised development quantum of 180 dwellings yields the following trip generations, presented in Table 0-2.

Period	Arrivals	Departures	Total
<i>Private Houses – 126 Dwellings</i>			
AM 8-9	19	50	69
PM 5-6	46	26	72
Daily 7-7	299	311	610
<i>Affordable Houses – 24 Dwellings</i>			
AM 8-9	4	8	12
PM 5-6	9	7	16
Daily 7-7	64	65	129
<i>Affordable Flats – 30 Dwellings</i>			
AM 8-9	1	3	5
PM 5-6	5	3	8
Daily 7-7	47	44	92
<b>Total Development Trips</b>			
<b>AM 8-9</b>	<b>24</b>	<b>61</b>	<b>85</b>
<b>PM 5-6</b>	<b>60</b>	<b>35</b>	<b>96</b>
<b>Daily 7-7</b>	<b>411</b>	<b>420</b>	<b>831</b>

**Table 0-2: Development Trip Generation (vehicle trips)**

- 1.4.10 In terms of distribution the application Transport Assessment applied 2001 Census SWS journey to work statistics to all journey purposes. This can have the effect of skewing the overall distribution and result in an unrealistic assignment matrix with no account for education, shopping, personal business and friend/family trip purposes.
- 1.4.11 The TEMPRO database has been interrogated to gain an understanding of different journey types for the Maidstone area, assuming car driver mode. This has been carried out for the morning and evening peaks respectively, as shown in Table 0-3.

Period	hb				Total
	hb education	hb work	hb social	hb personal business shopping	
AM origin	10.0%	70.0%	10.0%	3.0% 8.0%	100%
PM destination	3.0%	54.0%	20.0%	7.0% 16.0%	100%

**Table 0-3: Home Based Journey Purpose**

- 1.4.12 Applying the above journey proportions to the trip generations shown at the foot of Table 0-2 gives rise to the traffic flows for each purpose as expressed in Table 0-4. Please note errors are due to MS Excel rounding.

Purpose	AM Peak			PM Peak		
	Arr	Dep	Tot	Arr	Dep	Tot
HB Education	2	6	9	2	1	3
HB Work	17	43	60	33	19	52
HB Social	2	6	9	12	7	19
HB Personal	1	2	3	4	2	7
HB Shopping	2	5	7	10	6	15
<b>Total</b>	<b>25</b>	<b>62</b>	<b>86</b>	<b>60</b>	<b>35</b>	<b>95</b>

**Table 0-4: Home Based Journey Proportions (vehicle trips)**

- 1.4.13 The data in Table 0-4 allows the trips under each journey purpose to be distributed on the network and assigned on the basis of the likely destinations for each. In the case of employment trips this assumes 2011 Census journey to work data, whilst for the other purposes trips have been assigned to the most likely destination based on our own extensive local knowledge of Maidstone.
- 1.4.14 Trip assignment has been undertaken to these destinations using Google Maps journey planner, assuming typical traffic conditions during the morning and evening peak hours. This is realistic as Google Maps errs to the fastest route, not necessarily the shortest, thus should the quickest route be via Boughton Lane to the south, it has been assumed. The resulting assignments can be seen for the Swan and Wheatsheaf junctions in Figures 1 and 2.
- 1.4.15 The Appeal Inspector questioned in paragraphs 231 and 232 the 'over estimation' of 27% of all development trips heading south along Boughton Lane towards Boughton Monchelsea. The above calculations find the level of south bound traffic to be much less, at 12% for the morning peak hour and 9% for the evening peak hour. As a result the level of traffic heading towards the Swan junction is much greater than was judged to occur in the original TA, however it should be noted that the traffic modelling carried out for the Inquiry assumed all of the development traffic passed through the junction with none heading south.

#### **Background and Committed/Local Plan Development Traffic**

- 1.4.16 A 'fresh' review of committed development / Local Plan and background growth traffic has been undertaken to reflect the recently published TEMPRO version 7 (previously 6.2) and the latest Maidstone emerging Local Plan position. Access has been gained to extensive trip and traffic modelling carried out for planning applications along Sutton Road (covering sites permitted in 2016) and details within the Local Plan for sites within Coxheath, Marden and Staplehurst either permitted or planned. The previous Inquiry's assumptions on school traffic at the NLL campus has been used. Traffic for these proposals has then been applied to a spreadsheet model covering the Swan and Wheatsheaf junctions.

- 1.4.17 Traffic surveys were carried out at the Swan junction in November 2014 to inform the appeal, and it is considered that these remain relevant and suitable for use in this assessment as no significant development proposals have come to fruition in the area since that time. A traffic survey of the Wheatsheaf junction was conducted on Tuesday 6<sup>th</sup> September 2016 (during school term time). These flows have been converted to Passenger Car Units (PCUs) for traffic junction modelling purposes, and can be seen in Figures 3 and 4 for the morning and evening peak assessment hours respectively.
- 1.4.18 Traffic growth has been applied to the spreadsheet model for the Local Plan end date (2031), for the period from 2014 for the Swan junction and 2016 the Wheatsheaf junction. As this exercise utilises committed and planned development flows for all sites in the south of Maidstone, adjustments have been made in TEMPRO 7 to remove housing development within that period to avoid double counting, thus leaving only the growth from jobs (which are not calculated separately from TA data) and the background NTM AF15 Dataset. This approach is compliant with DfT WebTAG.

### **Modelled Scenarios**

- 1.4.19 The following AM and PM peak hour modelling scenarios are used in this assessment, which aligns with the approach taken for the majority of developments within the site vicinity in the past 5 years:
- 2031 Do Nothing 1 (No committed or Local Plan development)
  - 2031 Do Nothing 2 (plus permitted, committed or Local Plan development)
  - 2031 Do Minimum (Do Nothing 2 plus Boughton Lane development, no junction improvements)
  - 2031 Do Something 1 (Do Minimum plus junction improvements)
  - 2031 Do Something 2 (Do Minimum plus 3% Mode Shift allowance)
- 1.4.20 The above flows can be found at Figures 5 to 12. Both the Swan and Wheatsheaf junctions are modelled in the LinSig3 computer junction capacity testing software, which is the nationally recognised approach to assessing development traffic impacts.

### **Swan Junction**

- 1.4.21 The Swan junction (the junction of Boughton Lane / Cripple Street / A229 Loose Road) has been modelled for traffic capacity performance in accordance with the above described approach.
- 1.4.22 This modelling is based on two layouts:
- (1) The existing junction layout and signal equipment configuration, as confirmed by the KCC junction timing sheets and 'as-built' diagrams; and

- (2) An improved junction layout taking the form of the outline proposals first put forward by Mott Macdonald on behalf of MBC in the 'A229/Boughton Lane – Junction Review' dated April 2016.
- 1.4.23 The tested option 2 has undergone further design development by DHA in support of this report, in accordance with current design guidance set out in DMRB TD 50/04 and general best practice guidance. This layout can be seen at **Appendix F**.
- 1.4.24 The following table outlines the results of this modelling exercise, below which is a description of the modelling results for each scenario. The tested scenarios are numbered for ease of reference.

	1		2		3		4		5		6		7	
AM Peak	Existing Layout								Proposed Layout					
	2031		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)	
	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ
Loose Rd (N)	96.8%	43.3	123.9%	171.3	129.2%	194.5	125.3%	174.0	93.3%	42.7	96.7%	49.1	93.9%	42.7
Boughton Ln	94.8%	14.4	121.3%	56.1	127.4%	73.4	123.3%	64.6	90.7%	18.7	97.3%	24.8	94.0%	21.8
Loose Rd (S)	72.0%	21.7	85.3%	29.6	88.3%	31.4	85.6%	29.1	78.6%	25.8	80.6%	26.9	79.3%	25.5
Cripple St	93.4%	13.3	119.8%	34.3	121.2%	35.9	117.8%	32.0	77.6%	10.3	82.1%	10.9	79.7%	10.3
PRC	-7.6%		-37.6%		-43.5%		-39.2%		-3.7%		-8.1%		-4.5%	
Avg. Delay (s/pcu)	70.1		311.5		359.9		325.1		58.1		71.2		62.6	
Cycle Time	135		135		135		135		135		135		135	
File	Cripple St Existing.lsg3x								Cripple St Option B.lsg3x					

	8		9		10		11		12		13		14	
PM Peak	Existing Layout								Proposed Layout					
	2031		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)	
	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ
Loose Rd (N)	96.0%	47.1	111.3%	119.5	116.6%	150.1	113.2%	128.9	82.5%	31.0	87.4%	35.8	84.8%	33.0
Boughton Ln	93.6%	11.1	108.1%	28.0	114.0%	37.9	110.5%	32.7	82.3%	12.9	84.9%	14.5	82.3%	13.6
Loose Rd (S)	72.1%	23.3	81.4%	29.0	83.1%	30.2	80.7%	28.3	77.6%	26.5	80.6%	28.3	78.0%	26.5
Cripple St	91.4%	8.4	102.8%	12.1	107.9%	15.2	104.1%	12.9	68.1%	5.9	71.4%	6.4	69.0%	6.1
PRC	-6.6%		-23.7%		-29.6%		-25.7%		9.1%		3.0%		6.1%	
Avg. Delay (s/pcu)	55.6		174.7		228.3		194.8		37.7		46.8		43.7	
Cycle Time	135		135		135		135		135		135		135	
File	Cripple St Existing.lsg3x								Cripple St Option B.lsg3x					

- 1.4.25 The traffic modelling exercise confirms the existing Swan junction arrangement will work within 'actual capacity' (100% Degree of Saturation - DoS) in 2031 without any committed or development traffic (tabs 1 and 8), but above 'theoretical capacity' (90% Degree of Saturation - DoS). The latter threshold is used to describe junction performance assuming traffic and driver behaviour remains constant, however in congested situations driver behaviour does change and sees greater platoon density and gap acceptance for instance, therefore the junction is considered to be fully at capacity when allowing for driver behaviour change at 100% DoS.
- 1.4.26 The addition of permitted and committed development "C" and Boughton Lane development "D" in tabs 2 to 4 and 9 to 11 confirms the junction would go further over actual capacity in the future year, with DoS values increasing to around 125% in the morning peak hour and 110% in the evening peak hour.
- 1.4.27 The DHA 'design developed' junction scheme testing results are shown in the above table for the 'with permitted/committed' and 'with Boughton Lane development' scenarios in tabs 5 and 12 and 6 and 13 respectively. A further scenario which assumes additional benefit from mode shift of 3%, as presented by Mott Macdonald in advising MBC on prior planning applications is also shown in tabs 4 and 11 and 7 and 14. This modelling confirms that the DHA junction scheme would fully mitigate the committed development, which includes all recent permissions and Local Plan development coming forward to 2031, as well as the traffic which would be expected from the Boughton Lane development.
- 1.4.28 The modelling results show for the morning peak hour under tab 6 that the performance of the junction would be very close to that under tab 1, which describes the pre-committed and proposed development performance. The effects of the full permitted/committed and local plan development are therefore seen to be mitigated, which in this case presents planning gain as the school traffic element of the permitted development, which is already implemented, would not normally need to be mitigated by later applications.
- 1.4.29 During the evening peak hour, the full committed and development effects are seen to be mitigated, with the junction returning to 'within capacity' operation, with all DoS values being below 90%.

### **Wheatsheaf Junction**

- 1.4.30 This section addresses impacts at the Wheatsheaf junction and tests measures that could be implemented to provide mitigation of development effects. Interaction with the Swan junction is then addressed.
- 1.4.31 Kent County Council has previously promoted the closure of the Cranborne Avenue west bound entry to the junction as part of their A229/A274 corridor study. However, following presentation of the scheme to the Maidstone Joint Transportation Board (JTB) these proposals were not taken forward due to Member concerns over local resident loss of access to the principal highway network. Work undertaken by KCC stated that the closure of Cranborne Avenue westbound entry would increase capacity at the junction as a whole by an additional 360 vehicles per hour. Assessment by DHA associated with the

development at land south of Sutton Road found the capacity benefit to be higher at around 500 extra vehicles per hour. The reason for this is due to the disproportionate amount of benefit given by the Cranborne Avenue entry phase during a single cycle, which acts to significantly penalise the other three major road arms which benefit from each phase running two lanes each.

- 1.4.32 The Wheatsheaf junction plays a strategic role in the south of Maidstone, as the confluence of two major A class roads, however the local residential access from Cranborne Avenue is acting to significantly constrain the efficient operation of the junction. The inclusion of a local residential access on a strategic junction is highly unusual, to the degree that in planning for new highway networks this would not normally be permitted to happen. It is therefore our opinion that the closure of Cranborne Avenue remains a valid option for the Inspector to assess in his deliberations in relation to the Local Plan. A plan showing how this scheme could be delivered, showing a requirement for only very minor works to reinforce the Cranborne Avenue west bound closure at the signals, can be seen at **Appendix G**.
- 1.4.33 Two further options exist for addressing junction capacity in relation to Local Plan traffic. The first is implementation of upgraded technology at the junction, comprising 'Puffin' / 'Phase Delay' technology and the full implementation of the SCOOT control system currently used in Maidstone. KCC has previously confirmed the junction to be SCOOT equipped, however this has never been fully implemented due to problems with commissioning a number of years ago.
- 1.4.34 The second alternative is implementation of mode shift that would arise from the investment in alternative and sustainable transport measures put forward within the Local Plan. Through evolution of the Local Plan KCC and MBC agreed to a reasonable and achievable mode shift target of 6%, however in considering recent planning applications it was found by Mott Macdonald on behalf of MBC that 3% mode shift would be adequate to mitigate the effects of the Local Plan upon the junction.
- 1.4.35 The above three scenarios are considered in traffic capacity modelling undertaken for this report. This is based on new traffic surveys undertaken on Tuesday 6<sup>th</sup> September 2016, and a spreadsheet traffic model described above in this report. This modelling includes all current committed development from as yet unimplemented planning permissions and the traffic which would arise to 2031 from the Local Plan.
- 1.4.36 The modelling for the existing, unmodified junction arrangement assumes the current UTMC timings currently implemented at the junction, as set out in the signal data sheets obtained from KCC. The LinSig modelling data outputs from this exercise are extensive and so are not appended to this report, but these can be provided on request.
- 1.4.37 It should be noted that in the strategic VISUM modelling undertaken by KCC for the Local Plan process, the flows are considerably lower than those assessed in recent Transport Assessments for development along A274 Sutton Road, as was demonstrated by those applicants. The reason for this is that VISUM is better at considering the wider strategic implications of development and background traffic growth for an entire town taking account of the full OAN provision, whereas the macro-modelling undertaken for a TA is liable to double counting planned/background growth and committed development



flows. This can therefore lead to an over-estimation of development traffic and very much a worst case 'with development' situation, which needs to be borne in mind when reviewing traffic capacity results.

- 1.4.38 In accordance with the above the LinSig3 capacity modelling results for the Wheatsheaf junction are shown tabulated below.

	1		2		3		4		5		6		7		8		9		10	
AM Peak	Existing Layout (UTC Timings)								Proposed Layout (With Cranborne)						Proposed Layout (No Cranborne)					
	2031		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)	
	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ
Loose Rd (N)	116.4%	92.4	121.5%	111.0	123.3%	117.8	119.6%	104.2	115.0%	80.6	116.8%	87.3	110.4%	64.9	100.9%	35.8	102.5%	40.4	99.4%	31.9
Cranborne Ave	170.0%	46.2	170.0%	46.2	170.0%	46.2	164.6%	43.1	113.3%	17.7	113.3%	17.7	109.8%	15.4	n/a	n/a	n/a	n/a	n/a	n/a
Sutton Rd	98.3%	26.4	155.9%	243.8	156.0%	244.4	152.8%	229.6	114.8%	97.2	114.8%	97.5	113.1%	87.4	103.3%	45.5	103.4%	45.9	99.7%	29.9
Loose Rd (W)	75.9%	27.1	85.3%	35.5	88.3%	39.3	85.6%	36.0	109.9%	49.0	113.9%	53.0	110.1%	46.3	90.0%	21.1	93.2%	23.5	90.1%	21.3
PRC	-88.9%		-88.9%		-88.9%		-82.9%		-27.9%		-29.8%		-25.7%		-14.8%		-14.8%		-10.8%	
Avg. Delay (s/pcu)	169.2		365.7		368.8		346.0		191.5		197.7		166.8		68.7		73.2		53.3	
Cycle Time	150		150		150		150		100		100		100		90		90		90	
File	Loose Rd Existing.lsg3x								Loose Rd Proposed Cranborne.lsg3x						Loose Rd Proposed No Cranborne.lsg3x					

	11		12		13		14		15		16		17		18		19		20	
PM Peak	Existing Layout (UTC Timings)								Proposed Layout (With Cranborne)						Proposed Layout (No Cranborne)					
	2031		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)		2031+C		2031+C+D		2031+C+D(-3%)	
	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ
Loose Rd (N)	88.0%	31.3	98.5%	46.1	102.0%	57.0	98.8%	47.1	112.1%	83.6	116.0%	100.4	112.4%	85.2	97.1%	32.3	100.6%	40.6	97.4%	32.8
Cranborne Ave	175.8%	52.0	175.8%	52.0	175.8%	52.0	170.7%	48.9	106.5%	16.2	106.5%	16.2	103.5%	14.0	n/a	n/a	n/a	n/a	n/a	n/a
Sutton Rd	99.7%	25.3	134.7%	141.6	136.5%	148.0	133.0%	135.0	112.2%	71.0	113.8%	77.2	110.6%	63.9	98.9%	23.5	100.7%	28.1	97.6%	20.2
Loose Rd (W)	103.2%	48.4	112.9%	108.2	115.7%	122.8	112.5%	94.4	106.6%	64.2	109.3%	77.5	106.2%	62.2	98.4%	26.7	100.9%	33.6	98.1%	25.4
PRC	-95.3%		-95.3%		-95.3%		-89.7%		-24.7%		-28.9%		-24.9%		-9.8%		-12.1%		-8.9%	
Avg. Delay (s/pcu)	137.0		276.0		299.5		268.3		187.5		216.8		180.4		57.2		73.8		54.2	
Cycle Time	144		144		144		144		120		120		120		96		96		96	
File	Loose Rd Existing.lsg3x								Loose Rd Proposed Cranborne.lsg3x						Loose Rd Proposed No Cranborne.lsg3x					

- 1.4.39 The junction modelling results show the existing junction configuration to operate above capacity in 2031, without any permitted, committed or Boughton Lane development. The level of over-capacity operation extends to PRC (Practical Reserve Capacity) minus 88.9% in the morning peak hour (tab 1), and minus 95.3% in the evening peak hour (tab 11).
- 1.4.40 The scenario including closure of the west bound Cranborne Avenue entry to the junction, but retaining the east bound exit (tabs 8 to 10 and 18 to 20) shows that with the addition of permitted, committed and proposed development the junction operation would be significantly improved, with the full traffic effects being entirely mitigated in both peak periods. Whilst post-improvement the junction does not work fully within capacity the level of impact from the various development assumptions is mitigated below the pre-development case, thus more than meeting the 'severity' test in paragraph 32 of the NPPF.
- 1.4.41 Should the option of closing Cranborne Avenue west bound not be favoured by the EIP Inspector, a further scheme option exists which includes the upgrade of signal equipment and mode shift through implementation of improved public transport, walking and cycling infrastructure and services (tabs 5 to 7 and 15 to 17). This option has previously been presented in support of now permitted developments at A274 Sutton Road, and is acceptable to Maidstone Borough Council as an alternative strategy. The improved signal equipment includes the provision of 'phase delays' or 'Puffin' pedestrian crossing technology, both of which have the same effect on reducing lost time in the junction inter-greens (i.e. the between phases time when no traffic is running). Improvements would also be had from the SCOOT infrastructure already in place at the junction.
- 1.4.42 This alternative mitigation does not enjoy the level of improvement offered by the part closure of the Cranborne Avenue entry, however it is seen to fully mitigate the effects of the permitted, committed and proposal traffic in 2031. The results in tabs 5 to 7 for the morning peak and 15 to 17 for the evening peak hours are seen to be significantly better than the pre-development case in tabs 1 to 4 and 11 to 14 respectively, with lower levels of Degree of Saturation (DoS) and queue (MMQ), as well as better PRC values. The requirements of NPPF paragraph 32 are therefore fully met.
- 1.4.43 The EIP Inspector's question asks whether capacity improvements at Wheatsheaf would be adequate to clear the Swan junction. As was discussed in the transport evidence at the Boughton Lane appeal, at the current time the Swan junction is impacted by the traffic queue that currently extends along Loose Road from the Wheatsheaf junction. The distance between the Loose Road west stop line of the Wheatsheaf junction and the north Loose Road exit of the Swan junction is measured exactly at 600 metres, which gives the capacity to queue a total of 104 passenger car units (PCU) in this length of carriageway. This is based on the standard 5.75 metres per PCU required queuing space. The traffic modelling of the existing layout and the pre-development 2031 case shows a total of 27.1 PCUs queuing on the Loose Road arm of the Wheatsheaf in the morning peak, and 48.4 PCUs in the evening peak hour. The addition of committed development, excluding the Boughton Lane development is seen to increase this queue to 35.5 PCU in the morning peak and 108.2 PCU in the evening peak, with the addition of Boughton Lane development extending the queue further still. Under this level of junction performance, the Wheatsheaf queue is seen to 'block back' to and through the Swan

junction, thus affecting the Swan junction's performance and ability to throughput the predicted demand.

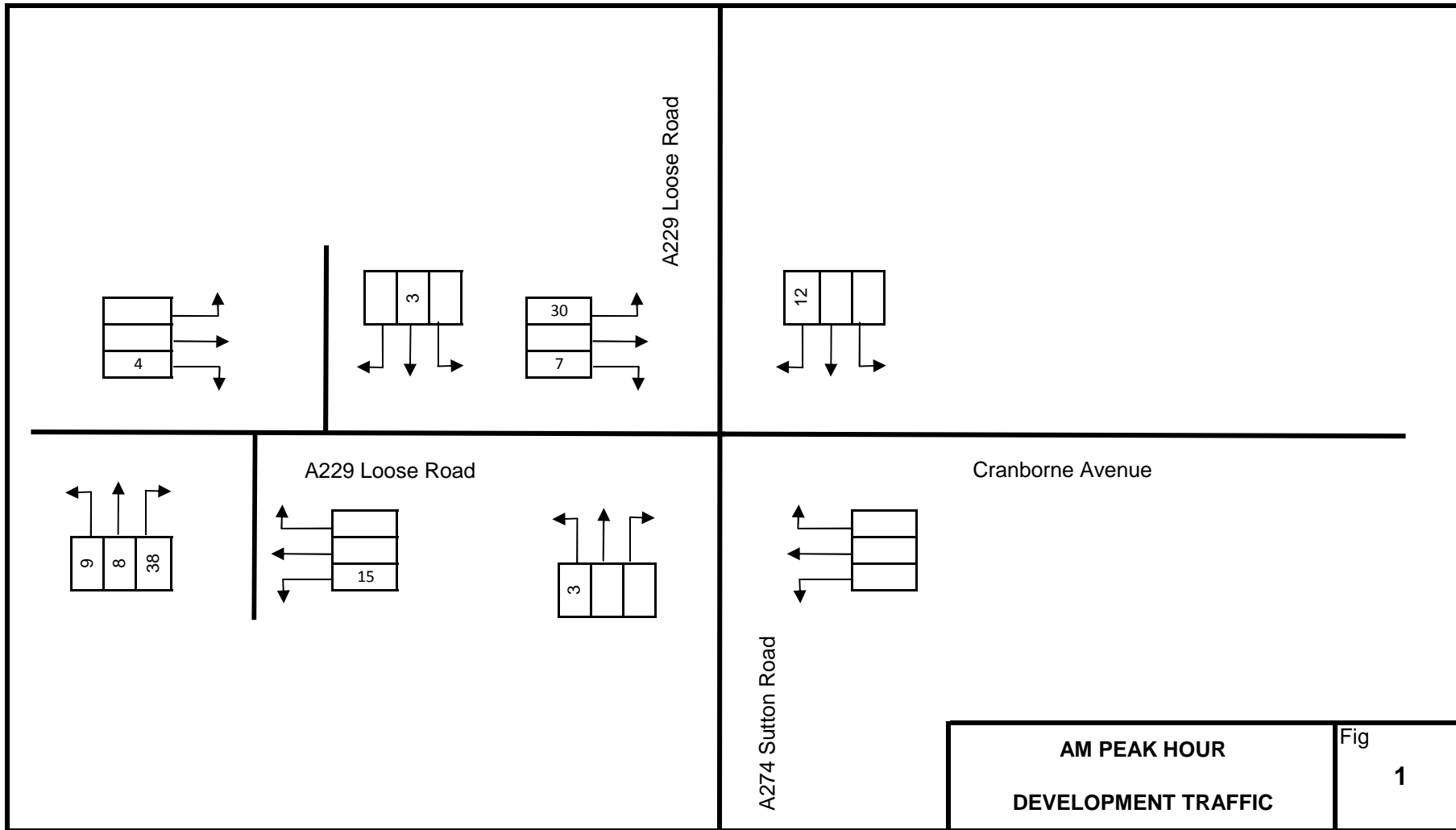
- 1.4.44 It is noted that at the current time the Wheatsheaf junction can cause 'blocking back' to the Swan junction, and this is not replicated in the traffic model. The current UTC system installed at the junction will allow some modification to timings throughout a given period, so should other arms be given greater priority, the A229 Loose Road arm loses green time, thus increasing delay. This variability can be seen through on-street observations today, whereby the A274 Sutton Road can suffer longer queues than the A229 Loose Road, with switches in this balance occurring on the hour when different timing schedules are enforced.
- 1.4.45 As can be seen from the PRC values for the existing layout scenario the junction suffers significant delay, extending to over minus 88.9% in the morning peak hour and minus 95.3% PRC in the 2031 evening peak hour. As can be seen by the red text, indicating over capacity performance, this results in significant delay to the majority, if not all traffic junction arms. The addition of development is seen to make the situation worse.
- 1.4.46 The length of traffic queue in the two mitigation scenarios is shown not to result in any significant risk of 'blocking back' to the Swan junction. In all cases, the queue is less than 77.5 PCUs long, with blocking back occurring at 104 PCUs. There is the potential for the Highway Authority to adjust the timings to favour the Loose Road south west arm, whilst retaining an overall level of operation that is much improved compared to the current case. This is true for the scheme that includes part closure of the Cranborne Avenue west bound entry and the alternative of 'Puffins' / 'Phase delays' and 3% mode shift.
- 1.4.47 It is therefore confirmed, in response to the EIP Inspector's question, that there are feasible schemes to effectively mitigate the effects of all Local Plan and permitted development without any undue impact on the efficient operation of the Swan junction.
- 1.4.48 Closing this issue out, the modelling for the Swan junction carried out earlier confirms that with the Swan improvement scheme in place queues would not extend back to the Wheatsheaf junction, thus not resulting in interrelated interaction problems.

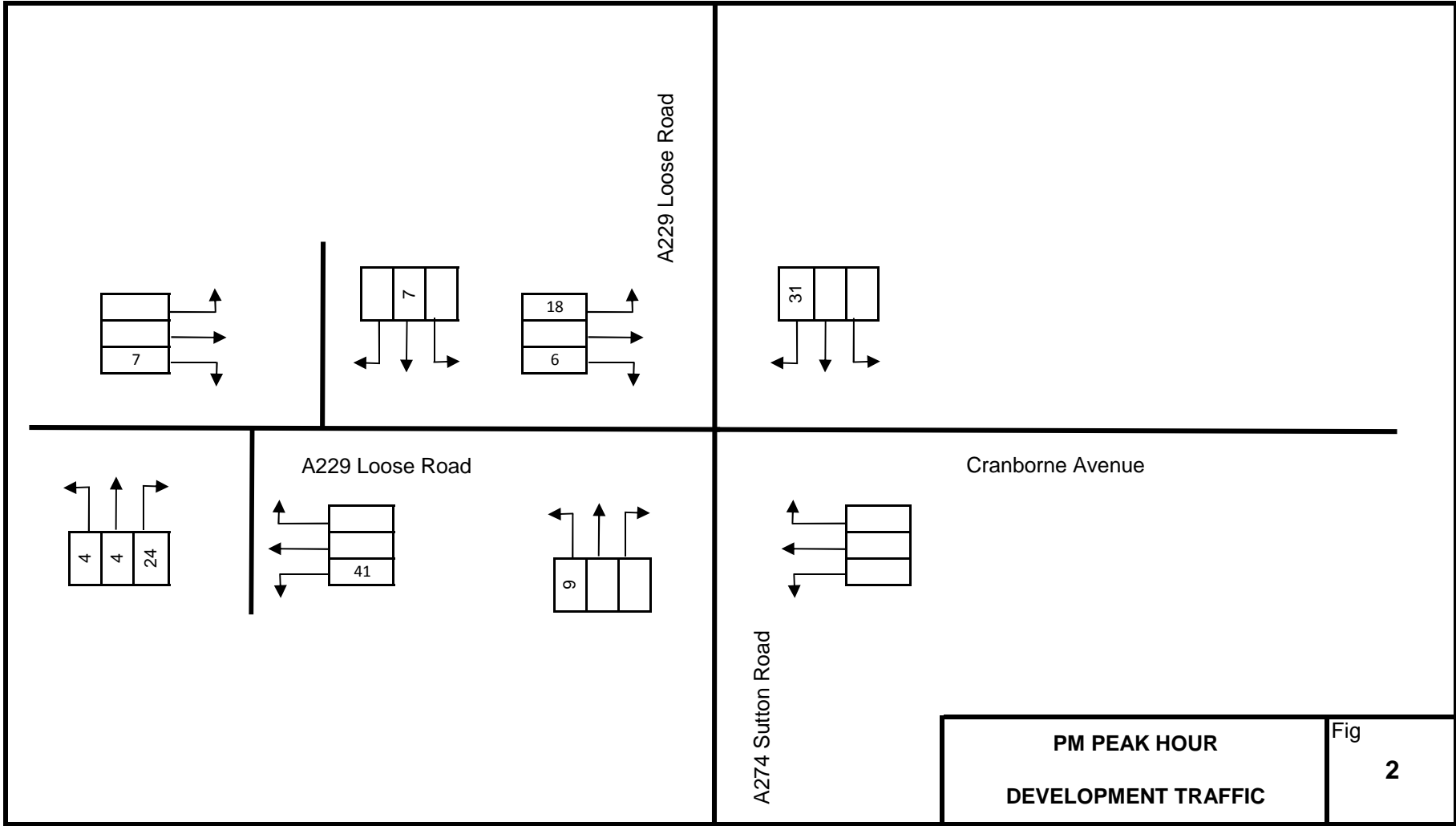
## 1.5 Summary and Conclusion

- 1.5.1 This Report has been produced to address questions raised by the Local Plan Inspector associated with the forthcoming Maidstone Borough Local Plan Examination in Public and the allocation site H1(29), New line Learning, Boughton Lane, Loose.
- 1.5.2 The first **question Qn6.24** asks whether the changes to the site allocation policy H1(29) adequately address the reasons for refusal given by the Appeal Inspector. In terms of highway and transport matters this report finds that it is entirely feasible to satisfactorily address all the reasons for refusal given by the Appeal Inspector, summarised as follows:
- A design showing the pedestrian crossing point at the site south west corner towards public footpath KM98 can be implemented, raising no Safety Audit concerns;

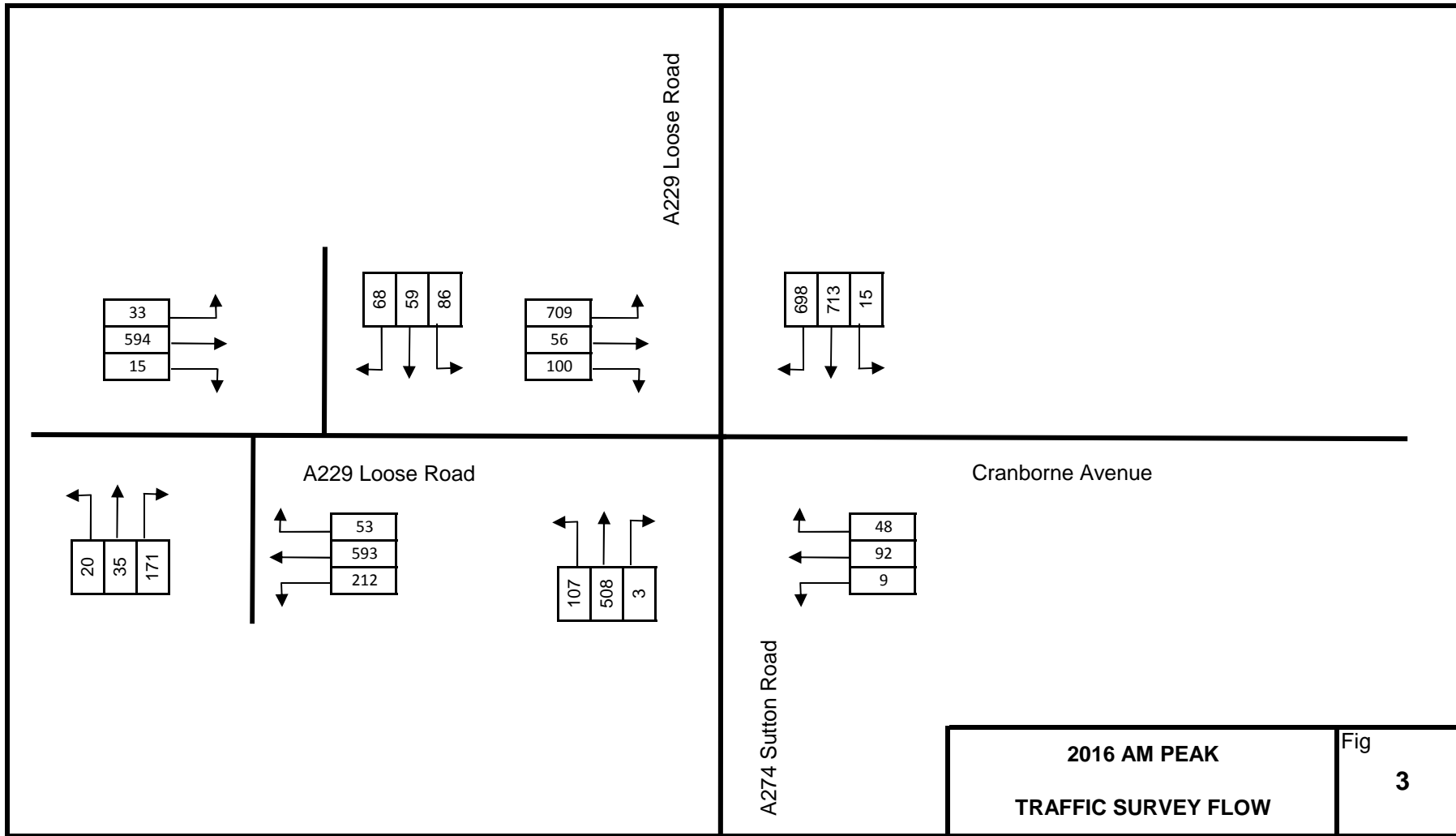
- Vehicular access via the north western boundary of the site only would be adequate to serve the entire site in a safe manner with no anticipated impact upon highway capacity or amenity on Boughton Lane. The previous southern access with Boughton Lane can function as an emergency access only without any impact on safety or amenity. The access regime would function safely as confirmed in the Road Safety Audit conducted for this report;
  - A safe pedestrian and cycle route can be provided between the site north west access and the New Line Learning southern exit, by way of a 'no-dig' construction route along the east side of Boughton Lane. The character of Boughton Lane is maintained through the hedgerow being retained as part of the footway/cycleway scheme;
  - Minimal widening of Boughton Lane can be carried out within highway land to facilitate a carriageway width of at least 5.5 metres between the New Line Learning entry access and the proposed north west site access;
- 1.5.3 A Stage 1 Road Safety Audit of the above described scheme has been carried out by an independent audit team, and raises no insurmountable concerns that cannot be resolved through further design development as part of a future planning application. It is therefore asserted that all the issues raised by the Appeal Inspector, and the modifications to the draft Local Plan policy, can be facilitated to a satisfactory standard.
- 1.5.4 This report has carried out a detailed reappraisal of the forecast development trip generation, distribution and assignment to address the Appeal Inspector's concerns, and has applied these flows to a traffic model of the Swan and Wheatsheaf junctions that includes all permitted, committed and future Local Plan development and traffic growth to 2031. This provides a robust evidence base against which to address the EIP Inspector's second **question Qn6.25**.
- 1.5.5 Contributions to improvements to the Swan junction can be made that cost effectively mitigate the effects of this development, other committed developments within the draft Maidstone Local Plan and yet to be realised school development traffic. This improvement, originally devised by Maidstone Borough Council, provides an element of 'planning gain' and betterment compared to the pre-development situation;
- 1.5.6 Traffic modelling of the Wheatsheaf junction has been undertaken to demonstrate that two improvement scheme options are feasible to mitigate the effects of permitted, committed and Boughton Lane development in 2031. The best performing mitigation scheme would comprise the part closure of the Cranborne Avenue west bound entry arm of the junction, however should the EIP Inspector not favour this option then a further scheme incorporating Puffin/phase delay signal technology along with 3% local mode shift from walking/cycling and bus improvements would be more than adequate to mitigate the Local Plan development traffic effects.
- 1.5.7 Traffic modelling confirms that both Wheatsheaf scheme options would not result in junction 'blocking back' to the Swan junction, or vice-versa.

# FIGURES



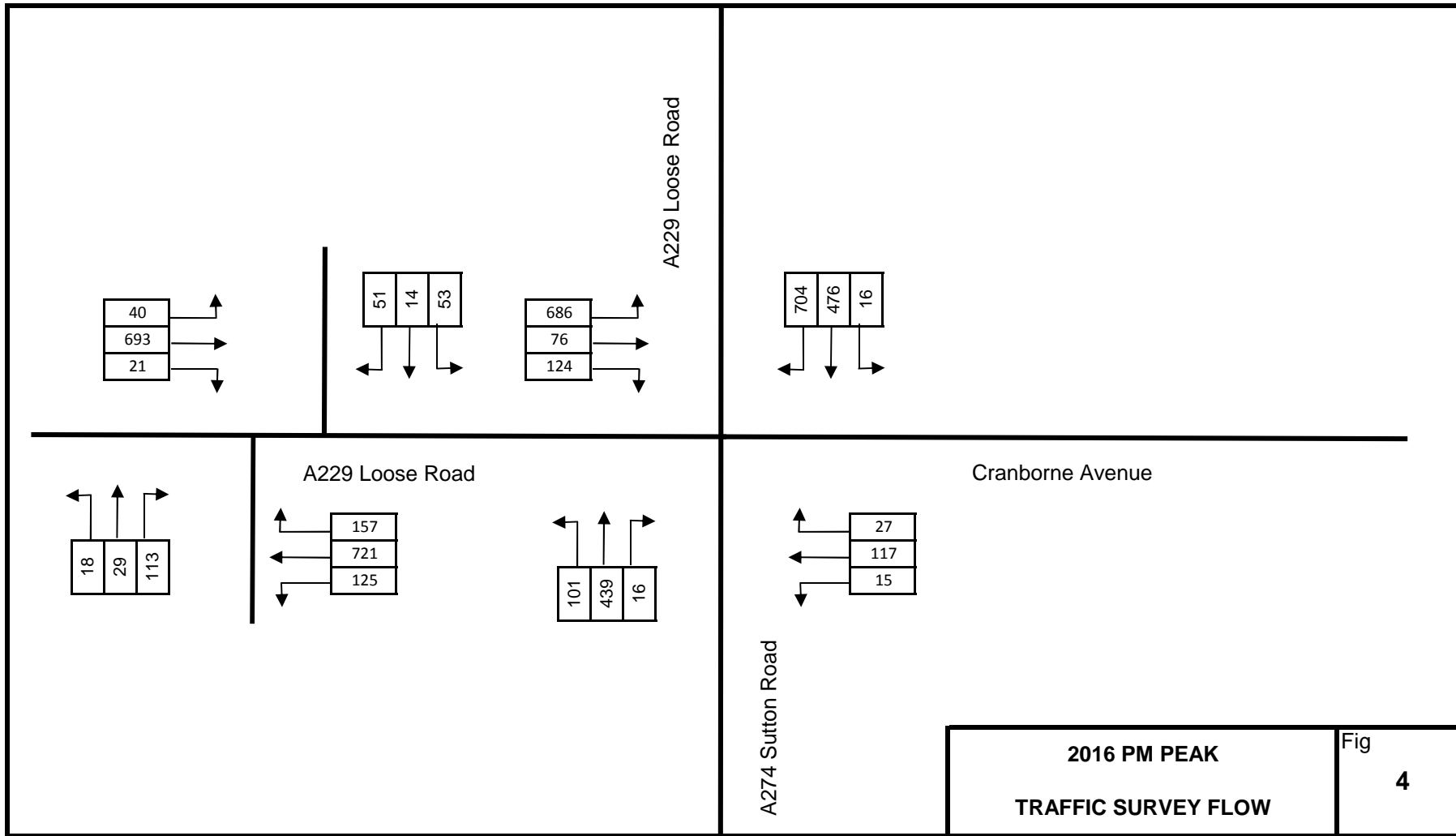


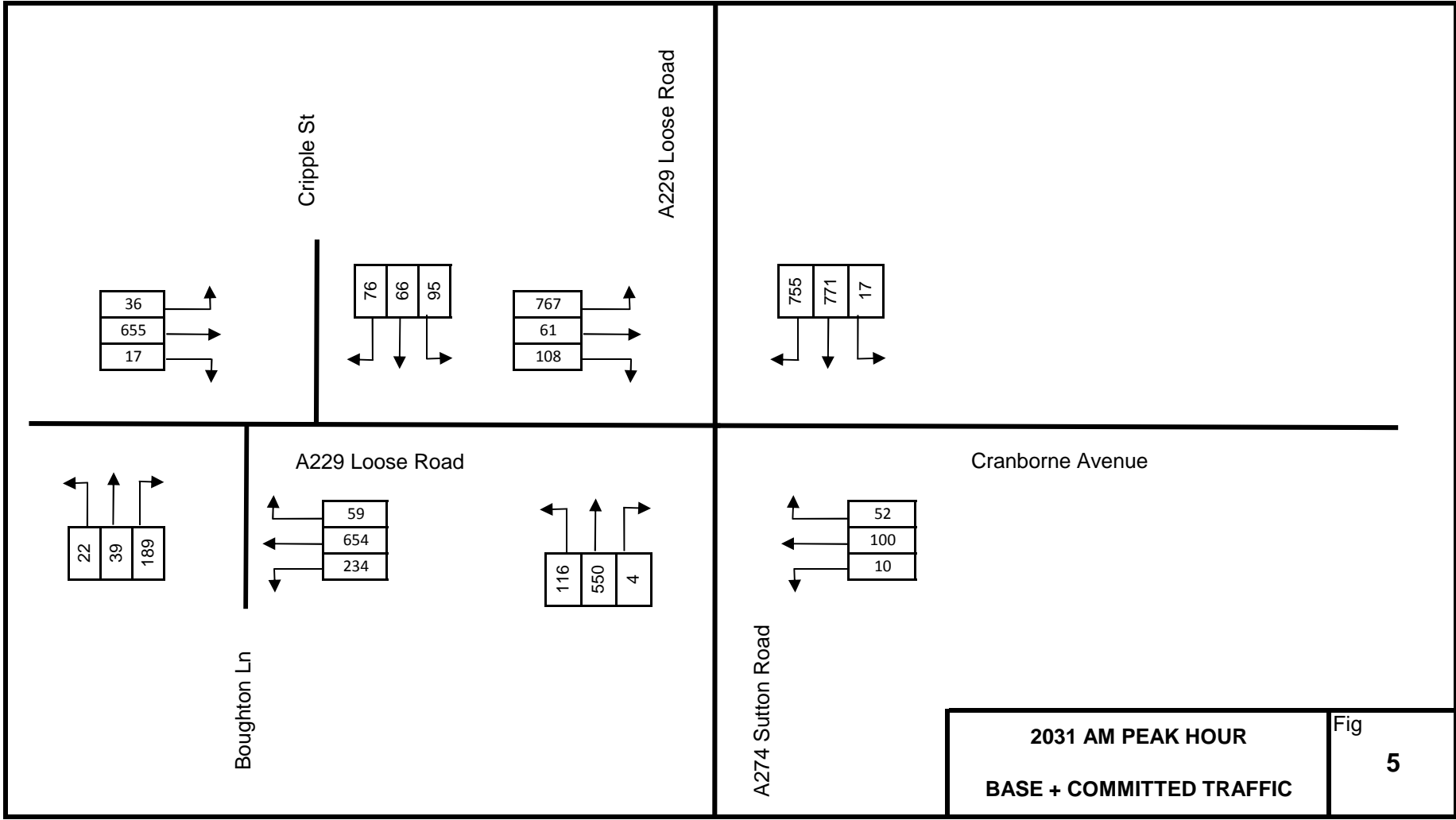




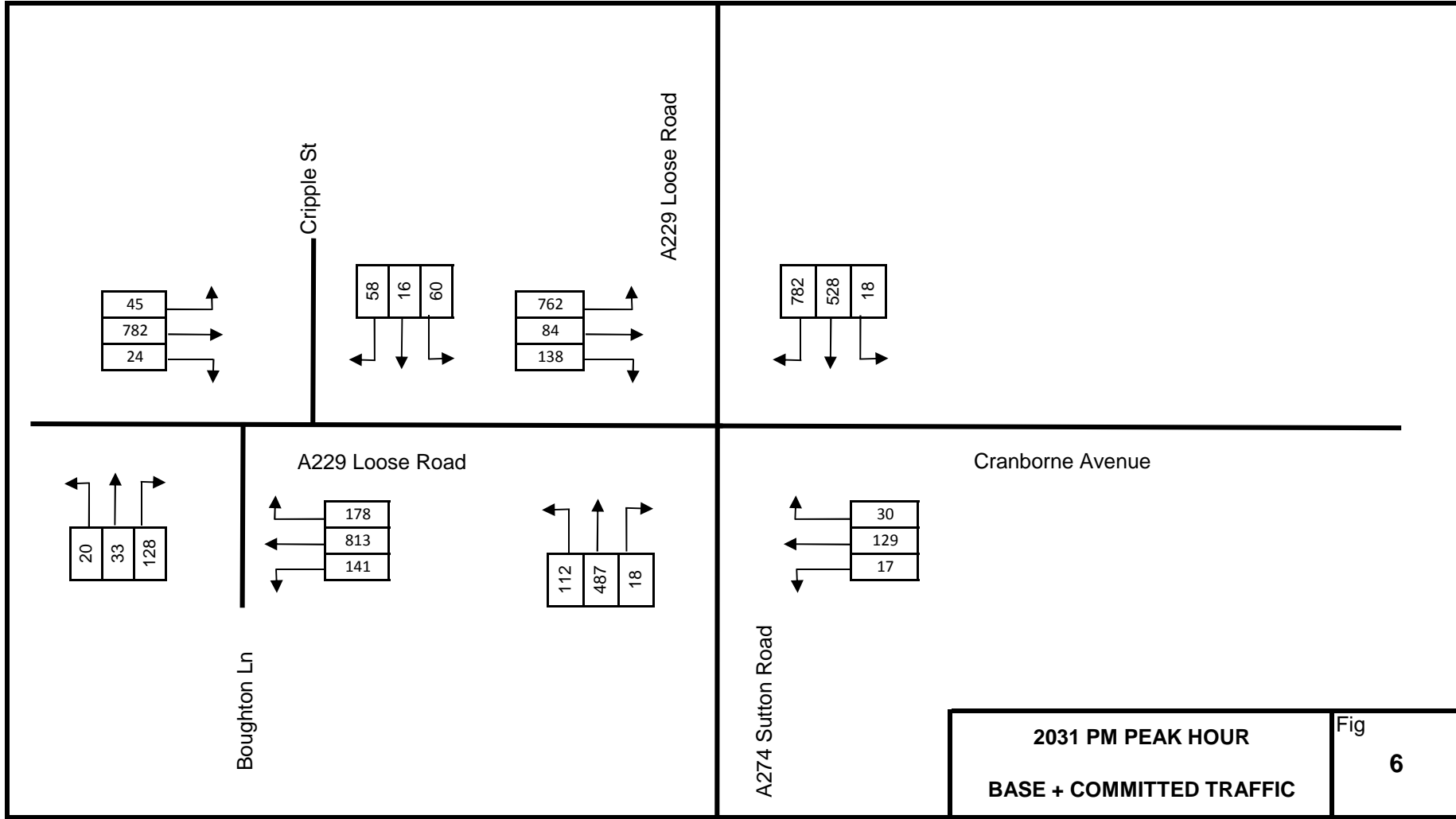
2016 AM PEAK  
TRAFFIC SURVEY FLOW

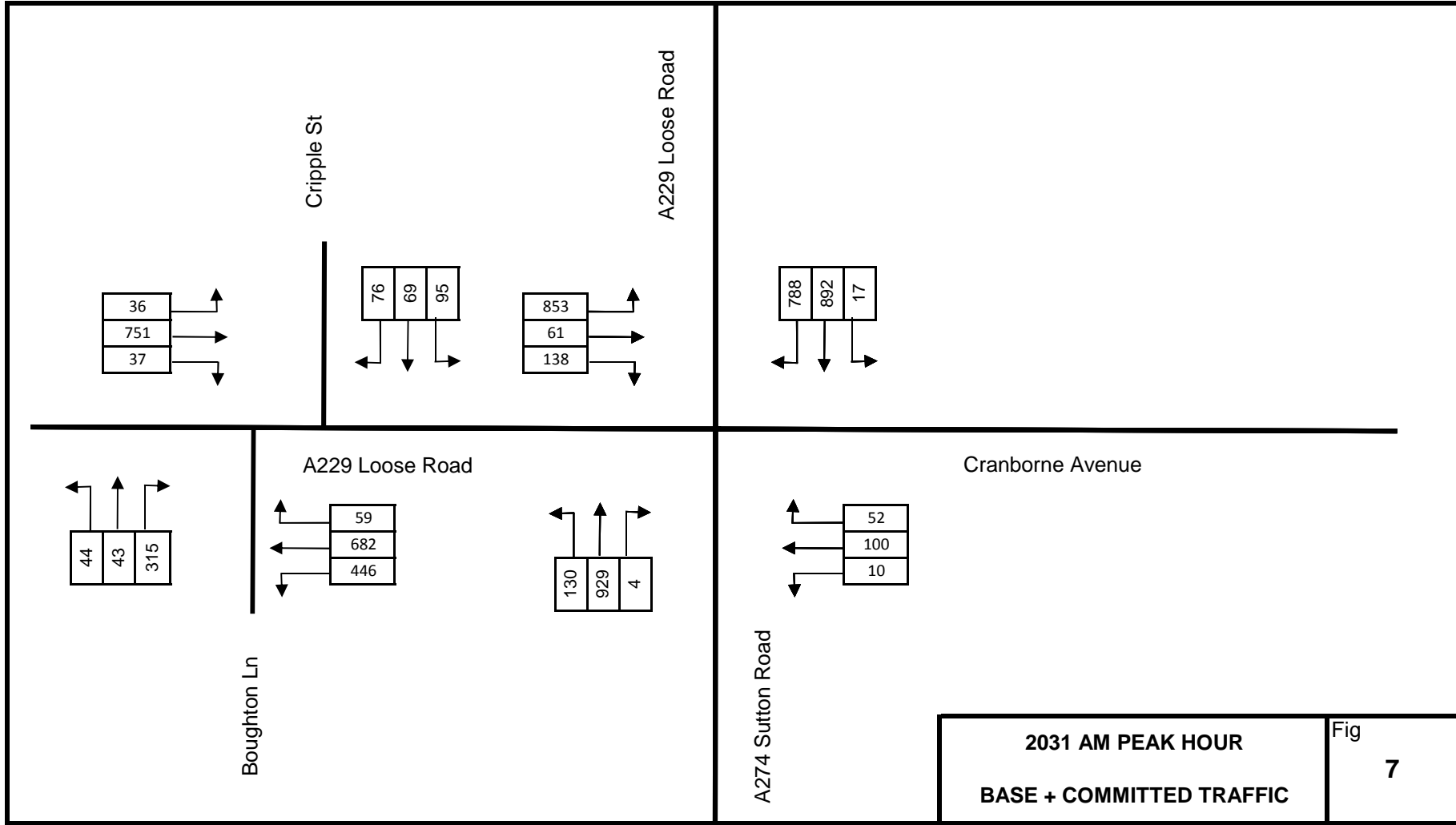
Fig  
3

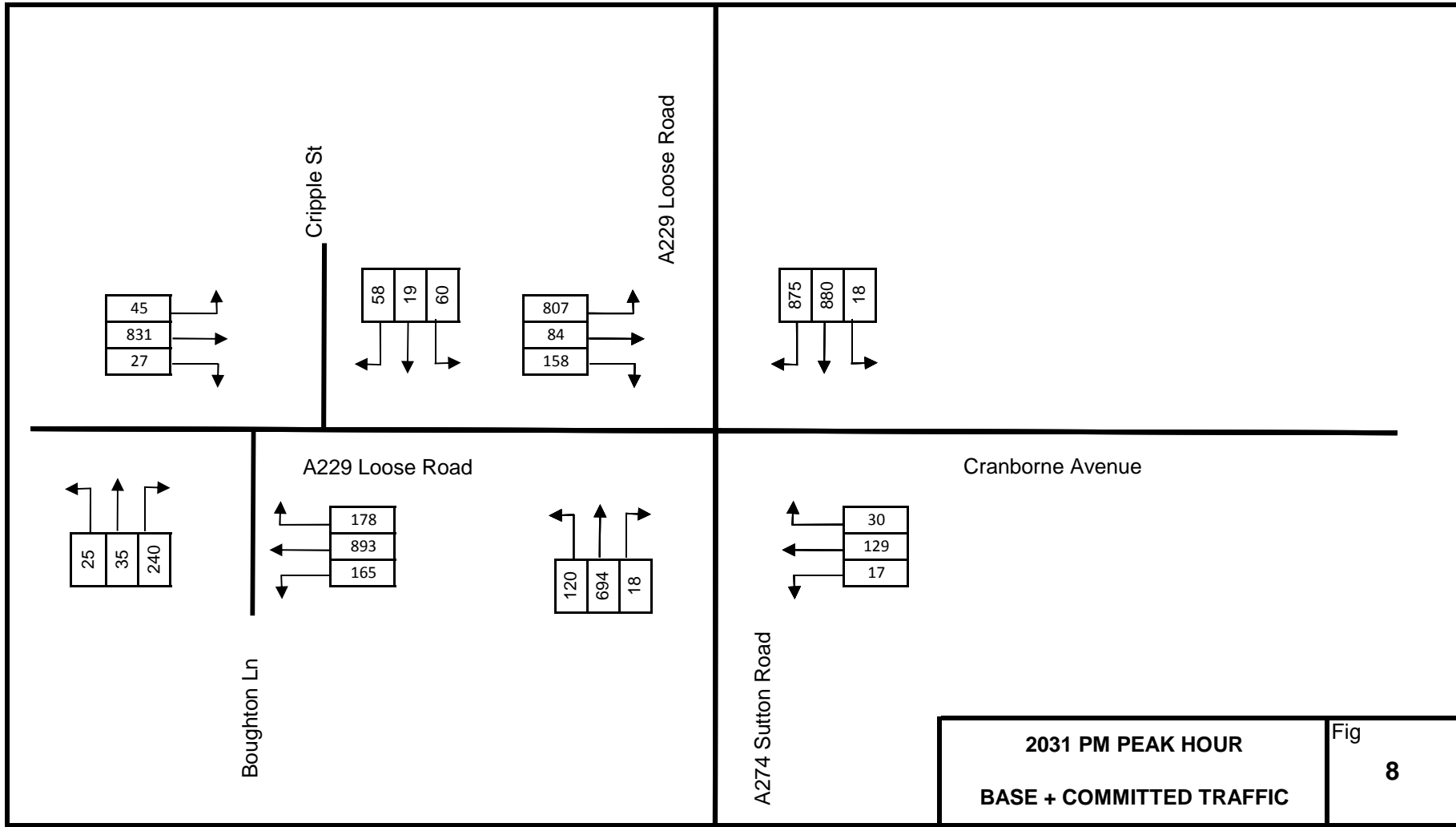


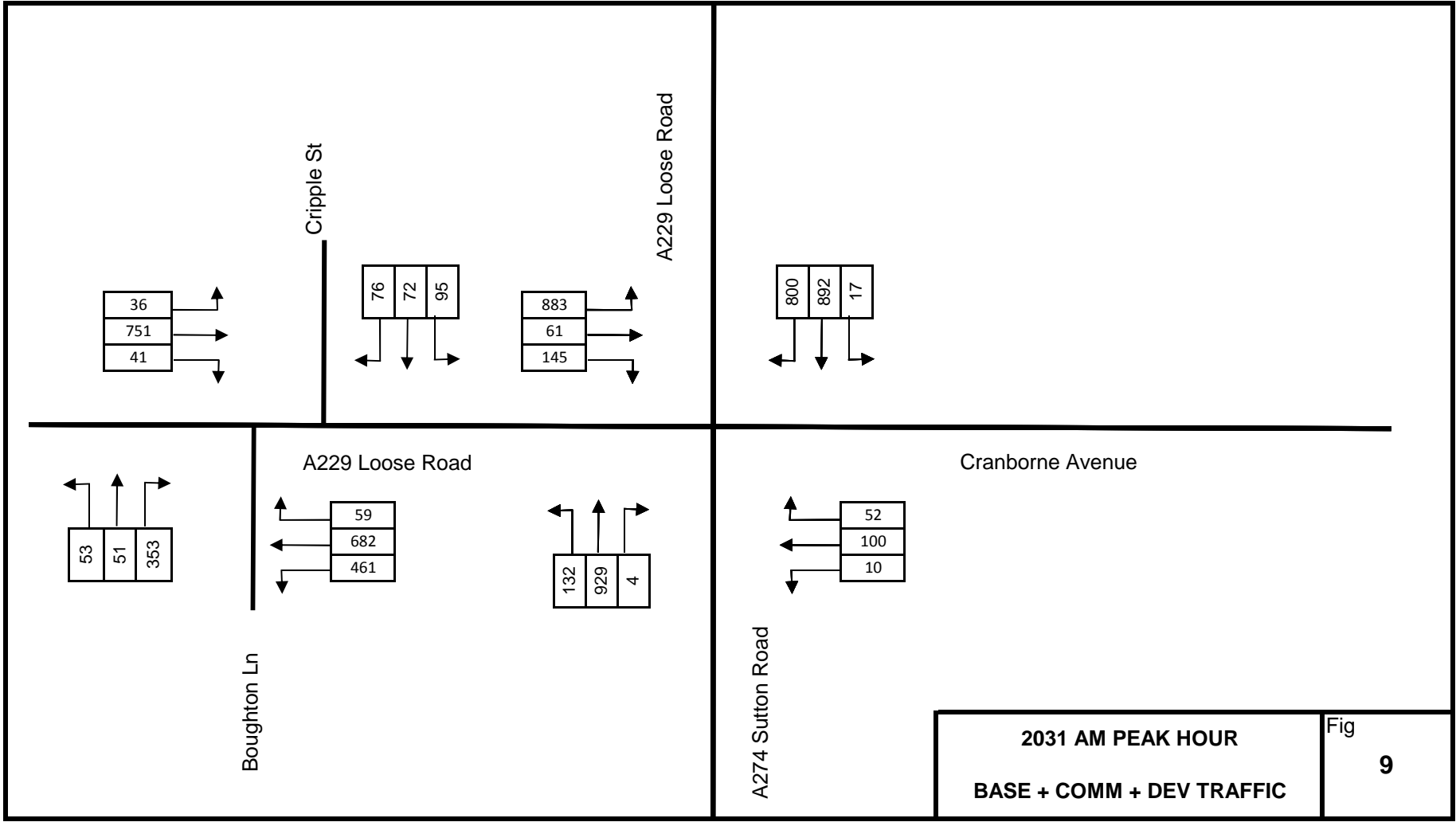


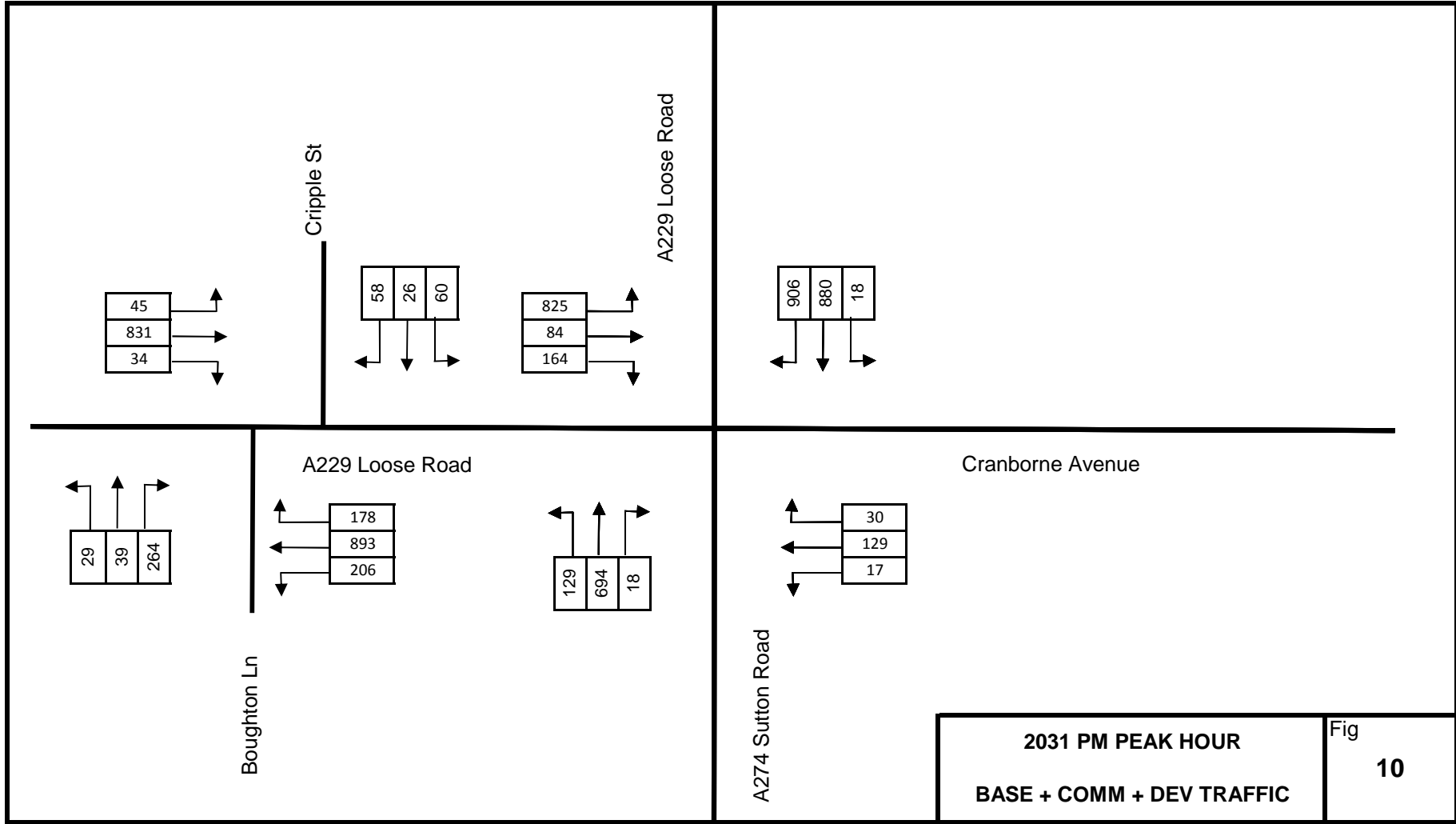
Fig







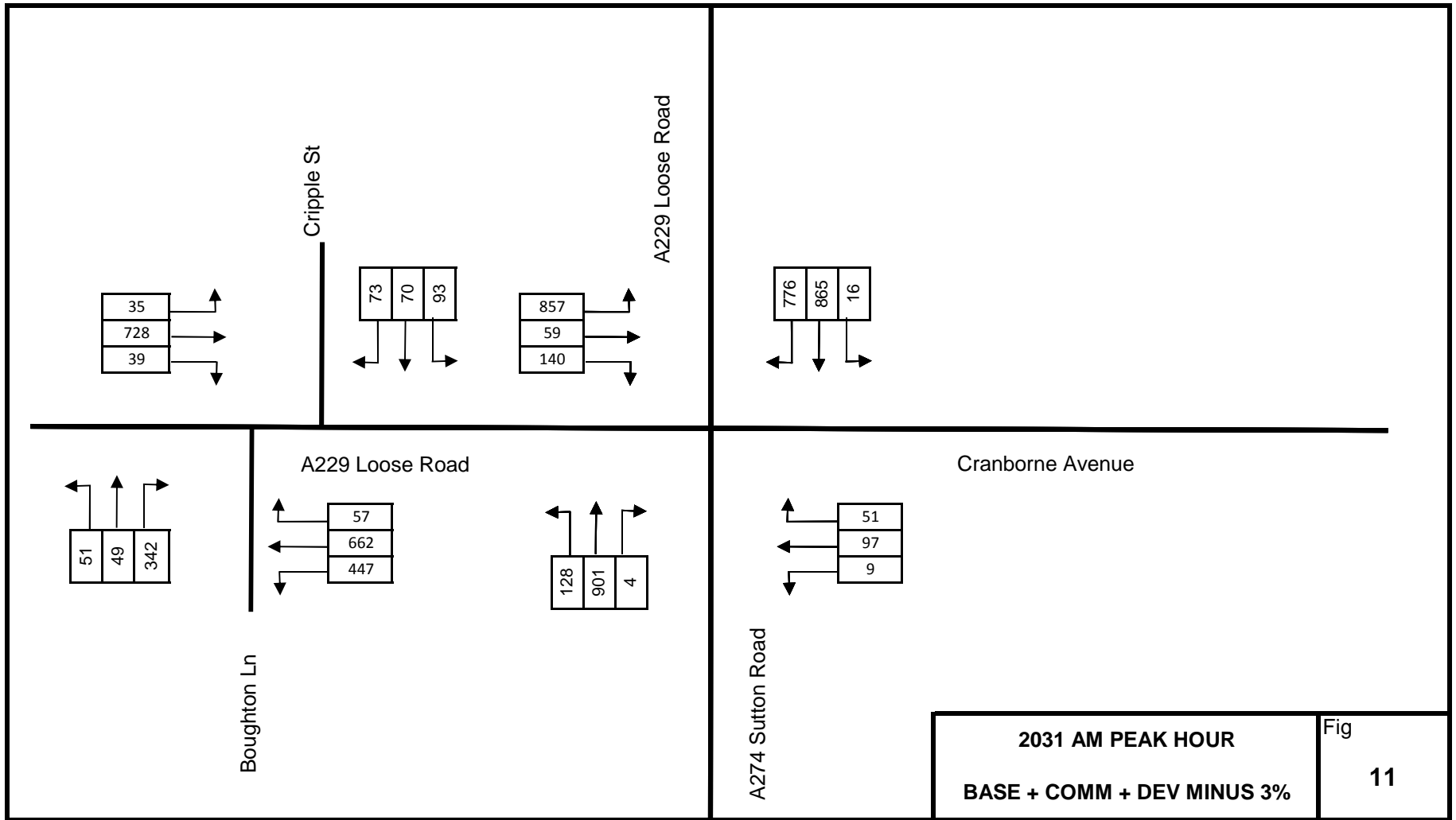




**2031 PM PEAK HOUR**  
**BASE + COMM + DEV TRAFFIC**

Fig  
**10**





35
728
39

Cripple St

73
70
93

A229 Loose Road

857
59
140

776
865
16

51
49
342

A229 Loose Road

Boughton Ln

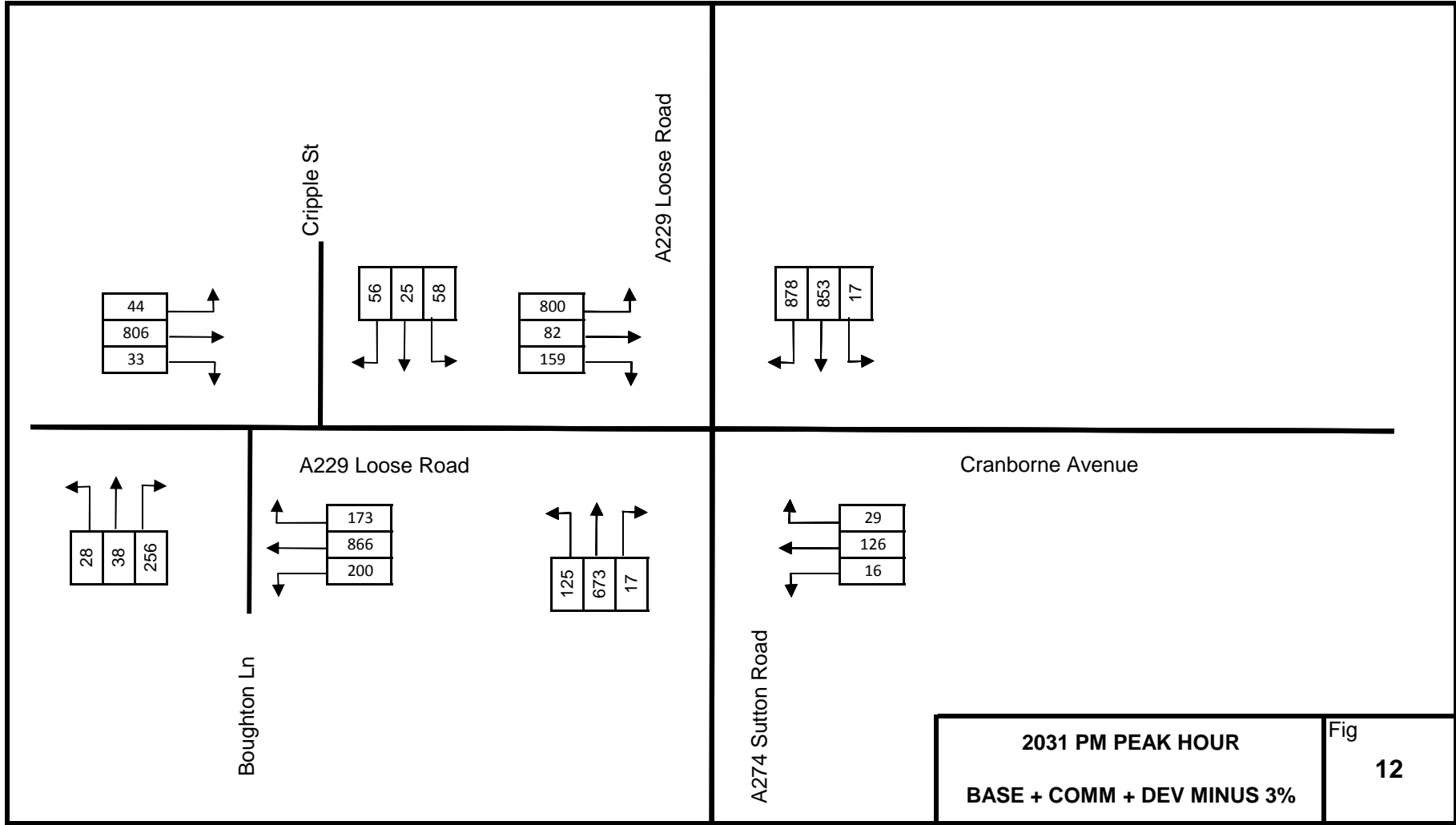
57
662
447

128
901
4

Cranborne Avenue

51
97
9

A274 Sutton Road



**A**

**APPENDIX**

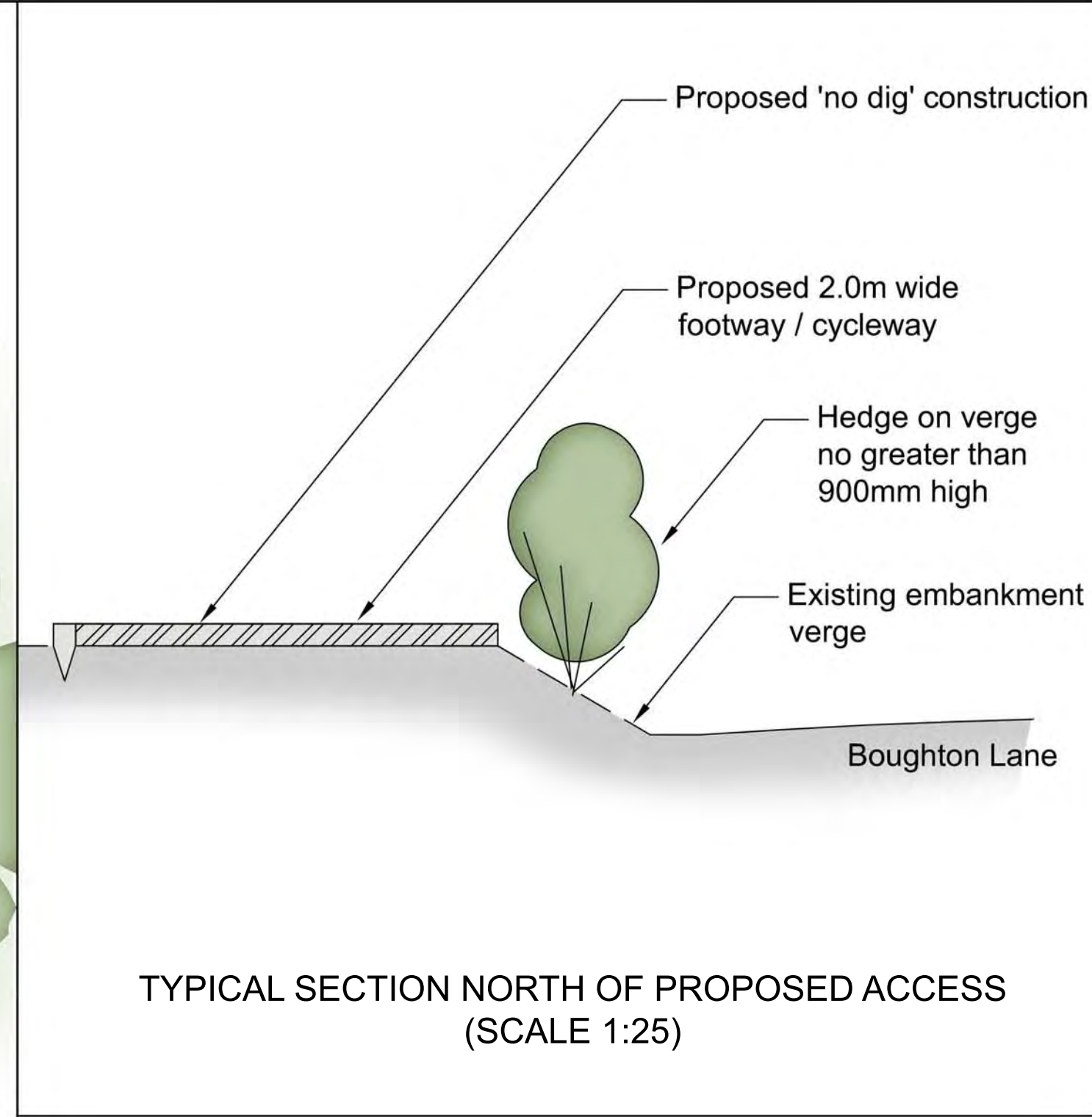




Proposed raised footway link (see section)

Boughton Lane minimal widening to 5.5m

2.4m x 43m visibility splay



TYPICAL SECTION NORTH OF PROPOSED ACCESS  
(SCALE 1:25)

NOTES

P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE**

Title  
**PROPOSED ACCESS AND FOOTWAY LAYOUT**

Drwg	Rev	Scale	Date
10560-T-02	P1	1:200	06.09.2016



Eclipse House, Eclipse Park, Sittingbourne Road  
Maidstone, Kent. ME14 3EN  
t: 01622 776226 f: 01622 776227  
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Proposed crossing point  
at school exit

Proposed 2.0m wide footway /  
cycleway

Existing hedgerow retained

**NOTES**

P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE**

Title  
**BOUGHTON LANE EXISTING LANE WIDTHS  
IN PROXIMITY OF SCHOOL EXIT**

Drwg	Rev	Scale	Date
10560-T-04	P1	1:200	06.09.2016

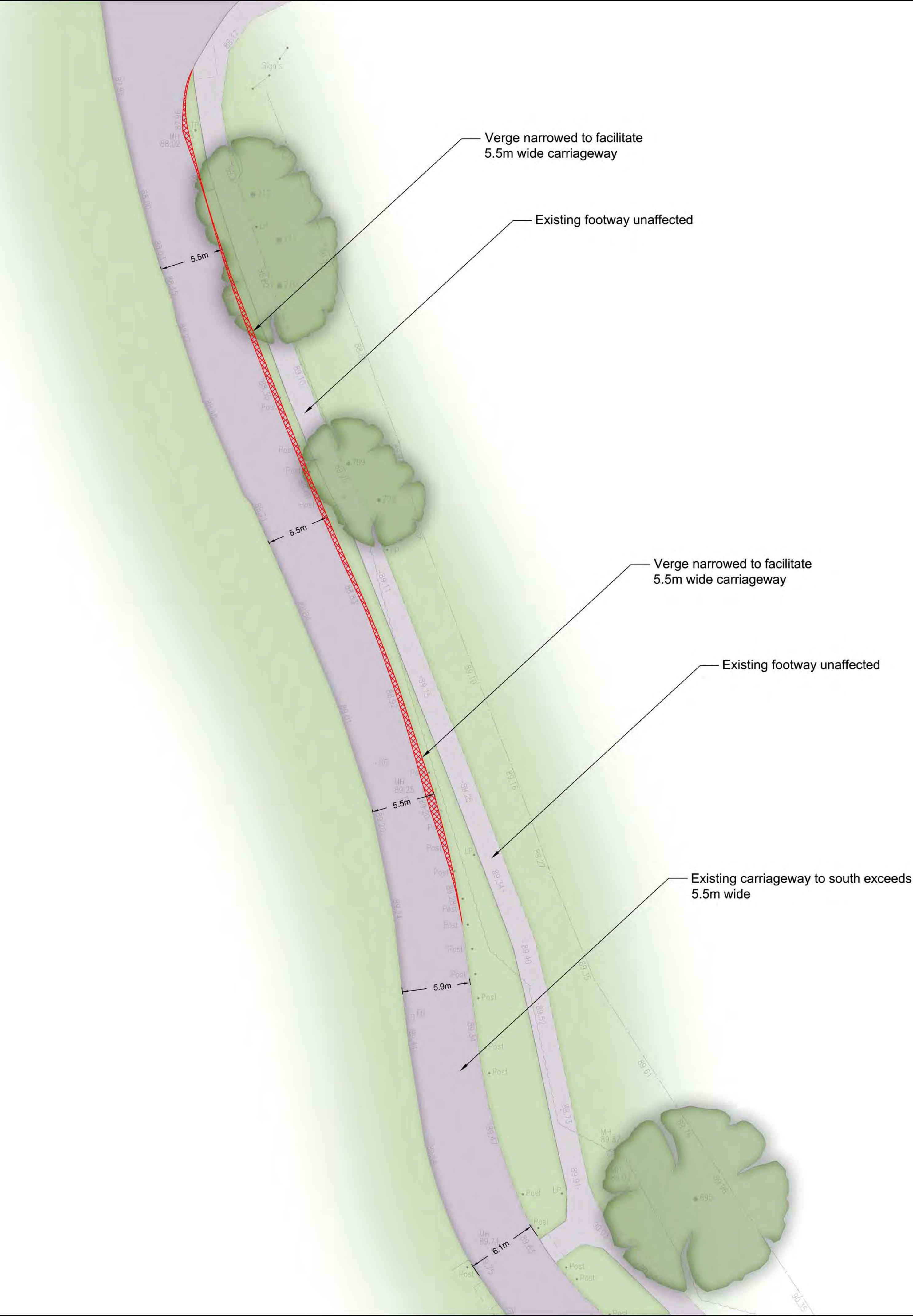


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**B**

**APPENDIX**





**NOTES**

P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

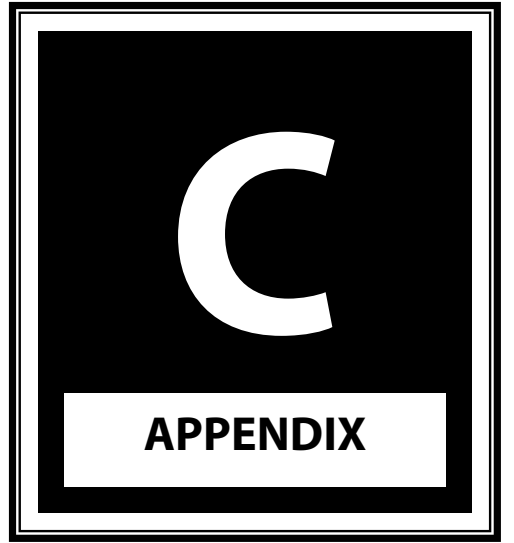
Project  
**BOUGHTON LANE, LOOSE**

Title  
**CARRIAGEWAY WIDENING OF BOUGHTON LANE BETWEEN SCHOOL ACCESSES**

Drwg	Rev	Scale	Date
10560-T-03	P1	1:200	01.09.2016



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2.0m x 43m pedestrian visibility splay

5.5m wide carriageway widened to 5.9m around bend

Proposed uncontrolled pram crossing

Proposed footway link to existing PRow

Pedestrian barrier

2.0m x 43m pedestrian visibility splay

2.0m x 43m pedestrian visibility splay

Hedgerow set back behind visibility splay

Pedestrian barrier

Indicative footway link  
Footway connected to internal footway network

Hedgerow set back behind visibility splay

2.0m x 43m pedestrian visibility splay

**NOTES**

P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE**

Title  
**PROPOSED FOOTWAY CROSSING DESIGN**

Drwg	Rev	Scale	Date
10560-T-01	P1	1:200	06.09.2016



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CAD Reference: A1







**Road Safety Audit Stage 1**

**Proposed Access**

**Boughton Lane**

**Loose**

**Kent**

**Date: 8<sup>th</sup> September 2016**

**Report produced for: DHA Transport**

**Report produced by: M & S Traffic Ltd**

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Project Title Boughton Lane, Loose

Report Title Road Safety Audit Stage 1

Revision

Status Final

Reference DHA/10560/1/BS

## Record of Issue

Issue	Status	Author	Date	Check	Date	Authorised	Date
1	Final	BS	07/09/16	MM	08/09/16	BS	08/09/16

## Distribution

Organisation	Contact	Copies
DHA Transport	Jason Lewis	-

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5 Auditors Statement	10

Appendix A.....List of drawings

Appendix B.....Comment location drawing

## 1 INTRODUCTION

1.1 This report describes a Stage 1 Road Safety Audit carried out on proposed works on Boughton Lane, Loose, associated with a residential development of 220 units, as detailed below:

- Priority junction with a carriageway width, of 5.5 metres, accommodating two-way movements.
- Shared footway / cycleway on the eastern side of the carriageway to the north of the proposed access.
- Localised widening on Boughton Lane to a width of 5.5m.
- Proposed crossing point at the school exit.
- Uncontrolled pedestrian crossing to the south of the proposed access to link to the existing public right of way.

The Audit was requested by the design organisation, DHA Transport, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent.

1.2 The Audit Team membership was as follows:

Bryan Shawyer BEng (Hons), MSc, MCIHT, HA Cert Comp - Audit Team Leader

Martin Morris - PGD, MCIHT, HA Cert Comp - Audit Team Member

1.3 The audit was undertaken in accordance with the audit brief and following the principles of HD 19/15, The Design Manual for Roads and Bridges.

The documents available at the time the report was compiled are detailed in Appendix A.

1.4 A site visit and inspection was undertaken during the afternoon of the 7<sup>th</sup> September 2016. Weather conditions at the time were fine and the road surface was dry. Traffic flows were low and free flow speeds were moderate. No cyclist movements were observed during the site visit and pedestrian flows were low.

1.5 The report has been compiled, only with regard to the safety implications for road users of the layout presented in the supplied drawings. It has not been examined or verified for compliance with any other standards or criteria. This safety audit does not perform any "Technical Check" function on these proposals. It is assumed that the Project Sponsor is satisfied that such a "Technical Check" has been successfully completed prior to requesting this safety audit.

1.6 The auditors have not been informed of any Departures from Standards in this scheme construction.

1.7 All comments and recommendations are referenced to the detailed drawings and the locations have been detailed relating to the plans supplied with the audit brief, Appendix B.

## **2 SAFETY ISSUES RAISED AT PREVIOUS AUDITS**

2.1 No previous safety audits were submitted for assessment.

### 3 ITEMS RAISED AT THE STAGE 1 AUDIT

#### 3.1 General

##### 3.1.1 PROBLEM

**Location:** Proposed access.

**Summary:** Lack of visibility could compromise road safety.

Visibility splays were provided for assessment that are considered acceptable; however, the visibility splays will pass through areas of existing hedgerow proposed at 900m high. There is concern that during the spring and summer months the hedgerow could soon grow beyond 1.05m, restricting visibility at the junction, which could lead to side impact or rear end shunt accidents.

##### RECOMMENDATION

That the hedgerow should be removed or reduced to a maximum of 600mm in height and that a regular maintenance programme to maintain the hedgerow should be employed.

##### 3.1.2 PROBLEM

**Location:** Proposed access.

**Summary:** Surface water could compromise road safety.

No details of the drainage proposal or carriageway profiles have been provided for assessment, where insufficient drainage could lead to surface water at the junction, which could lead to loss of control accidents.

##### RECOMMENDATION

That drainage details and vertical profiles should be provided at Stage 2 Safety Audit.

##### 3.1.3 PROBLEM

**Location:** Proposed change to speed limit.

**Summary:** Insufficient information could compromise road safety.

The audit brief refers to extending the 30mph restriction to the southeast, covering the entire site frontage. However, this information was not shown on the plans provided, where auditors are unable to comment on its suitability, which could compromise road safety.



## **RECOMMENDATION**

That the proposed location of the 30mph speed limit should be provided for assessment.

### **3.2 Local Alignment**

3.2.1 No comment.

### **3.3 Junctions**

#### **3.3.1 PROBLEM**

**Location:** Proposed access.

**Summary:** Movements of larger vehicles could compromise road safety.

No swept path information was provided for assessment, where insufficient space for larger vehicles, may lead to footway overrun or entry into the opposing carriageway, resulting in possible pedestrian accidents or head on collisions.

## **RECOMMENDATION**

That the swept paths of all expected vehicle movements should be checked to ensure that safe turning movements can be accommodated at the junction.

#### **3.3.2 PROBLEM**

**Location:** Approaches to proposed access.

**Summary:** Lack of visibility could compromise road safety.

Visibility splays have been proposed at the junction, which are considered acceptable; however, the splays pass over hedgerow that is proposed at 900mm in height. The height of this hedgerow may mask a small child, which could lead to pedestrian accidents at the junction, though it is recognised that a small child is unlikely to be in the carriageway.

## **RECOMMENDATION**

That the height of the hedgerow should be removed or reduced to a maximum of 600mm.

### **3.4 Non-Motorised User Provision**

#### **3.4.1 PROBLEM**

**Location:** Proposed shared footway/cycleway route.

**Summary:** Lack of infrastructure width may contribute to user conflicts.

The width of the proposed shared footway / cycleway at 2.0m is significantly less than the width recommended for shared use by pedestrians and cycles and may contribute to user conflicts. However, it is recognised that the route is restricted by obstructions that cannot be moved.

#### **RECOMMENDATION**

That a greater effective width than two metres should be applied throughout the scheme where possible.

#### **3.4.2 PROBLEM**

**Location:** Proposed shared footway / cycleway at school exit.

**Summary:** Lack of infrastructure width may lead to strikes with street furniture.

At the northern end of the proposed shared footway / cycleway, there is an existing wooden fence that will restrict the effective width of the route, which could lead to cyclist collisions with street furniture.

#### **RECOMMENDATION**

That the width of the shared footway / cycleway should be increased to accommodate the fencing, or that the fencing should be removed.

### **3.5 Road Signs, Carriageway Markings and Lighting**

#### **3.5.1 No comment.**

#### **4 ISSUES IDENTIFIED DURING THE STAGE 1 SAFETY AUDIT OUTSIDE THE TERMS OF REFERENCE**

4.1 Any issues that the Audit Team wish to bring to the attention of the Client Officer which are not covered by the road safety implications of this audit have been included in the following section. These issues could include maintenance items, operational issues or poor existing provision. It should be understood however, that in raising these issues, the Audit Team do not warrant that a full review of the existing highway environment has been undertaken beyond the scope of the audit.

4.2 The Audit Team has no issues to raise within this section.

**5 AUDITOR TEAM STATEMENT**

5.1 We certify that this audit has been carried following the principles of HD 19/15.

**Audit Team Leader**

Bryan Shawyer  
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Aeolus House  
32 Hamelin Road  
Gillingham  
Kent ME7 3EX

Signed:



Date:

08/09/16

**Audit Team Member**

Martin Morris  
PGD, MCIHT, HA RSA Cert Comp  
M & S Traffic Ltd  
Aeolus House  
32 Hamelin Road  
Gillingham  
Kent ME7 3EX

Signed:



Date:

08/09/16

## APPENDIX A

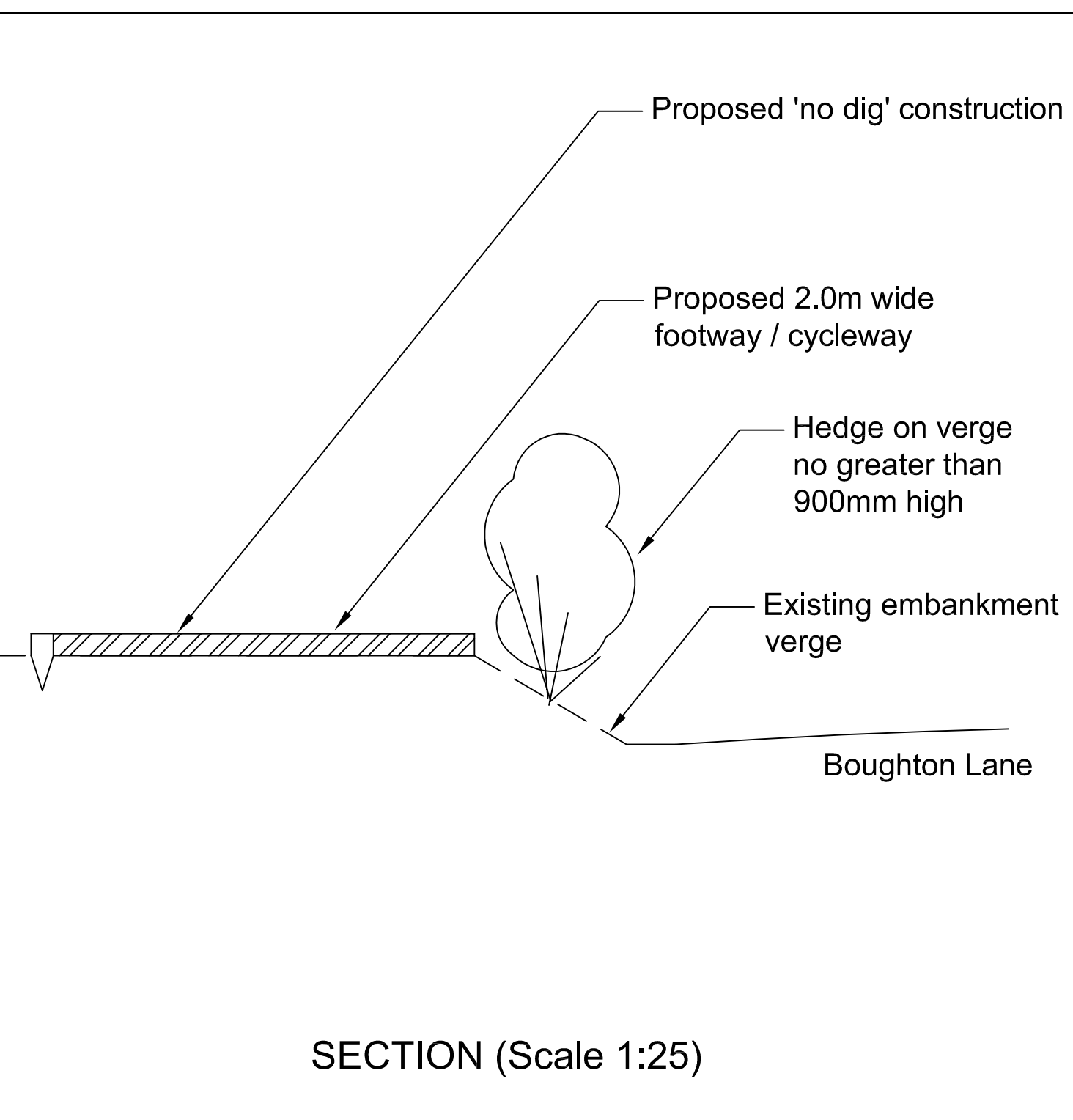
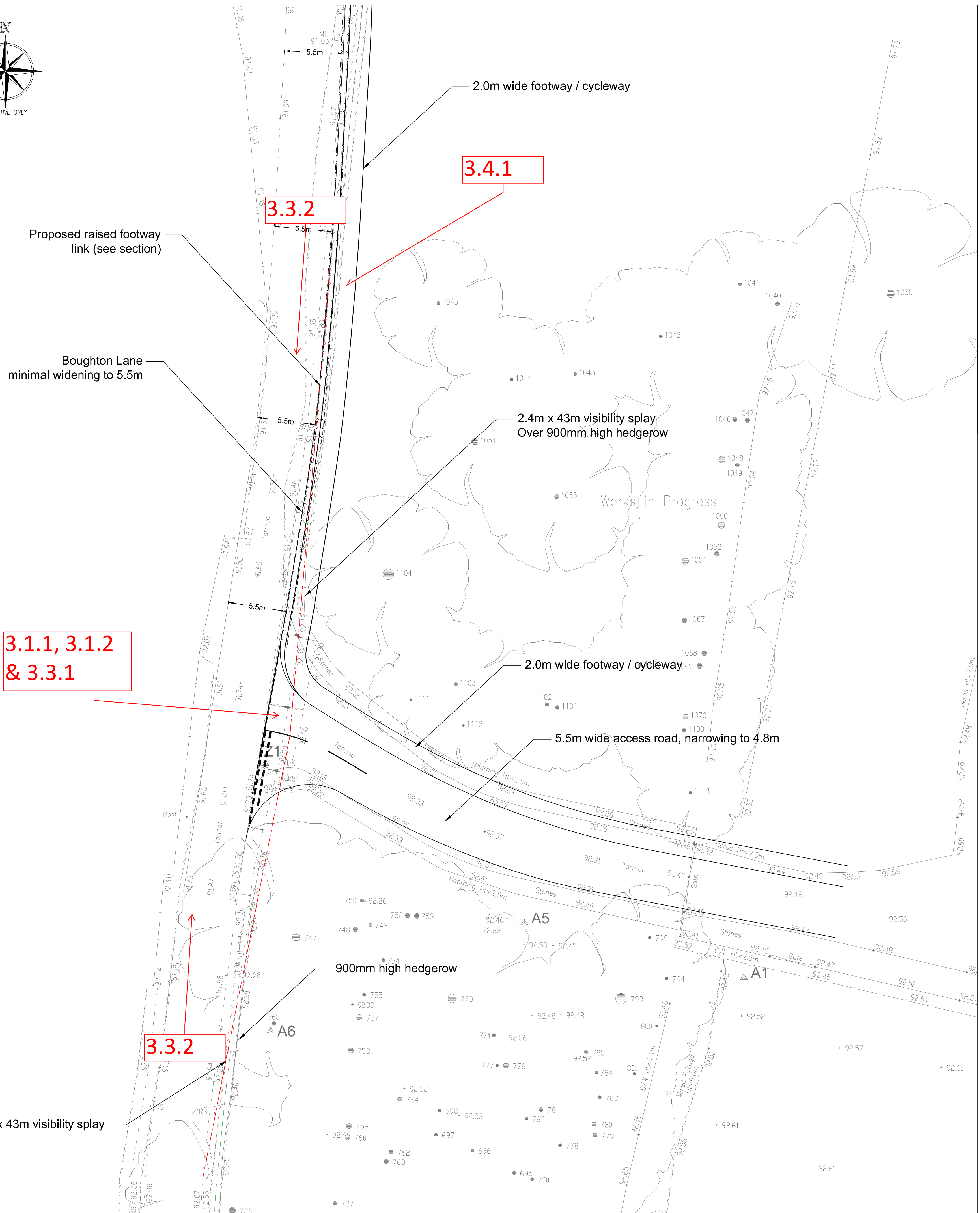
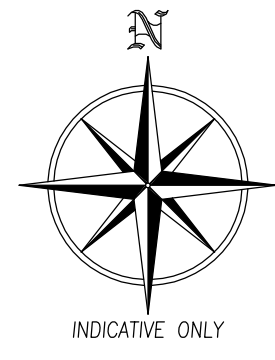
List of drawings and documentation submitted for auditing:

<b>Drawing Number</b>	<b>Title</b>
10560-T-01 (P1)	Proposed Footway Crossing Design
10560-T-02 (P1)	Proposed Access and Footway Layout
10560-T-03 (P1)	Carriageway Widening of Boughton Lane between School Accesses
10560-T-04 (P1)	Boughton Lane, Existing Lane Widths in Proximity of School Exit
2084-09 (C)	Site Layout Indicating Roof Plans

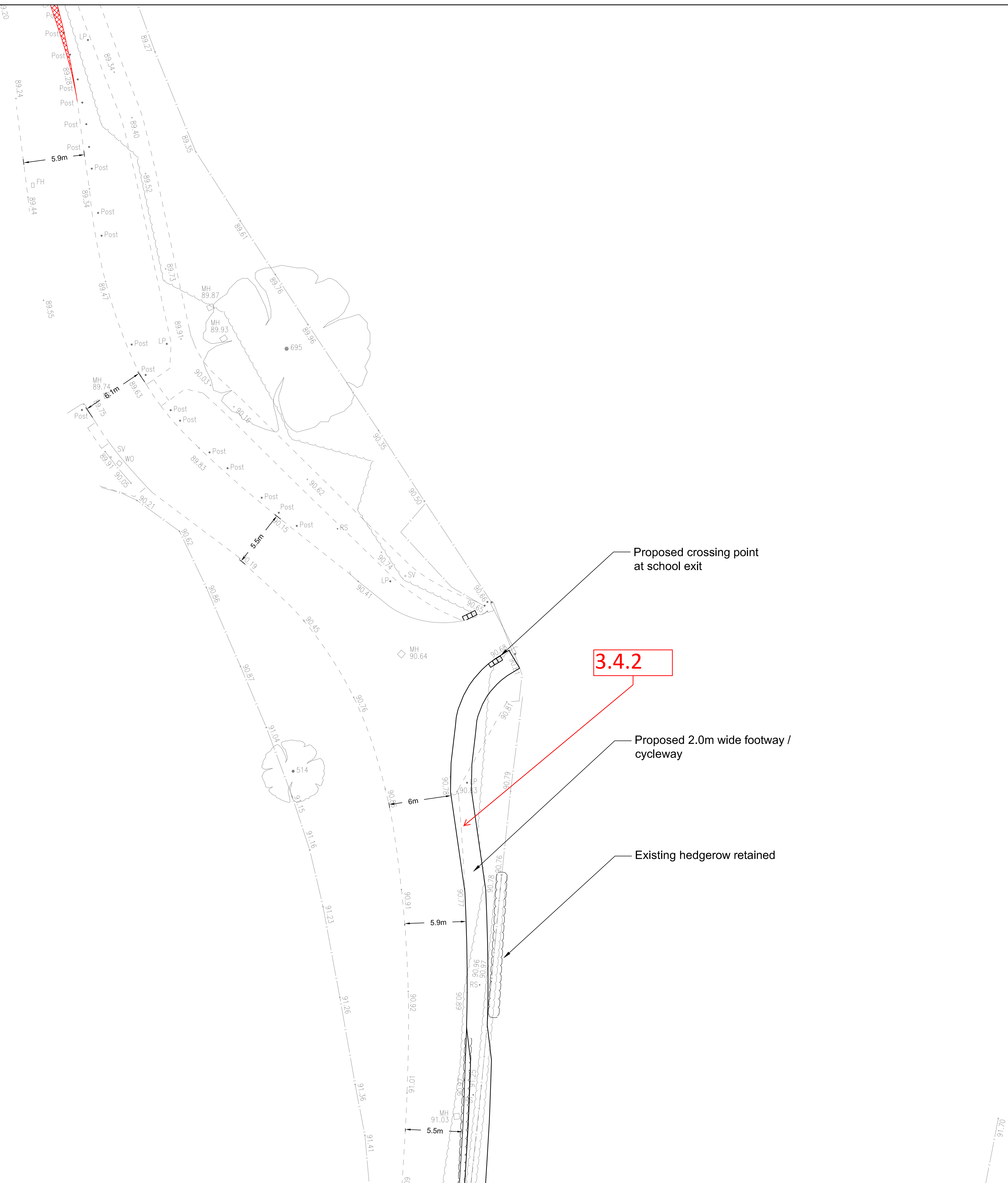
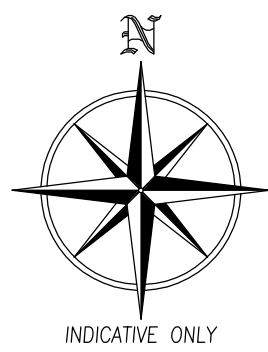
- Road Safety Audit Brief, DHA Transport, September 2016.
- Proposed Residential Development and Playing Field, Boughton Lane, Maidstone, Transport Report, DHA Transport, June 2015.

## **APPENDIX B**

Plan attached showing the locations of the problems identified as part of this audit (location numbers refer to paragraph numbers in the report).



NOTES			
P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK
Client WARD HOMES			
Project BOUGHTON LANE, LOOSE			
Title PROPOSED ACCESS AND FOOTWAY LAYOUT			
Dwg	Rev	Scale	Date
10560-T-02	P1	1:200	06.09.2016
Eclipse House, Eclipse Park, Sittingbourne Road Maidstone, Kent, ME14 3EN			
t: 01622 776226		f: 01622 776227	
e: info@dhaplanning.co.uk		w: www.dhatransport.co.uk	
CAD Reference:			A1



NOTES			
P1	FIRST ISSUE	1/09/16	JSL
REV	AMENDMENTS	DATE	CHK
Client WARD HOMES			
Project BOUGHTON LANE, LOOSE			
Title BOUGHTON LANE EXISTING LANE WIDTHS IN PROXIMITY OF SCHOOL EXIT			
Dwg 10560-T-04	Rev P1	Scale 1:200	Date 06.09.2016
Eclipse House, Eclipse Park, Sittingbourne Road Maidstone, Kent. ME14 3EN t: 01622 776226 f: 01622 776227 e: info@dhaplanning.co.uk w: www.dhatransport.co.uk			
CAD Reference:			A1



**Designers Response** – New line Learning, Boughton Lane, Loose.

**Date** – 9<sup>th</sup> September 2016

**Consultant/Design Engineer** – DHA Transport

**Contact** – Jason Lewis 01622 776226

### Road Safety Audit Stage 1


This response is to the problems raised in the Stage 1 RSA report, prepared by M S Traffic Limited dated 8<sup>th</sup> September 2016. Ref DHA/10560/1/BS.


Item Number	Issue raised	Recommendation	Designers Response
3.1.1	<p><b>Location:</b> Proposed access.</p> <p><b>Summary:</b> Lack of visibility could compromise road safety.</p> <p>Visibility splays were provided for assessment that are considered acceptable; however, the visibility splays will pass through areas of existing hedgerow proposed at 900m high. There is concern that during the spring and summer months the hedgerow could soon grow beyond 1.05m, restricting visibility at the junction, which could lead to side impact or rear end shunt accidents.</p>	<p>That the hedgerow should be removed or reduced to a maximum of 600mm in height and that a regular maintenance programme to maintain the hedgerow should be employed.</p>	<p><u>Agreed</u></p> <p>Hedgerow maximum height reduced to 600mm and programme of maintenance to be put in place by developer to ensure maximum height maintained. See revised drawing T10560-T-03-P2.</p>
3.1.2	<p><b>Location:</b> Proposed access.</p>		<p><u>Agreed</u></p>

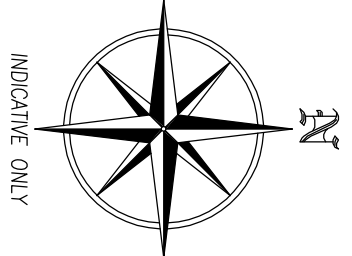
	<p><b>Summary:</b> Surface water could compromise road safety.</p> <p>No details of the drainage proposal or carriageway profiles have been provided for assessment, where insufficient drainage could lead to surface water at the junction, which could lead to loss of control accidents.</p>	That drainage details and vertical profiles should be provided at Stage 2 Safety Audit.	Drainage details to be provided as part of the Stage 2 detailed design.
3.1.3	<p><b>Location:</b> Proposed change to speed limit.</p> <p><b>Summary:</b> Insufficient information could compromise road safety.</p> <p>The audit brief refers to extending the 30mph restriction to the southeast, covering the entire site frontage. However, this information was not shown on the plans provided, where auditors are unable to comment on its suitability, which could compromise road safety.</p>	That the proposed location of the 30mph speed limit should be provided for assessment.	<p><u>Agreed</u></p> <p>Drawing 10560-T-06 is attached which demonstrates the proposed speed limit terminus location.</p>
3.2	<p><b>Location:</b> Local Alignment</p> <p><b>Summary:</b> No comment.</p>	-	-
3.3.1	<p><b>Location:</b> Proposed access.</p> <p><b>Summary:</b> Movements of larger vehicles could compromise road safety.</p> <p>No swept path information was provided for assessment, where insufficient space for larger vehicles, may lead to footway overrun</p>	That the swept paths of all expected vehicle movements should be checked to ensure that safe turning movements can be accommodated at the junction.	<p><u>Agreed</u></p> <p>Drawing 10560-T-07 is attached which demonstrates vehicle swept paths for a large refuse vehicle and large pantechicon vehicle. This shows that these vehicles and enter and exit the site without over-running verges/kerbs. Over-</p>

	or entry into the opposing carriageway, resulting in possible pedestrian accidents or head on collisions.		running of the side road centre line is permissible in Kent Design Guide.
3.3.2	<p><b>Location:</b> Approaches to proposed access.</p> <p><b>Summary:</b> Lack of visibility could compromise road safety.</p> <p>Visibility splays have been proposed at the junction, which are considered acceptable; however, the splays pass over hedgerow that is proposed at 900mm in height. The height of this hedgerow may mask a small child, which could lead to pedestrian accidents at the junction, though it is recognised that a small child is unlikely to be in the carriageway.</p>	That the height of the hedgerow should be removed or reduced to a maximum of 600mm.	<p><u>Agreed</u></p> <p>Hedgerow maximum height reduced to 600mm and programme of maintenance to be put in place by developer to ensure maximum height maintained. See revised drawing T10560-T-03-P2.</p>
3.4.1	<p><b>Location:</b> Proposed shared footway / cycleway route.</p> <p><b>Summary:</b> Lack of infrastructure width may contribute to user conflicts.</p> <p>The width of the proposed shared footway / cycleway at 2.0m is significantly less than the width recommended for shared use by pedestrians and cycles and may contribute to user conflicts. However, it is recognised that the route is restricted by obstructions that cannot be moved.</p>	That a greater effective width than two metres should be applied throughout the scheme where possible.	<p><u>Agreed</u></p> <p>Further topographic survey will be procured for woodland area of scrubland in question and a widening of no-dig area explored at detail design stage 2.</p>

3.4.2	<p><b>Location:</b> Proposed shared footway / cycleway at school exit.</p> <p><b>Summary:</b> Lack of infrastructure width may lead to strikes with street furniture.</p> <p>At the northern end of the proposed shared footway / cycleway, there is an existing wooden fence that will restrict the effective width of the route, which could lead to cyclist collisions with street furniture.</p>	That the width of the shared footway / cycleway should be increased to accommodate the fencing, or that the fencing should be removed.	<p><u>Agreed</u></p> <p>Modification to scheme to be made at Stage 2 to accommodate Auditor recommendation.</p>
3.5.1	<p><b>Road Signs, Carriageway Markings and Lighting</b></p> <p><b>Summary:</b> No comment.</p>	-	-

Prepared by: .....  
  
**Jason Lewis**

Reviewed by: .....  
  
**Chris Smoker**



**NOTES**

P1	FIRST ISSUE	9/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE**

Title  
**VEHICLE SWEEP PATHS**

Dwg	Rev	Scale	Date
10560-1-07	P1	1:200	09.09.2016



Eclipse House, Eclipse Park, Sittipourne Road  
Maldstone, Kent, ME14 3EN  
t: 01622 776226  
e: info@dhatransport.co.uk

t: 01622 776227  
w: www.dhatransport.co.uk

CAD Reference:

**A1**



**NOTES**



P1	FIRST ISSUE	9/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE**

Title  
**PROPOSED RELOCATED 30MPH TERMINUS**

Dwg	Rev	Scale	Date
10560-1-06	P1	1:250	09.09.2016



Eclipse House, Eclipse Park, Slingsbyourne Road  
Maldstone, Kent, ME14 3EN  
t: 01622 776226  
e: info@dhtplanning.co.uk  
w: www.dhttransport.co.uk

CAD Reference: **A1**

## Jason Lewis

---

**From:** bryan.shawyer <bryan.shawyer@mstraffic.co.uk>  
**Sent:** 12 September 2016 09:38  
**To:** Jason Lewis  
**Subject:** Re: Boughton Ln - amended drawings

Dear Jason,

Thank you for forwarding the Designer's Response and the additional drawings, where the comments in the DR are noted and accepted.

Kind regards

Bryan

Bryan Shawyer  
Technical Director

M&S Traffic Ltd  
Aeolus House, [32 Hamelin Road, Gillingham, Kent ME7 3EX](#)

M: [07891 596289](tel:07891596289) T: [01634 307498](tel:01634307498)

The information, attachments and opinions contained in this message are intended solely for the use of the individual or entity to whom they are addressed. The message may contain privileged and confidential information and you may not copy, distribute or take any action on reliance on it.

On 9 Sep 2016, at 15:39, Jason Lewis <[jason.lewis@dhatransport.co.uk](mailto:jason.lewis@dhatransport.co.uk)> wrote:

Dear Bryan

Please find attached our designer's response and updated scheme drawings as noted therein.

Kind regards

**Jason Lewis**

**Director**

Our ref:

**dha group - planning transport urban design environment**  
Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent ME14 3EN

**Tel:** 01622 776226 **Mob:** 07789 960646 **Fax:** 01622 776227 **Website:** [www.dha-group.co.uk](http://www.dha-group.co.uk) **Twitter:**  
[www.twitter.com/dhagroup](https://www.twitter.com/dhagroup)

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**E**

**APPENDIX**



Calculation Reference: AUDIT-704001-160831-0828

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL  
 Category : A - HOUSES PRIVATELY OWNED  
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	EX ESSEX	1 days
	SC SURREY	1 days
	WS WEST SUSSEX	1 days
03	SOUTH WEST	
	DC DORSET	1 days
	DV DEVON	2 days
04	EAST ANGLIA	
	NF NORFOLK	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	2 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Filtering Stage 2 selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings  
 Actual Range: 51 to 237 (units: )  
 Range Selected by User: 50 to 300 (units: )

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/08 to 28/09/15

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	2 days
Tuesday	1 days
Wednesday	1 days
Thursday	4 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	9 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	5
Edge of Town	4

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	8
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Filtering Stage 3 selection:

Use Class:

C3 9 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

5,001 to 10,000	2 days
10,001 to 15,000	3 days
15,001 to 20,000	2 days
20,001 to 25,000	1 days
25,001 to 50,000	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000	2 days
25,001 to 50,000	1 days
75,001 to 100,000	2 days
100,001 to 125,000	1 days
125,001 to 250,000	2 days
250,001 to 500,000	1 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	1 days
1.1 to 1.5	8 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	1 days
No	8 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

LIST OF SITES relevant to selection parameters

1	DC-03-A-01 ISAACS CLOSE	DETACHED		DORSET
	POOLE			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:	51		
	Survey date: WEDNESDAY	16/07/08		Survey Type: MANUAL
2	DV-03-A-02 MILLHEAD ROAD	HOUSES & BUNGALOWS		DEVON
	HONITON			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:	116		
	Survey date: FRIDAY	25/09/15		Survey Type: MANUAL
3	DV-03-A-03 LOWER BRAND LANE	TERRACED & SEMI DETACHED		DEVON
	HONITON			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:	70		
	Survey date: MONDAY	28/09/15		Survey Type: MANUAL
4	EX-03-A-01 MILTON ROAD	SEMI -DET.		ESSEX
	CORRINGHAM			
	STANFORD-LE-HOPE			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:	237		
	Survey date: TUESDAY	13/05/08		Survey Type: MANUAL
5	NF-03-A-02 DEREHAM ROAD	HOUSES & FLATS		NORFOLK
	NORWICH			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:	98		
	Survey date: MONDAY	22/10/12		Survey Type: MANUAL
6	SC-03-A-04 HIGH ROAD	DETACHED & TERRACED		SURREY
	BYFLEET			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:	71		
	Survey date: THURSDAY	23/01/14		Survey Type: MANUAL
7	SH-03-A-04 ST MICHAEL'S STREET	TERRACED		SHROPSHIRE
	SHREWSBURY			
	Suburban Area (PPS6 Out of Centre)			
	No Sub Category			
	Total Number of dwellings:	108		
	Survey date: THURSDAY	11/06/09		Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

8	SH-03-A-05 SANDCROFT SUTTON HILL TELFORD Edge of Town Residential Zone Total Number of dwellings: Survey date: THURSDAY	SEMI -DETACHED/TERRACED      54 24/10/13	SHROPSHIRE         Survey Type: MANUAL
9	WS-03-A-04 HILLS FARM LANE BROADBRIDGE HEATH HORSHAM Edge of Town Residential Zone Total Number of dwellings: Survey date: THURSDAY	MIXED HOUSES      151 11/12/14	WEST SUSSEX         Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED  
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	106	0.090	9	106	0.315	9	106	0.405
08:00 - 09:00	9	106	0.153	9	106	0.395	9	106	0.548
09:00 - 10:00	9	106	0.154	9	106	0.172	9	106	0.326
10:00 - 11:00	9	106	0.130	9	106	0.184	9	106	0.314
11:00 - 12:00	9	106	0.151	9	106	0.159	9	106	0.310
12:00 - 13:00	9	106	0.177	9	106	0.159	9	106	0.336
13:00 - 14:00	9	106	0.184	9	106	0.165	9	106	0.349
14:00 - 15:00	9	106	0.165	9	106	0.157	9	106	0.322
15:00 - 16:00	9	106	0.289	9	106	0.196	9	106	0.485
16:00 - 17:00	9	106	0.280	9	106	0.191	9	106	0.471
17:00 - 18:00	9	106	0.367	9	106	0.203	9	106	0.570
18:00 - 19:00	9	106	0.235	9	106	0.169	9	106	0.404
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>2.375</b>			<b>2.465</b>			<b>4.840</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 51 - 237 (units: )  
 Survey date date range: 01/01/08 - 28/09/15  
 Number of weekdays (Monday-Friday): 9  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

TAXIS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	106	0.009	9	106	0.007	9	106	0.016
08:00 - 09:00	9	106	0.004	9	106	0.005	9	106	0.009
09:00 - 10:00	9	106	0.005	9	106	0.003	9	106	0.008
10:00 - 11:00	9	106	0.001	9	106	0.001	9	106	0.002
11:00 - 12:00	9	106	0.003	9	106	0.003	9	106	0.006
12:00 - 13:00	9	106	0.002	9	106	0.002	9	106	0.004
13:00 - 14:00	9	106	0.002	9	106	0.001	9	106	0.003
14:00 - 15:00	9	106	0.004	9	106	0.005	9	106	0.009
15:00 - 16:00	9	106	0.009	9	106	0.006	9	106	0.015
16:00 - 17:00	9	106	0.002	9	106	0.004	9	106	0.006
17:00 - 18:00	9	106	0.004	9	106	0.004	9	106	0.008
18:00 - 19:00	9	106	0.003	9	106	0.003	9	106	0.006
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.048			0.044			0.092

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected:	51 - 237 (units: )
Survey date date range:	01/01/08 - 28/09/15
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED  
OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	106	0.002	9	106	0.002	9	106	0.004
08:00 - 09:00	9	106	0.000	9	106	0.000	9	106	0.000
09:00 - 10:00	9	106	0.002	9	106	0.001	9	106	0.003
10:00 - 11:00	9	106	0.000	9	106	0.001	9	106	0.001
11:00 - 12:00	9	106	0.001	9	106	0.001	9	106	0.002
12:00 - 13:00	9	106	0.005	9	106	0.005	9	106	0.010
13:00 - 14:00	9	106	0.005	9	106	0.005	9	106	0.010
14:00 - 15:00	9	106	0.000	9	106	0.002	9	106	0.002
15:00 - 16:00	9	106	0.001	9	106	0.001	9	106	0.002
16:00 - 17:00	9	106	0.000	9	106	0.000	9	106	0.000
17:00 - 18:00	9	106	0.001	9	106	0.001	9	106	0.002
18:00 - 19:00	9	106	0.000	9	106	0.000	9	106	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>0.017</b>			<b>0.019</b>			<b>0.036</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 51 - 237 (units: )  
 Survey date date range: 01/01/08 - 28/09/15  
 Number of weekdays (Monday-Friday): 9  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	106	0.000	9	106	0.000	9	106	0.000
08:00 - 09:00	9	106	0.000	9	106	0.000	9	106	0.000
09:00 - 10:00	9	106	0.000	9	106	0.000	9	106	0.000
10:00 - 11:00	9	106	0.000	9	106	0.000	9	106	0.000
11:00 - 12:00	9	106	0.002	9	106	0.002	9	106	0.004
12:00 - 13:00	9	106	0.000	9	106	0.000	9	106	0.000
13:00 - 14:00	9	106	0.000	9	106	0.000	9	106	0.000
14:00 - 15:00	9	106	0.000	9	106	0.000	9	106	0.000
15:00 - 16:00	9	106	0.000	9	106	0.000	9	106	0.000
16:00 - 17:00	9	106	0.000	9	106	0.000	9	106	0.000
17:00 - 18:00	9	106	0.000	9	106	0.000	9	106	0.000
18:00 - 19:00	9	106	0.000	9	106	0.000	9	106	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.002			0.002			0.004

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected:	51 - 237 (units: )
Survey date date range:	01/01/08 - 28/09/15
Number of weekdays (Monday-Friday):	9
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED  
CYCLISTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	9	106	0.006	9	106	0.008	9	106	0.014
08:00 - 09:00	9	106	0.001	9	106	0.010	9	106	0.011
09:00 - 10:00	9	106	0.001	9	106	0.003	9	106	0.004
10:00 - 11:00	9	106	0.002	9	106	0.004	9	106	0.006
11:00 - 12:00	9	106	0.004	9	106	0.002	9	106	0.006
12:00 - 13:00	9	106	0.006	9	106	0.001	9	106	0.007
13:00 - 14:00	9	106	0.002	9	106	0.003	9	106	0.005
14:00 - 15:00	9	106	0.001	9	106	0.005	9	106	0.006
15:00 - 16:00	9	106	0.012	9	106	0.009	9	106	0.021
16:00 - 17:00	9	106	0.005	9	106	0.006	9	106	0.011
17:00 - 18:00	9	106	0.022	9	106	0.014	9	106	0.036
18:00 - 19:00	9	106	0.013	9	106	0.010	9	106	0.023
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>0.075</b>			<b>0.075</b>			<b>0.150</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 51 - 237 (units: )  
 Survey date date range: 01/01/08 - 28/09/15  
 Number of weekdays (Monday-Friday): 9  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Calculation Reference: AUDIT-704001-160831-0830

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL  
 Category : B - AFFORDABLE/LOCAL AUTHORITY HOUSES  
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	ES EAST SUSSEX	1 days
03	SOUTH WEST	
	DV DEVON	1 days
04	EAST ANGLIA	
	SF SUFFOLK	1 days
06	WEST MIDLANDS	
	WM WEST MIDLANDS	1 days
	WO WORCESTERSHIRE	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Filtering Stage 2 selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings  
 Actual Range: 14 to 97 (units: )  
 Range Selected by User: 14 to 97 (units: )

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/00 to 17/10/11

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	1 days
Tuesday	1 days
Wednesday	1 days
Thursday	1 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	5 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	2
Edge of Town	3

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	4
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Filtering Stage 3 selection:

Use Class:

C3 5 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

1,001 to 5,000 1 days  
10,001 to 15,000 1 days  
15,001 to 20,000 3 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

50,001 to 75,000 1 days  
75,001 to 100,000 1 days  
125,001 to 250,000 1 days  
250,001 to 500,000 2 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0 4 days  
1.1 to 1.5 1 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Not Known 1 days  
No 4 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

LIST OF SITES relevant to selection parameters

1	DV-03-B-01 HAM DRIVE	TERRACED		DEVON
	PLYMOUTH Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 35 Survey date: WEDNESDAY 06/07/05			
2	ES-03-B-01 BOWLEY ROAD	BUNGALOWS		SURVEY TYPE: MANUAL EAST SUSSEX
	HAILSHAM Edge of Town Residential Zone Total Number of dwellings: 14 Survey date: THURSDAY 03/07/03			
3	SF-03-B-01 A1144 ST PETERS STREET	SEMI D./TERRACED		SURVEY TYPE: MANUAL SUFFOLK
	LOWESTOFT Suburban Area (PPS6 Out of Centre) No Sub Category Total Number of dwellings: 46 Survey date: TUESDAY 20/09/05			
4	WM-03-B-01 YORKMINSTER DRIVE CHELMSLEY WOOD BIRMINGHAM	SEMI DET./TERRACED		SURVEY TYPE: MANUAL WEST MIDLANDS
	Edge of Town Residential Zone Total Number of dwellings: 97 Survey date: MONDAY 17/10/11			
5	WO-03-B-01 KNOTTS AVENUE LYPPARD HANFORD WORCESTER	TERRACED		SURVEY TYPE: MANUAL WORCESTERSHIRE
	Edge of Town Residential Zone Total Number of dwellings: 76 Survey date: FRIDAY 15/03/02			

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/B - AFFORDABLE/LOCAL AUTHORITY HOUSES  
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	54	0.090	5	54	0.235	5	54	0.325
08:00 - 09:00	5	54	0.160	5	54	0.340	5	54	0.500
09:00 - 10:00	5	54	0.183	5	54	0.198	5	54	0.381
10:00 - 11:00	5	54	0.172	5	54	0.198	5	54	0.370
11:00 - 12:00	5	54	0.183	5	54	0.183	5	54	0.366
12:00 - 13:00	5	54	0.194	5	54	0.183	5	54	0.377
13:00 - 14:00	5	54	0.183	5	54	0.187	5	54	0.370
14:00 - 15:00	5	54	0.272	5	54	0.261	5	54	0.533
15:00 - 16:00	5	54	0.343	5	54	0.246	5	54	0.589
16:00 - 17:00	5	54	0.306	5	54	0.216	5	54	0.522
17:00 - 18:00	5	54	0.392	5	54	0.276	5	54	0.668
18:00 - 19:00	5	54	0.224	5	54	0.216	5	54	0.440
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>2.702</b>			<b>2.739</b>			<b>5.441</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 14 - 97 (units: )  
 Survey date date range: 01/01/00 - 17/10/11  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/B - AFFORDABLE/LOCAL AUTHORITY HOUSES  
OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	54	0.000	5	54	0.000	5	54	0.000
08:00 - 09:00	5	54	0.011	5	54	0.007	5	54	0.018
09:00 - 10:00	5	54	0.011	5	54	0.015	5	54	0.026
10:00 - 11:00	5	54	0.011	5	54	0.011	5	54	0.022
11:00 - 12:00	5	54	0.000	5	54	0.000	5	54	0.000
12:00 - 13:00	5	54	0.004	5	54	0.004	5	54	0.008
13:00 - 14:00	5	54	0.007	5	54	0.007	5	54	0.014
14:00 - 15:00	5	54	0.004	5	54	0.004	5	54	0.008
15:00 - 16:00	5	54	0.000	5	54	0.000	5	54	0.000
16:00 - 17:00	5	54	0.000	5	54	0.000	5	54	0.000
17:00 - 18:00	5	54	0.000	5	54	0.000	5	54	0.000
18:00 - 19:00	5	54	0.004	5	54	0.004	5	54	0.008
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.052			0.052			0.104

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 14 - 97 (units: )  
 Survey date date range: 01/01/00 - 17/10/11  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/B - AFFORDABLE/LOCAL AUTHORITY HOUSES

PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	54	0.000	5	54	0.000	5	54	0.000
08:00 - 09:00	5	54	0.007	5	54	0.007	5	54	0.014
09:00 - 10:00	5	54	0.004	5	54	0.004	5	54	0.008
10:00 - 11:00	5	54	0.000	5	54	0.000	5	54	0.000
11:00 - 12:00	5	54	0.000	5	54	0.000	5	54	0.000
12:00 - 13:00	5	54	0.000	5	54	0.000	5	54	0.000
13:00 - 14:00	5	54	0.000	5	54	0.000	5	54	0.000
14:00 - 15:00	5	54	0.004	5	54	0.004	5	54	0.008
15:00 - 16:00	5	54	0.004	5	54	0.004	5	54	0.008
16:00 - 17:00	5	54	0.000	5	54	0.000	5	54	0.000
17:00 - 18:00	5	54	0.000	5	54	0.000	5	54	0.000
18:00 - 19:00	5	54	0.000	5	54	0.000	5	54	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>0.019</b>			<b>0.019</b>			<b>0.038</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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 Number of weekdays (Monday-Friday): 5  
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This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/B - AFFORDABLE/LOCAL AUTHORITY HOUSES  
CYCLISTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	5	54	0.022	5	54	0.026	5	54	0.048
08:00 - 09:00	5	54	0.000	5	54	0.011	5	54	0.011
09:00 - 10:00	5	54	0.007	5	54	0.015	5	54	0.022
10:00 - 11:00	5	54	0.007	5	54	0.004	5	54	0.011
11:00 - 12:00	5	54	0.007	5	54	0.004	5	54	0.011
12:00 - 13:00	5	54	0.000	5	54	0.000	5	54	0.000
13:00 - 14:00	5	54	0.011	5	54	0.004	5	54	0.015
14:00 - 15:00	5	54	0.004	5	54	0.004	5	54	0.008
15:00 - 16:00	5	54	0.022	5	54	0.004	5	54	0.026
16:00 - 17:00	5	54	0.030	5	54	0.026	5	54	0.056
17:00 - 18:00	5	54	0.034	5	54	0.022	5	54	0.056
18:00 - 19:00	5	54	0.022	5	54	0.026	5	54	0.048
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>0.166</b>			<b>0.146</b>			<b>0.312</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 14 - 97 (units: )  
 Survey date date range: 01/01/00 - 17/10/11  
 Number of weekdays (Monday-Friday): 5  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



Calculation Reference: AUDIT-704001-160831-0853

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL  
 Category : D - AFFORDABLE/LOCAL AUTHORITY FLATS  
 VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	HC HAMPSHIRE	1 days
03	SOUTH WEST	
	BR BRISTOL CITY	1 days
05	EAST MIDLANDS	
	LN LINCOLNSHIRE	1 days
	NT NOTTINGHAMSHIRE	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Filtering Stage 2 selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings  
 Actual Range: 22 to 29 (units: )  
 Range Selected by User: 20 to 150 (units: )

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/08 to 01/07/15

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	1 days
Tuesday	2 days
Wednesday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	4 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	3
Edge of Town	1

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	3
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Filtering Stage 3 selection:

Use Class:

C3 4 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

1,001 to 5,000	1 days
5,001 to 10,000	1 days
15,001 to 20,000	1 days
25,001 to 50,000	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

125,001 to 250,000	2 days
250,001 to 500,000	2 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	2 days
1.1 to 1.5	2 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No 4 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

LIST OF SITES relevant to selection parameters

1	BR-03-D-03 BRISTOL ROAD	BLOCKS OF FLATS		BRISTOL CITY
	BRISTOL Edge of Town No Sub Category Total Number of dwellings: 28 Survey date: TUESDAY 13/10/09			
2	HC-03-D-05 WORTING ROAD	BLOCK OF FLATS		HAMPSHIRE
	BASINGSTOKE Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 29 Survey date: MONDAY 18/10/10			
3	LN-03-D-02 ADDISON DRIVE	FLATS		LINCOLNSHIRE
	LINCOLN Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 22 Survey date: WEDNESDAY 01/07/15			
4	NT-03-D-02 WATCOMBE ROAD	BLOCK OF FLATS		NOTTINGHAMSHIRE
	CARRINGTON NOTTINGHAM Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 22 Survey date: TUESDAY 23/06/15			

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS  
VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	4	25	0.040	4	25	0.079	4	25	0.119
08:00 - 09:00	4	25	0.040	4	25	0.109	4	25	0.149
09:00 - 10:00	4	25	0.059	4	25	0.079	4	25	0.138
10:00 - 11:00	4	25	0.069	4	25	0.099	4	25	0.168
11:00 - 12:00	4	25	0.050	4	25	0.040	4	25	0.090
12:00 - 13:00	4	25	0.030	4	25	0.030	4	25	0.060
13:00 - 14:00	4	25	0.109	4	25	0.079	4	25	0.188
14:00 - 15:00	4	25	0.129	4	25	0.109	4	25	0.238
15:00 - 16:00	4	25	0.099	4	25	0.129	4	25	0.228
16:00 - 17:00	4	25	0.158	4	25	0.109	4	25	0.267
17:00 - 18:00	4	25	0.158	4	25	0.109	4	25	0.267
18:00 - 19:00	4	25	0.178	4	25	0.119	4	25	0.297
19:00 - 20:00	1	29	0.138	1	29	0.034	1	29	0.172
20:00 - 21:00	1	29	0.207	1	29	0.241	1	29	0.448
21:00 - 22:00	1	29	0.103	1	29	0.103	1	29	0.206
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			<b>1.567</b>			<b>1.468</b>			<b>3.035</b>

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 22 - 29 (units: )  
 Survey date date range: 01/01/08 - 01/07/15  
 Number of weekdays (Monday-Friday): 4  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS

TAXIS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	4	25	0.000	4	25	0.000	4	25	0.000
08:00 - 09:00	4	25	0.000	4	25	0.000	4	25	0.000
09:00 - 10:00	4	25	0.000	4	25	0.000	4	25	0.000
10:00 - 11:00	4	25	0.000	4	25	0.000	4	25	0.000
11:00 - 12:00	4	25	0.000	4	25	0.000	4	25	0.000
12:00 - 13:00	4	25	0.000	4	25	0.000	4	25	0.000
13:00 - 14:00	4	25	0.010	4	25	0.010	4	25	0.020
14:00 - 15:00	4	25	0.020	4	25	0.020	4	25	0.040
15:00 - 16:00	4	25	0.010	4	25	0.010	4	25	0.020
16:00 - 17:00	4	25	0.010	4	25	0.010	4	25	0.020
17:00 - 18:00	4	25	0.010	4	25	0.000	4	25	0.010
18:00 - 19:00	4	25	0.030	4	25	0.040	4	25	0.070
19:00 - 20:00	1	29	0.000	1	29	0.000	1	29	0.000
20:00 - 21:00	1	29	0.000	1	29	0.000	1	29	0.000
21:00 - 22:00	1	29	0.000	1	29	0.000	1	29	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.090			0.090			0.180

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 22 - 29 (units: )  
 Survey date date range: 01/01/08 - 01/07/15  
 Number of weekdays (Monday-Friday): 4  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS  
OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	4	25	0.000	4	25	0.000	4	25	0.000
08:00 - 09:00	4	25	0.010	4	25	0.000	4	25	0.010
09:00 - 10:00	4	25	0.000	4	25	0.010	4	25	0.010
10:00 - 11:00	4	25	0.010	4	25	0.010	4	25	0.020
11:00 - 12:00	4	25	0.000	4	25	0.000	4	25	0.000
12:00 - 13:00	4	25	0.000	4	25	0.000	4	25	0.000
13:00 - 14:00	4	25	0.000	4	25	0.000	4	25	0.000
14:00 - 15:00	4	25	0.000	4	25	0.000	4	25	0.000
15:00 - 16:00	4	25	0.000	4	25	0.000	4	25	0.000
16:00 - 17:00	4	25	0.000	4	25	0.000	4	25	0.000
17:00 - 18:00	4	25	0.010	4	25	0.010	4	25	0.020
18:00 - 19:00	4	25	0.000	4	25	0.000	4	25	0.000
19:00 - 20:00	1	29	0.000	1	29	0.000	1	29	0.000
20:00 - 21:00	1	29	0.000	1	29	0.000	1	29	0.000
21:00 - 22:00	1	29	0.000	1	29	0.000	1	29	0.000
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.030			0.030			0.060

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 22 - 29 (units: )  
 Survey date date range: 01/01/08 - 01/07/15  
 Number of weekdays (Monday-Friday): 4  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS  
PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	4	25	0.000	4	25	0.000	4	25	0.000
08:00 - 09:00	4	25	0.000	4	25	0.000	4	25	0.000
09:00 - 10:00	4	25	0.000	4	25	0.000	4	25	0.000
10:00 - 11:00	4	25	0.000	4	25	0.000	4	25	0.000
11:00 - 12:00	4	25	0.000	4	25	0.000	4	25	0.000
12:00 - 13:00	4	25	0.000	4	25	0.000	4	25	0.000
13:00 - 14:00	4	25	0.000	4	25	0.000	4	25	0.000
14:00 - 15:00	4	25	0.000	4	25	0.000	4	25	0.000
15:00 - 16:00	4	25	0.000	4	25	0.000	4	25	0.000
16:00 - 17:00	4	25	0.000	4	25	0.000	4	25	0.000
17:00 - 18:00	4	25	0.000	4	25	0.000	4	25	0.000
18:00 - 19:00	4	25	0.000	4	25	0.000	4	25	0.000
19:00 - 20:00	1	29	0.000	1	29	0.000	1	29	0.000
20:00 - 21:00	1	29	0.000	1	29	0.000	1	29	0.000
21:00 - 22:00	1	29	0.000	1	29	0.000	1	29	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.000			0.000			0.000

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 22 - 29 (units: )  
 Survey date date range: 01/01/08 - 01/07/15  
 Number of weekdays (Monday-Friday): 4  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

TRIP RATE for Land Use 03 - RESIDENTIAL/D - AFFORDABLE/LOCAL AUTHORITY FLATS  
CYCLISTS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	4	25	0.000	4	25	0.010	4	25	0.010
08:00 - 09:00	4	25	0.010	4	25	0.030	4	25	0.040
09:00 - 10:00	4	25	0.000	4	25	0.000	4	25	0.000
10:00 - 11:00	4	25	0.000	4	25	0.000	4	25	0.000
11:00 - 12:00	4	25	0.000	4	25	0.000	4	25	0.000
12:00 - 13:00	4	25	0.010	4	25	0.000	4	25	0.010
13:00 - 14:00	4	25	0.000	4	25	0.000	4	25	0.000
14:00 - 15:00	4	25	0.000	4	25	0.000	4	25	0.000
15:00 - 16:00	4	25	0.010	4	25	0.000	4	25	0.010
16:00 - 17:00	4	25	0.000	4	25	0.010	4	25	0.010
17:00 - 18:00	4	25	0.020	4	25	0.000	4	25	0.020
18:00 - 19:00	4	25	0.000	4	25	0.000	4	25	0.000
19:00 - 20:00	1	29	0.000	1	29	0.000	1	29	0.000
20:00 - 21:00	1	29	0.000	1	29	0.000	1	29	0.000
21:00 - 22:00	1	29	0.000	1	29	0.000	1	29	0.000
22:00 - 23:00									
23:00 - 24:00									
<b>Total Rates:</b>			0.050			0.050			0.100

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

#### Parameter summary

Trip rate parameter range selected: 22 - 29 (units: )  
 Survey date date range: 01/01/08 - 01/07/15  
 Number of weekdays (Monday-Friday): 4  
 Number of Saturdays: 0  
 Number of Sundays: 0  
 Surveys automatically removed from selection: 0  
 Surveys manually removed from selection: 0

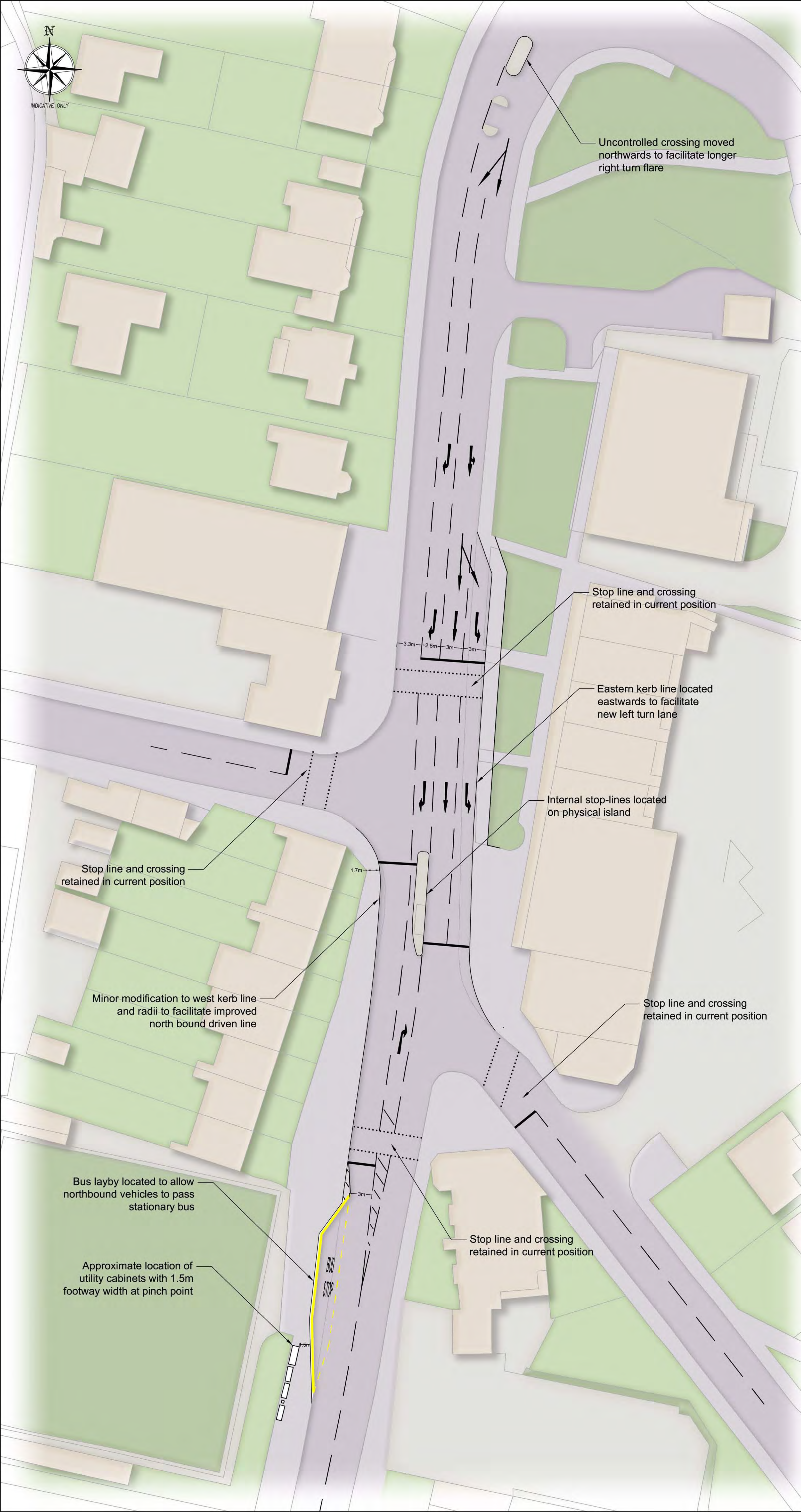
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



**F**

**APPENDIX**





Uncontrolled crossing moved northwards to facilitate longer right turn flare

Stop line and crossing retained in current position

Eastern kerb line located eastwards to facilitate new left turn lane

Internal stop-lines located on physical island

Stop line and crossing retained in current position

Minor modification to west kerb line and radii to facilitate improved north bound driven line

Stop line and crossing retained in current position

Bus layby located to allow northbound vehicles to pass stationary bus

Approximate location of utility cabinets with 1.5m footway width at pinch point

Stop line and crossing retained in current position

P1	FIRST ISSUE	7/09/16	JSL
REV	AMENDMENTS	DATE	CHK

Client  
**WARD HOMES**

Project  
**BOUGHTON LANE, LOOSE MAIDSTONE**

Title  
**SWAN JUNCTION JUNCTION CAPACITY IMPROVEMENTS**

Drwg	Rev	Scale	Date
10560-T-05	P1	1:250	07.09.2016

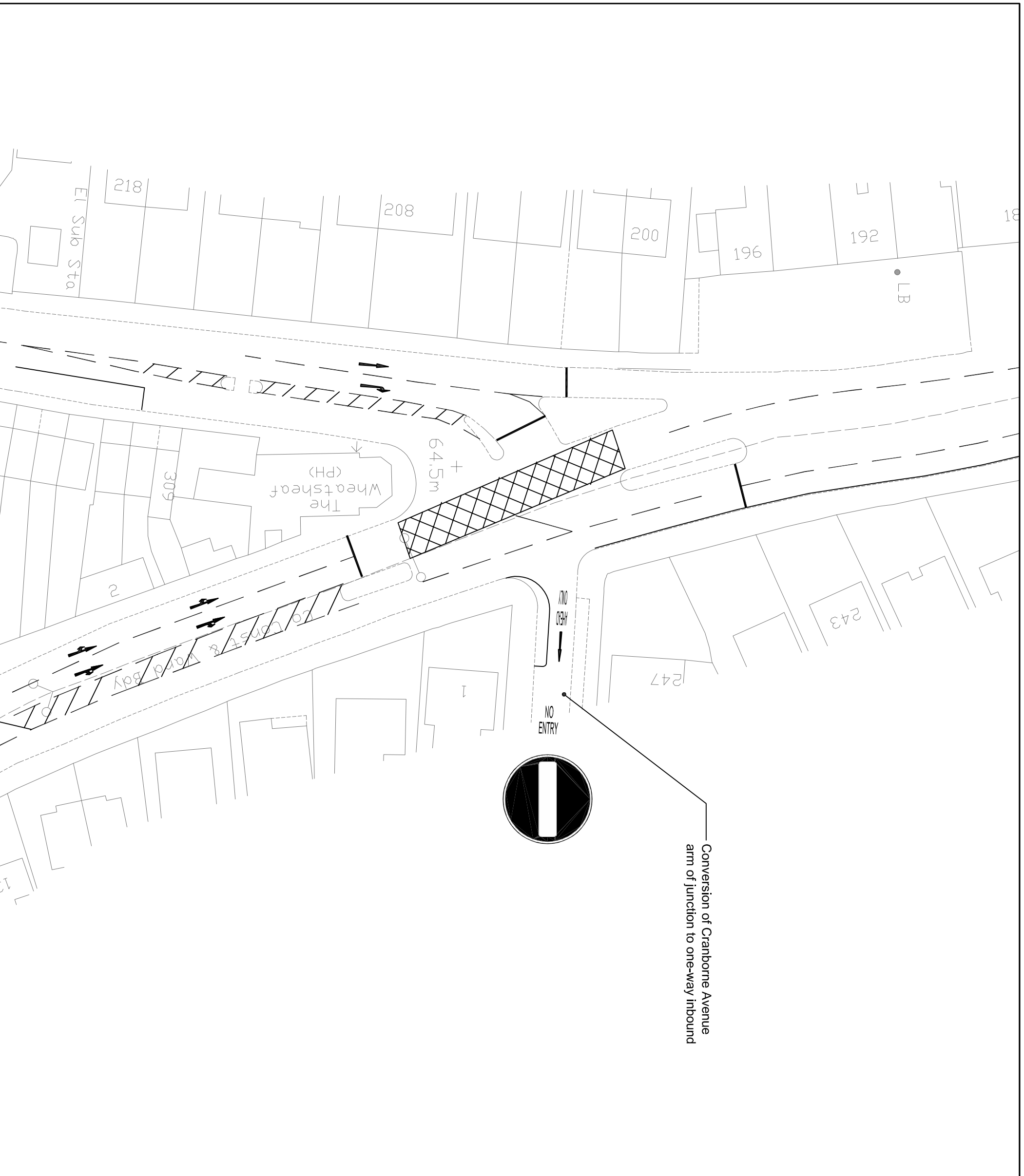


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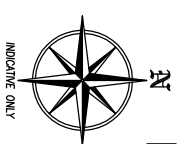


**G**

**APPENDIX**



Conversion of Cranborne Avenue  
arm of junction to one-way inbound



DO NOT SCALE

INDICATE ONLY

REV	DATE	BY	DESCRIPTION	CHK	APD
P1	03.09.16	SS	First Issue	JL	JL

client  
WARD HOMES

project  
BOUGHTON LANE, LOOSE

title  
FEASIBILITY HIGHWAY LAYOUT  
A229 /A274/CRANBORNE AVENUE JUNCTION

project	rev
10560	P1

Drawn	Checked	Approved	scale @ A3	date
SS	JL	JL	1:500	03.09.16

status  
FOR INFORMATION  
P



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CAD Reference: A3

**4**

**APPENDIX**





SCHOOL

SCHOOL



FIVE  
ACRE  
WOOD

SPORTS  
GROUND

P.O.S.

P.O.S.

P.O.S.

FOOTPATH  
LINK

BOUGHTON LANE

BOLLARDED  
EMERGENCY  
LINK

FOOTPATH  
LINK

FEASIBILITY LAYOUT  
BOUGHTON LANE, MAIDSTONE  
KENT  
SCALE : 1:1000  
DATE : 16.08.2016



**5**

**APPENDIX**

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 01/05/2015

**Before:**

**MR JUSTICE HOLGATE**

**Between:**

**WOODCOCK HOLDINGS LIMITED**

**Claimant**

**- and -**

**SECRETARY OF STATE FOR COMMUNITIES  
AND LOCAL GOVERNMENT**

**First  
Defendant**

**MID-SUSSEX DISTRICT COUNCIL**

**Second  
Defendant**

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-----  
**Christopher Boyle Q.C. (instructed by Russell-Cooke LLP) for the Claimant**  
**Richard Honey (instructed by The Treasury Solicitor) for the Defendant**

Hearing dates: 25th and 26th February  
-----

**Judgment**

**Mr. Justice Holgate:**

**Introduction**

1. The Claimant, Woodcock Holdings Limited, challenges under section 288 of the Town and Country Planning Act 1990 ("TCPA 1990") the decision of the First Defendant, the Secretary of State for Communities and Local Government, dated 4 September 2014 to dismiss its appeal against the refusal by the Second Defendant, Mid-Sussex District Council ("the Council"), of outline planning permission for 120 dwellings, community facility/office space, care home and retail units, at Kingsland Laines, Reeds Lane/London Road, Sayers Common, West Sussex.
2. The Claimant's appeal was heard by an Inspector at a planning inquiry between 8 and 11 October 2013. Originally, the Inspector was going to determine the matter. However, by a letter to the parties from the Planning Inspectorate ("PINS") dated 1 November 2013, the Secretary of State directed that he would decide the appeal himself because it "involves proposals which raised important or novel issues of



development control, and/or legal difficulties”. The letter did not explain what those issues or *legal* difficulties might be.

3. The Inspector produced a report to the Secretary of State dated 6 January 2014 in which she firmly recommended that the appeal be allowed and planning permission granted subject to conditions. However, although in his decision letter<sup>1</sup> the Secretary of State agreed with the Inspector’s assessment of the merits of the proposal, he dismissed the appeal because the proposal conflicted with, and was premature in relation to, the emerging Hurstpierpoint and Sayers Common 2031 Neighbourhood Plan (“the Neighbourhood Plan”) prepared by Hurstpierpoint and Sayers Common Parish Council (“the Parish Council”).
4. The appeal site comprises 5.85 hectares of land on the north-western edge of Sayers Common. The southern part of the site contains a large detached house, Kingston Laines and its associated gardens and outbuildings, including stables. The remainder of the site comprises open fields used as paddocks and pasture (IR 2.2). The south western corner of the site abuts existing properties and a recreation ground. To the east, the site abuts residential properties and their gardens. To the west lies a wet woodland area and to the north open land rising in shallow terraces towards a former priory, now occupied by a “specialist education centre” (IR 2.3).

#### **The issues at the public inquiry into the appeal**

5. The Council refused the application on five grounds covering (1) the effect of the scheme on the setting of a Grade II listed building (a pair of semi-detached cottages known as Aymers and Sayers), (2) surface water drainage and flooding, (3) the sustainability of the location, (4) the impact of the proposal on highways and (5) the effect of the proposal upon local infrastructure, services and facilities.
6. By the time the inquiry opened, the Council had withdrawn reasons for refusal (3) to (5), including the objection to the sustainability of the location for housing (IR 1.5). The highway objection had been overcome as a result of additional survey work. The contributions from the development contained in a section 106 agreement removed the Council’s concerns over the sustainability of the location and effects upon local infrastructure and services (footnote 5 at IR 1.5). That agreement secured the contributions sought by the Council and West Sussex County Council in relation to matters such as education facilities, libraries, children’s play space, formal and informal sports facilities and community buildings. The contribution towards community buildings was to be used towards extending and improving the village hall or replacement facilities. The section 106 agreement also required 30% of the residential units to be provided as affordable housing according to a mix of tenure agreed with the Council (IR 11.9 to 11.13). The Inspector concluded that the contributions and obligations secured by the agreement complied with Regulation 122

---

<sup>1</sup> I will follow the convention of using the prefixes IR and DL to refer to paragraphs in the Inspector’s report and the Defendant’s decision letter respectively.

of the Community Infrastructure Levy Regulations 2010 (SI 2010 No. 948) (IR 11.16). The Defendant accepted that conclusion (DL 18).

7. Accordingly, at the start of the inquiry the Council was relying upon only the first two of its reasons for refusal, the listed building and drainage/flooding issues. It was represented by Counsel and called two experts on these subjects. However, following cross-examination, the Council confirmed that it was no longer pursuing its opposition in relation to either matter and no longer opposed the grant of planning permission (IR 1.5).
8. Consequently, opposition to the scheme at the inquiry was led by the Parish Council, supported by a number of local residents. The Parish Council's case was set out in section 7 of the Inspector's report. In summary, its main objections concerned effect upon the setting of the listed building, the non-sustainability of the location owing to the inadequate range of services in the village and nearby, and adverse effect upon the character of the settlement. The Parish Council also relied upon its draft Neighbourhood Plan (IR 4.13, 8.27 and 9.1).
9. The Inspector's summary of the Statement of Common Ground agreed between the Claimant and the District Council (IR 5.1) included the following important points which supported the appeal:
  - (i) The Council is unable to demonstrate a five year supply of housing land, the agreed supply lying between 1.82 and 2.35 years;
  - (ii) There is a demonstrable housing need within the Parish;
  - (iii) The site can be drained satisfactorily and will not be at risk of flooding or increase the risk of flooding elsewhere;
  - (iv) "The site is in a sustainable location for housing, with good access to a range of local facilities and services". The section 106 agreement had addressed the Council's concern;
  - (v) "Although the development would encroach into countryside on the edge of the village, the site is well contained and there would be no unacceptable landscape or visual impacts";
  - (vi) "The proposed residential density of 25 dwellings per hectare is appropriate, given the surrounding pattern of development";
  - (vii) "Taking account of the proposed community and retail facilities proposed, the level of development is appropriate in the context of the village of Sayers Common";
  - (viii) Subject to the planning obligation, the appeal scheme would deliver all necessary infrastructure.
10. In paragraph 4.15 of the Statement of Common Ground it was also agreed that:-

"It is common ground that only limited weight can be attributed to [the draft Neighbourhood Plan], as it has not been examined or subject to referendum

(likely to be Autumn 2013), and it maybe subject to considerable change. Consequently, at this time the appeal proposal must be assessed against the Development Plan and relevant material planning considerations, including the Council's lack of a five year housing land supply of deliverable housing sites."

In IR 12.46 the Inspector concluded that, applying the principles in paragraph 216 of the National Planning Policy Framework, "relatively limited weight can be given to the [draft Neighbourhood Plan], since its adoption process still has quite a way to go, and it could be that its policies change along the way" (see also IR 4.13 to like effect).

### **The procedure followed between the inquiry and the decision letter**

11. In view of the Council's withdrawal of its objections to the proposal and its substantial agreement with the merits of the scheme, the Defendant's letter of 1 November 2013 recovering the determination of the appeal from the Inspector, came as a surprise to the Claimant. The planning consultant acting for the Claimant, Mr. Tim Rodway, sent an email to PINS asking why the Defendant had recovered the appeal for his own determination.
12. The reply from PINS dated 19 November 2013 merely stated that "the important and novel issue of development control is the interaction of the appeal with the emerging neighbourhood plan for Hurstpierpoint which is at a relatively advanced stage." On 22 November 2013 PINS announced that the Defendant would issue his decision letter by 8 April 2014.
13. On 22 November 2013 Mr. Rodway sent a further email stating that the proposal had not been refused on prematurity grounds and the main parties to the appeal had agreed that the principle of housing on the appeal site was acceptable, taking into account the lack of a 5 year housing land supply within Mid-Sussex District. He added that because the two site-specific objections had been resolved, the Council was no longer resisting the appeal.
14. On 6 March 2014 the Secretary of State published for the first time national Planning Practice Guidance ("PPG") to supplement the National Planning Policy Framework ("NPPF") which had been published on 27 March 2012. The PPG gave guidance on the subject of prematurity in relation to emerging development plans, including neighbourhood plans
15. It appears that in a letter to the parties dated 20 January 2014 (which is not before the Court) the Secretary of State announced that he would not determine the Claimant's appeal yet because he had decided to consider it alongside two other matters, a recovered appeal at Little Park Farm and Highfield Drive, Hurstpierpoint and a called-in planning application at College Lane, Hurstpierpoint. On 17 March 2014 the Secretary of State gave the Appellant, the Council, and the Parish Council an opportunity to make written representations on the effect of the new PPG on the Claimant's appeal.
16. Between 27 March and 7 April 2014 there followed an exchange of written representations by planning consultants acting on behalf of the Claimant and the Parish Council.

17. Eventually on 4 September 2014 the Secretary of State's issued his decision on the Claimant's appeal together with his decisions on the two other matters he had considered in tandem. All three cases were the subject of reports from the same Inspector and decision letters prepared by the same officer. The Secretary of State accepted the Inspector's recommendation to reject the proposal for 81 houses on the site at College Lane, Hurstpierpoint, not only because of unacceptable impact on a Local Gap designated in the Mid Sussex Local Plan and consequent lack of sustainability (DL 21), but also prematurity in relation to the draft Neighbourhood Plan. On the proposal for 157 houses at Little Park Farm and Highfield Drive, Hurstpierpoint, the Defendant decided to grant permission, relying upon the allocation of those sites in the draft Neighbourhood Plan and also stating that the development was sustainable (DL 18, 21 and 23).

### **Planning Policies**

#### *National Planning Policy Framework*

18. In order to "boost significantly the supply of housing" local planning authorities are required by paragraph 47 of the NPPF to "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%....to ensure choice and competition in the market for land."

19. Paragraph 49 provides:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

20. The presumption in favour of sustainable development is contained in paragraph 14:-

"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this

Framework taken as a whole; or

– specific policies in this Framework indicate development should be restricted.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.”

21. So where a local planning authority cannot demonstrate a five year supply of housing land, policies “for the supply of housing” are treated as being out of date, so that the presumption in favour of sustainable development in paragraph 14 is engaged. Mr. Honey for the Secretary of State accepted that the trigger in paragraph 49 applies just as much to “housing supply policies” in a neighbourhood plan which has been “made” (i.e. formally adopted) as to other types of statutory development plan. In my judgment that must be correct.

22. In this context paragraph 12 of the NPPF should be noted:-

“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”

23. Paragraph 17 of the NPPF sets out twelve “core land-use planning principles”, the first of which requires that planning should:-

“be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”

The third core principle requires planning to:-

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”

24. Mr. Honey emphasised those parts of the NPPF which attach importance to neighbourhood plans and planning (e.g. paragraphs 183 to 185). Paragraph 198 provides that “where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”. However, the Secretary of State accepts through Mr. Honey, that paragraph 198 neither (a) gives enhanced status to neighbourhood plans as compared with other statutory development plans, nor (b) modifies the application of section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). Moreover, housing supply policies in neighbourhood plans are not exempted from the effect of paragraph 49 and the presumption in paragraph 14 of the NPPF (see paragraph 21 above).

25. Paragraph 216 of the NPPF deals with the weight which may be given to an emerging plan:-

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

#### *Planning Practice Guidance*

26. The PPG contains guidance on the circumstances in which it may be justifiable to refuse planning permission on the grounds of prematurity:-

“Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments

that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

27. The PPG addresses the question “Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?” as follows:-

“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan

- the emerging Local Plan
- the adopted development plan

with appropriate regard to national policy and guidance.”

28. The PPG also addresses the question “What weight can be given to an emerging neighbourhood plan when determining planning applications”:-

“Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority’s publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.”

*Ministerial Statement on Neighbourhood Planning published on 10 July 2014*

29. DL 7 mentioned the Ministerial Statement on Neighbourhood Planning. Having referred to the Government’s “clear policy intention when introducing neighbourhood planning...to provide a powerful set of tools for local people to ensure that they get the right types of development for their community”, the Statement explained that the Secretary of State “is therefore keen to give particular scrutiny to planning appeals in, or close to, neighbourhood plan areas to enable him to consider the extent to which the Government’s intentions are being achieved on the ground”. To that end, the Statement amended the Secretary of State’s criteria for considering the recovery of decisions on planning appeals, so as to include proposals for more than 10 dwellings in areas where a neighbourhood plan has either been submitted to the local planning authority or “made” (i.e. formally approved).
30. Mr. Honey did not suggest that the Ministerial Statement should be treated as representing a change in policy. It does not purport to alter the NPPF. Indeed, it reflects the language of the NPPF (e.g. paragraph 184). Plainly, the Statement merely sets out the policy background as part of the explanation for making a *procedural* change, namely to the criteria for recovery of decisions.



*Mid-Sussex Local Plan*

31. At the time of both the inquiry and the decision letter the statutory development plan comprised the “saved policies” of the Mid-Sussex Local Plan adopted in May 2004. The plan covered a period ending in 2006. The appeal site was located within a “Countryside Area of Development Restraint” to which policy C1 applied. The policy resists new development, subject to certain exceptions, in order to protect the countryside for its own sake. However, given the significant shortfall in the five year land supply, the Inspector concluded that policies for the supply of housing land in the local plan, including policy C1, had to be treated as out of date (IR 12.2). The Secretary of State agreed with that conclusion (DL8).
32. A policy which has the effect of restricting development in the countryside, including housing development, is a “housing supply policy” to which paragraph 49 of the NPPF may apply (see e.g. Cotswold D.C. v Secretary of State [2013] EWHC 3719 (Admin) para 72; South Northamptonshire Council v Secretary of State [2014] EWHC 573 (Admin) para 47; Hopkins Homes Ltd v Secretary of State [2015] EWHC 132 (Admin) para 38). As Ouseley J held in the South Northamptonshire case, policies which restrain development in certain areas are the “obvious counterparts” to policies designed to provide for an appropriate distribution and location of development elsewhere within the plan area.

*Draft Mid-Sussex District Plan*

33. On 24 July 2013 the Council submitted the Draft Mid-Sussex District (running up to 2031) for examination by an Inspector appointed by the Secretary of State. However, on 2 December 2013 the examining Inspector issued a letter criticising the evidence base for the draft plan and recommended the plan’s withdrawal because it was likely to be found “unsound”. The Council formally withdrew the plan on 27 May 2014.

*Hurstpierpoint and Sayers Common 2031 Neighbourhood Plan*

34. At the time of the inquiry into the Claimant’s appeal, a draft of the Neighbourhood Plan had been published by the Council for consultation ending on 20 May 2013. Subsequently, in March 2014 the “submission” version of the plan was submitted to the local planning authorities for “examination” and further public consultation took place in April. The Examiner did not consider it necessary to hold a hearing into the draft plan. His report was issued on 23 September 2014 and therefore could not be taken into account by the Secretary of State in his decision letter of 4 September 2014. The District Council accepted the Examiner’s recommendations and a statutory referendum was held on 12 February 2015. As a result the District Council formally “made” the Neighbourhood Plan, at which point it became part of the statutory development plan. Thus, the outcome of the examination process was unknown when the decision on the appeal was made.
35. A copy of the submission draft of the neighbourhood plan was provided to the Secretary of State during the representations made in the spring of 2014. The plan’s “vision statement” and objectives placed emphasis upon “keeping the village feel and sense of place” (page 4). Basing themselves upon a study undertaken by the District Council in October 2011, the Parish Council’s plan estimated that within the parish

between 140 and 395 new houses would need to be built, and opted for a target “in the higher end of this range” (page 12).

36. Paragraph 5.3 of the submission draft plan (2014) referred to an appraisal of 25 housing sites carried out for the Parish Council. As a result, policy H3 of the plan proposed four specific sites in Hurstpierpoint for 252 houses in total. The 2014 draft acknowledged that planning permission had already been granted for 95 houses on two of those sites at Chalkers Lane, even though the 2013 draft of the neighbourhood plan had proposed only 65 houses on those sites. The draft allocations for Hurstpierpoint also included 17 houses at Highfield Drive and 140 houses at Little Park (see paragraph 17 above). Neither when the Secretary of State granted permission on 4 September 2014 for the Highfield Drive/Little Park sites, nor when the Chalkers Lane sites were permitted, does it appear that prematurity in relation to the neighbourhood plan process was of any concern. By the time the Examiner came to issue his report to the District Council on 23 September 2014, the “draft” allocations for 252 dwellings in Hurstpierpoint were all a *fait accompli* because they had all been granted planning permission. In particular, the Defendant granted permission for 157 dwellings, or about 62% of the Hurstpierpoint total, in a decision issued on the same day as his dismissal of refuse the Claimant’s appeal for 120 units at Sayers Common on the grounds of prematurity, notwithstanding that there had been objections to the allocation of the Hurstfieldpoint sites (see paragraph 45(ii) below).
37. For Sayers Common paragraph 5.3 of the 2014 draft plan stated “no sites identified but allow for 30 to 40” (this was also reflected in draft policy H 4).
38. Accordingly, the 2014 draft plan provided a total of between 282 and 292 houses for the parish during the period to 2031. As Mr. Boyle QC for the Claimant pointed out, if 120 houses were to be provided in Sayers Common, rather than 30 or 40, the total number of new dwellings within the parish would amount to 372, still below the upper estimate in the draft plan that up to 395 new dwellings would be needed for the parish.
39. Policy H1 sets out criteria for the location of housing development in Hurstpierpoint. Policy H2 did likewise for Sayers Common by providing that new housing development “will be permitted in areas which: (a) positively enhance the existing settlement pattern of the village and (b) can enhance the flood and drainage management in the village”. Policy 3 allocated housing sites in Hurstfieldpoint.
40. Policy H4 of the submission draft of the neighbourhood plan dealt with housing provision in Sayers Common as follows:-

“New housing at Sayers Common will be permitted once the existing drainage infrastructure issues have been resolved to remove the incidence of localised flooding. Within the Plan period the village will accommodate 30 to 40 new homes. A review and appraisal of deliverable housing sites will be undertaken at an early stage in the Plan period.”

Thus, the 2014 draft of the Neighbourhood Plan recognised that the policy for Sayers Common would need to be reviewed in the relatively near future even if the plan were to be formally approved.

41. Mr. Honey drew attention to pages 13 - 14 and paragraphs 5.2 and 5.4 of the draft submission version of the neighbourhood plan explaining the rationale for the Parish Council's approach to the scale and distribution of housing in the parish. In particular, it was stated that any new development in Sayers Common would have to take into account constraints affecting local services, such as schools, shops, healthcare and transport connections. Development in the village was also said to be constrained by the inadequate capacity of the wastewater and surface water drainage system and the need for highway improvements.
42. Virtually all of the land outside the current built up area of Sayers Common lies within areas to which either policy C1 or C3 of the draft neighbourhood plan applies. Policy C3 protects defined local gaps. The Claimant's site was subject not to Policy C3 but to Policy C1 which provides:-
- “Development, including formal sports and recreation areas, will be permitted in the countryside, defined as the areas outside the built-up boundaries on the Policies Maps, where:
- It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;
  - It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;
  - It is supported by a specific policy reference elsewhere in this Plan.”
43. Mr. Honey accepted that if paragraph 49 of the NPPF is interpreted as applying to draft as well as adopted development plans, policy C1 of the neighbourhood plan should have been treated in the decision as a “housing supply policy”, along with policies H1 to H4.
44. The scale and distribution of housing in the draft neighbourhood plan was the subject of objections, which were summarised in the “Consultation Statement” on the 2013 draft of the neighbourhood plan. The Parish Council sent that document to the Secretary of State as part of its post-inquiry representations. The 2013 draft plan had proposed a distribution of housing within the parish broadly similar to that contained in the 2014 draft. Policy H1 set a housing target of 230 to 255 new homes for the parish overall, with most of the allocations being proposed at Hurstpierpoint and only 30 to 40 dwellings at Sayers Common without identifying any allocations (policy H7).
45. In summary, the objections to the draft neighbourhood plan included the following points:-
- (i) The Claimant contended that the housing figure for the parish should be “revised upwards sharply to ensure that it covers a 20 year period”. It explained why constraints to development in Sayers Common would be resolved by the Claimant's appeal proposal and therefore did not justify the proposed cap on development. There was an identified housing need within the parish (at the time of the appeal 45 households on the District Council's

housing register with connections to Sayers Common and 214 households for Hurstpierpoint). Sayers Common could accept up to 120 houses;

- (ii) Thakeham Homes contended that the neighbourhood plan should not be based upon the figures produced by the District Council to which there was a large level of objection. The future housing need figures in the neighbourhood plan were flawed and did not take account of projected household growth. A study produced by consultants indicated a minimum requirement of 700 dwellings for the parish. Objections were made to the proposed allocations at Hurstpierpoint, namely Chalkers Lane, Highfield Drive and Little Park;
  - (iii) Rydon Homes submitted that the plan's proposed allocation of new housing should be considered a minimum figure and there should be flexibility to accommodate extensions shown to be sustainable.
46. In relation to Sayers Common, the Parish Council responded in paragraph 8.58 of the Consultation Statement that policy H4 of the submission draft of the neighbourhood plan reflected the same housing numbers as in policy H7 of the 2013 draft, but sites had not been identified owing "to infrastructure issues in the village, notably drainage and surface water flooding". Paragraph 8.59 referred to the need to address "sustainability issues for the village".
47. In response to the Secretary of State's invitation of 17 March 2014, the Claimant and the Parish Council made representations on the draft neighbourhood plan and the weight to be attached to it in the light of the PPG. In its representations the Claimant submitted (in summary):-
- (i) When determining the weight to be given to the neighbourhood plan it was relevant for the Secretary of State to consider not only the stage reached by the plan but also the extent to which there were unresolved objections and conflict with policies of the NPPF. Accordingly, the Claimant contended that no weight should be given to the draft plans;
  - (ii) In the absence of an up-to-date strategic housing policy for the District Council's area, "the neighbourhood plan has no adopted housing policy to conform with". The Claimant relied upon the recommendation of the Examiner into another neighbourhood plan within Mid-Sussex (Slaugham), namely that in the absence of strategic housing policies it would be useful for the parish to make an "objective assessment" of their housing needs. Hurstpierpoint and Sayers Common Parish Council had not made any such assessment;
  - (iii) The proposal in policy H4 of the neighbourhood plan to provide a maximum of only 30 to 40 new homes in Sayers Common conflicted with the "flexibility" required by the NPPF, especially in the absence of an objective assessment of housing needs (relying upon the Examiner's Report on the Slaugham plan);
  - (iv) In the absence of strategic housing numbers or an objective assessment of housing need for the parish, the draft plan should not determine the number of new homes for the parish overall and new housing in Sayers Common should

not be capped at 30 – 40 dwellings (following the approach taken on the Ascot, Sunninghill and Sunningdale Neighbourhood Plan);

- (v) The Claimant’s objections to the neighbourhood plan had explained that the appeal proposal would overcome the infrastructure constraints for Sayers Common and that there was no justification for the cap.

48. In its representations to the Secretary of State the Parish Council submitted (in summary):-

- (i) The draft neighbourhood plan should carry “significant weight” “having regard to the advanced progress of the Neighbourhood Plan”. The Consultation Statement showed there to be general support for the plan and “very few areas of objection”;
- (ii) The proposal to provide 282-292 new homes within the parish between 2011 to 2031 represented a significant contribution to sustainable development, both in real terms and relative to the size of the parish;
- (iii) Delivery would best be achieved by the identification of sites primarily in and around Hurstpierpoint and “a non-site specific allocation of some 30 – 40 dwellings in Sayers Common”. This would strike the appropriate balance for sustainable development;
- (iv) The appeal proposal conflicted with policies C1, H1 and H4 of the draft neighbourhood plan because it proposed substantially more than the 30 or 40 dwellings laid down in the draft plan for Sayers Common in order to protect the environmental character and feel of the village. This conflict significantly weighed against the proposal.

49. It is apparent from paragraphs 47 and 48 above that there was a head-on conflict between the Parish Council and the Claimant (and other developers) as to the approach which the plan should take to the distribution of development at Hurstpierpoint and in particular at Sayers Common. As to the latter, there was an issue as to whether the proposed allocation of 30 – 40 dwellings should be regarded as a cap, which if substantially exceeded would result in harm to the character of the village. It is therefore plain that the significance of the outstanding objections to the draft plan was a substantial issue before the Secretary of State in the appeal.

### **Inspector’s Report and the decision letter on the planning appeal**

50. The Inspector’s conclusions may be summarised as follows:-

- (i) The main consideration in the appeal was whether the proposal constituted sustainable development for the purposes of the NPPF (IR 12.3);
- (ii) The appeal site is for the most part visually enclosed (IR 12.4). The effect on the landscape character would be moderate/minor, which would be acceptable in planning terms (IR 12.5);
- (iii) The proposed density of 25 dwellings per hectare is appropriate, given the surrounding pattern of development. The care/nursing home and community

hall buildings, although larger structures, need not undermine the established character and appearance of the area, subject to control of the detailed design (IR 12.6);

- (iv) Any impact on character and appearance of the area in general would be more than compensated for by the proposed new planting (IR 12.7);
- (v) The proposed development would not undermine the significance of the listed building (IR 12.16). The proposal would not affect any historic component of the setting of the listed building. Any harm to the listed building would be less than substantial (IR 12.18);
- (vi) The proposed land drainage system would be effective to overcome flooding and drainage problems at the site and would be likely to help address flooding problems experienced on adjoining sites (IR 12.25);
- (vii) The proposed access arrangements and effects on highway safety would be acceptable (IR 12.27 to 12.29);
- (viii) Residents of Sayers Common have access to a reasonable range of services and facilities. It would be appropriate to permit further development at the village, there being a range of services and facilities to support an increased population and also because the development would have the potential to help maintain the viability of those services and facilities (IR 12.41). The District Council's Rural Issues Background Paper (2009) identified Sayers Common as being suitable for 30 - 100 dwellings over the plan period, with the potential to accommodate development closer to the higher figure. The 2009 Paper also stated that future development could generate sufficient demand for a local shop to become viable and thus to create a more distinct centre allowing the village to become more self-sufficient (IR 12.42).
- (ix) The locational characteristics of the site are acceptable as regards accessibility to local services and facilities. The site would contribute economic growth in the area by providing much needed market and affordable housing against the background of the shortfall in the five year land supply. The proposal accords with the objectives in the NPPF of securing economic growth and boosting the supply of housing (IR13.1). The scheme would not have a significant adverse effect on the character and appearance of the area and could be adequately drained, without increasing flood risk elsewhere (IR 13.2). The less than substantial harm to the listed building is clearly outweighed by the timely public benefit of providing much needed housing (IR 13.3).
- (x) As to paragraph 216 of the NPPF, only "relatively limited weight" could be given to the draft neighbourhood plan, given that there was some way to go before adoption and policies could change (IR 12.46);
- (xi) The scheme would represent a sustainable form of development in economic, social and environment terms. There was a compelling case for releasing the site for the proposed development (IR 13.4).

51. In my judgment each of the matters of common ground between the Council and the Claimant summarised in IR 5.1 and set out in paragraph 9 above, were obviously important to the determination of the appeal. It follows that although the Secretary of State was not obliged in his decision to follow all or any of those points, nevertheless if he was going to disagree materially with any such matter, he would have been obliged to say so and explain why he took a different view. But the Secretary of State did not do that. Instead, in his decision letter the Secretary of State expressly endorsed points (i) to (ix) from the Inspector's Report summarised in paragraph 50 above (DL8 to DL13). In DL 8 to 13 and 19 the Secretary of State explicitly agreed with IR 12.2 to 12.42 and 13.2 to 13.3 (the reference in DL 10 to IR 13.2 must have been intended to read IR 13.3 given the text which follows). It is clear from the references given above and from the opening text of DL 19 that the Secretary of State agreed with the thrust of IR 13.1
52. Thus it is plain beyond argument that the Secretary of State agreed with the entirety of the Inspector's reasoning as to why the location for the development proposed is sustainable in all relevant respects, and not merely in terms of accessibility (DL 9, 13, 18 and 19). The sole reason given for the Secretary of State's disagreement with his Inspector's recommendation to grant planning permission was that the proposal conflicted with the emerging neighbourhood plan and was premature in relation to that plan. The whole of the Secretary of State's reasoning on this aspect, including his reaction, if any, to the representations responding to his letter to the parties dated 17 March 2014, is contained in DL 14 to 16 and DL 19, which read as follows:-

“14. The Secretary of State has given careful consideration to the Inspector's description of the relationship between the NP and the appeal proposal at IR12.44-12.46, including policy H7 of the emerging NP which indicated that new housing at Sayers Common will only be permitted once the existing drainage infrastructure issues have been resolved and that the village might accommodate 30-40 new homes (IR12.44).

15. The Secretary of State has also taken account of the fact that, since the Inspector wrote her Report, substantial progress has been made in respect of the emerging NP, which has now been submitted to the Council for examination. Therefore, although the NP has yet to complete its assessment by an independent examiner and, if approved, be put to public referendum, the terms of the Framework and the guidance mean that it can now be given more weight than when the Inspector was considering it (IR 12.46)

16. Although the Inspector goes on to point out that the NP will need to be in conformity with the development plan and should not promote less development than is required to meet the housing needs of the area, the Secretary of State considers it appropriate (as stated in the Written Ministerial Statement of 10 July 2014 – referred to in paragraph 7 above) to give local people an opportunity to ensure they get the right types of development needs. The Secretary of State has therefore given significant weight to the fact that the emerging NP has

identified housing allocations elsewhere within the NP area and that the Council has yet to complete an up-to-date objectively assessed housing needs analysis against which to measure the overall NP proposals. In the light of these, he considers it appropriate, as things currently stand, to tip the planning balance in favour of the emerging NP proposals, while accepting that these may need to be revisited in due course.

....

19. Overall, while the Secretary of State agrees with the Inspector that the appeal site is acceptable in terms of its locational characteristics and economic growth and, in principle, in boosting significantly the supply of housing, he also gives significant weight to the stage reached by the emerging NP which does not identify the site for this purpose. Therefore, while he appreciates that the remaining stages through which the NP has to pass may show that more land needs to be allocated, he considers that it would be inappropriate to prejudice that at this stage.”

53. Reading the decision letter as a whole, the Secretary of State’s reasoning was as follows:-

- (i) Taking into account the section 106 obligation, the appeal proposed the development of 120 houses in a sustainable location with good access to a range of local facilities and services. The obligation would deliver all necessary infrastructure and overcome any drainage issues;
- (ii) The proposed encroachment into the countryside was acceptable. Any impact on the character and appearance of the area would be more than compensated for by the proposed new planting;
- (iii) The proposed development density of 25 dwellings per hectare was appropriate to the pattern of the existing surrounding development. The level of development proposed was appropriate in the context of Sayers Common;
- (iv) The proposal accorded with two principal thrusts of the NPPF, boosting significantly housing supply and securing economic growth;
- (v) But given the stage it had reached, significant weight should be given to the draft neighbourhood plan and its identification of housing allocations elsewhere within the parish and to the fact that “the [District] Council has yet to complete an up-to-date objectively assessed housing needs analysis against which to measure the overall [Neighbourhood Plan] proposals”. “In the light of *these*, he considers it appropriate, as things currently stand, *to tip the planning balance in favour of the emerging [Neighbourhood Plan] proposals*, whilst accepting that these may need to be revisited in due course” (emphasis added). Significant weight should be given to the fact that the plan did not identify the appeal site for housing, whilst appreciating “that the remaining stages through which the [Neighbourhood Plan] has to pass may show that



more land needs to be allocated”. That was a matter which should not be prejudged in the determination of the appeal.

### **Relevant Legal Principles**

#### *Development Plans*

54. Section 70(2) of the 1990 Act provides that when dealing with a planning application a planning authority must have regard to those provisions of the development plan which are relevant to that application along with “any other material considerations”. By section 38(6) of the 2004 Act such a “determination must be made in accordance with the [development] plan unless material considerations indicate otherwise.”
55. Section 38(3) of the 2004 Act provides that the “development plan” comprises “the development plan documents (taken as a whole) which have been adopted or approved in relation to that area” and “the neighbourhood development plans which have been made in relation to that area”. The “development plan documents” comprise the local planning authority’s “local development documents” setting out its policies for the development and use of land in its area and specified as development plan documents in its “local development scheme” (sections 15, 17 and 37(1) to (3)).

#### *Neighbourhood Plans*

56. Sections 38A to 38C of the 2004 Act provide for the making and content of neighbourhood plans. Sections 38A(3) and 38C(5) and Schedule 4B (of the 1990 Act as modified) govern the process by which such plans are prepared and ultimately brought into force. The Examiner must consider whether the “basic conditions” in paragraph 8(2) of schedule 4B are met (paragraph 8(1)). In that regard he or she must be satisfied (inter alia) that it is appropriate to make the plan “having regard to” national policies, and that the plan contributes to the achievement of sustainable development and is “in general conformity with the strategic policies” of the development plan. Paragraph 8(6) of schedule 4B prevents the Examiner from considering any matters falling outside paragraph 8(1) (apart from compatibility with Convention rights).
57. Thus, in contrast to the Examination of a development plan document, the remit of an Examiner dealing with a neighbourhood plan does not include the requirement to consider whether that plan is “sound” (cf. section 20(5)(b) of the 2004 Act). So the requirements of “soundness” contained in paragraph 182 of the NPPF do not apply to a neighbourhood plan. Accordingly, there is no need to consider whether a neighbourhood plan is based upon a *strategy* prepared to meet objectively assessed development and infrastructure requirements, or whether it represents the most appropriate strategy considered against reasonable alternatives and is based upon proportionate evidence (see also paragraph 055 of the Planning Practice Guidance).
58. The Planning Practice Guidance (in the version dated 6 March 2014) adds that a neighbourhood plan “must not constrain the delivery of important national policy objectives” (paragraph 069). Presumably that would include the twelve core principles set out in paragraph 17 of the NPPF in so far as they are relevant to a particular plan (see paragraph 23 above).

59. The purpose and scope of the neighbourhood plan process was considered by Supperstone J in BDW Trading Limited v Cheshire West and Cheshire Borough Council [2014] EWHC 1470 (Admin). His judgment was handed down on 9 May 2014, well before the decision letter in the present case.
60. In BDW the Claimant challenged the examination of a draft neighbourhood plan which contained a policy limiting the size of new housing sites within or adjacent to a particular settlement to 30 homes. The criticisms included a failure to consider whether constraint policies in the draft plan were compatible with the NPPF (in particular paragraph 47), a failure to address the absence of up-to-date strategic housing policies in a local plan, and a failure to consider whether there was a proper evidential basis to support the draft policy (see paragraphs 78 to 80 of the judgment). The challenge failed.
61. Supperstone J decided that the criticisms failed to appreciate the limited role of the examination of a neighbourhood plan, namely, to consider whether the “basic conditions had been met”. He held that the Examiner had been entitled to conclude that the draft plan had regard to the NPPF because the need to plan positively for growth was acknowledged and the relevant policy did *not place a limit on the total amount* of housing to be built (paragraphs 33 and 81 of judgment).
62. In addition the Judge held:-
- (i) The basic condition in paragraph 8(2)(e) only requires the Examiner to consider whether the draft neighbourhood plan *as a whole* is in general conformity with the adopted development plan *as a whole*. Whether there is a tension between one policy of the neighbourhood plan and one element of the local plan is *not* a matter for the Examiner to determine (paragraph 82);
  - (ii) The Examiner was not obliged to consider the wider ramifications of the draft policy upon the delivery of housing. The limited role of an Examiner to have regard to national policy when considering a draft policy applicable to a small geographical area should not be confused with the more investigative scrutiny required by the 2004 Act in order for an Inspector examining a draft local plan to determine whether such a plan is “sound” (see sections 20(7) to (7C) and 23 of the 2004 Act) (paragraph 83 of the judgment);
  - (iii) Whereas under paragraph 182 of the NPPF a local plan needs to be “consistent with national policy”, an Examiner of a neighbourhood plan has a *discretion* to determine whether it is *appropriate* that the plan should proceed *having regard to* national policy (paragraph 84);
  - (iv) The Examiner of a neighbourhood plan does not consider whether that plan is “justified” in the sense used in paragraph 182 of the NPPF. In other words, the Examiner does not have to consider whether a draft policy is supported by a “proportionate evidence base” (paragraph 85).

To some extent the principles set out above are reflected in the Secretary of State’s PPG. It is to be assumed that those principles were well-known to him when he reached his decision in the present case on 4 September 2014 (see e.g. Bloor Homes

East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWCH 754 (Admin) at paragraph 19(6)).

63. In Gladman Developments Ltd v Aylesbury Vale District Council [2014] EWHC 4323 (Admin) the Claimant challenged a decision to “make” a neighbourhood plan essentially on the grounds that it was *legally* impermissible for a neighbourhood plan to include policies for the allocation of housing sites and the delineation of settlement boundaries at a time when the local planning authority had not adopted a local plan containing strategic housing policies to meet the objectively assessed housing needs of the district. The challenge failed. Lewis J held:-
- (i) Paragraph 8(2)(e) of schedule 4B to the 1990 Act only requires general conformity with the strategic policies of the development if such policies exist. Where they do not, paragraph 8(2)(e) is not engaged, but that does not mean that a neighbourhood plan cannot be prepared and formally “made” (paragraphs 58 to 59 and 65 of the judgment);
  - (ii) If a local planning authority finds that housing needs in its area are not being met, it should review its development plan documents. Once adopted such policies prevail over any earlier neighbourhood plan inconsistent therewith (section 38(6) of the 2004 Act) (paragraph 66);
  - (iii) If a neighbourhood plan (or certain of its policies) becomes out of date, that may be a material consideration justifying departure from that plan and granting planning permission for development in breach of those policies (paragraph 67);
  - (iv) Although a neighbourhood plan may include policies on the location and use of land for housing (or other development) and may address local needs in its area, such policies should not be treated as “strategic policies” contained in a development plan document. The body responsible for a neighbourhood plan does not have the function of preparing strategic policies to meet the assessed development needs across a local plan area (paragraphs 73 to 78).
64. The judgment in Gladman was handed down on 18 December 2014. On 5 February 2015 Sullivan LJ granted leave to appeal on the basis that, even if the grounds of appeal did not have a real prospect of success, the proper interpretation of legislation and national policy governing the relationship between neighbourhood plans and development plan documents should be considered by the Court of Appeal as a matter of considerable public importance. Gladman was to have been heard together with an appeal from Larkfleet Homes Limited v Rutland County Council [2014] EWHC 4095 (Admin). But a consent order has been filed withdrawing the appeal in Gladman. In Larkfleet Collins J rejected a contention that the legislation on its true construction does not permit neighbourhood plans to make site allocations. This contention has not been advanced in the present case, but if the Court of Appeal were to accept it, then it would reinforce the conclusions to which I have come under grounds 1 and 2 below.

*The Court’s powers to quash*

65. Section 288 of the 1990 Act provides as follows:-

“(1) If any person –

(a).....

(b) is aggrieved by any action on the part of the Secretary of State to which this section applies and wishes to question the validity of that action on the grounds –

(i) that the action is not within the powers of this Act, or

(ii) that any of the relevant requirements have not been complied with in relation to that action,

He may make an application to the High Court under this section.

(2), (3), (4) .....

(5) On any application under this section the High Court –

(a) .....

(b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.”

66. The general principles by reference to which a Court may quash a decision of an Inspector or the Secretary of State are well-established. I gratefully adopt the summary given by Lindblom J at paragraph 19 of his judgment in Bloor Homes East Midlands Ltd (supra).

67. Mr. Honey adds that an adverse inference that a decision-maker misunderstood the materiality of a matter or failed to have regard to it, should only be drawn in relation to something which is a main issue and where all other known facts and circumstances appear to point overwhelmingly to a different conclusion (South Bucks District Council v Porter (No. 2) [2004] 1WLR 1953 para 34).

68. Mr Boyle QC’s oral submissions began with ground 4.

#### **Ground 4**

69. The Claimant challenges DL 16 and 19 in which the Defendant attached significant weight to the fact that the appeal site had not been identified for housing purposes in the draft neighbourhood plan which instead had “identified allocations elsewhere” (i.e. at Hurstpierpoint). Mr Boyle QC submitted that the Defendant failed to identify the nature and extent of any conflict with the plan properly interpreted. He said that the nature of any such conflict should be made sufficiently clear, partly so as to enable a fair-minded reader to see whether the policy in question had been properly understood. Because the decision turned upon the plan, Mr Boyle relied upon Tesco Stores Ltd v Dundee City Council [2012] PTSR 983 at paragraphs 17-22. The

interpretation of planning policy is matter of law and therefore a matter to be decided by the courts. He also relied upon Lord Reed's statement at paragraph 22:-

“Where it is concluded that the proposal is not in accordance with the development plan, it is necessary to understand the nature and extent of the departure from the plan which the grant of consent would involve in order to consider on a proper basis whether such a departure is justified by other material considerations.”

Although that statement was directed to conflict with a statutory development plan, there is no logical reason why the same approach should not also apply where conflict with a draft plan is relied upon as a “material consideration”.

70. Mr Boyle QC submitted that the decision letter simply focussed on the fact that the appeal site had not been identified or allocated in the draft plan for housing. But, whereas the draft plan had identified four specific sites in Hurstpierpoint, it had expressly refrained from identifying any sites at all in Sayers Common, but simply stated that 30-40 homes should be provided there (see e.g. paragraph 5.3 and Policy H4). Accordingly, he said that a proposal for say 30 houses (for example a smaller scheme on the appeal site itself) could not be in conflict with the draft plan on the grounds that the site had not been *identified* in that document. In the absence of any other conflict with the draft plan, a proposal for 30 houses which overcame the drainage and infrastructure issues would accord with the plan. Accordingly, it was submitted that the Defendant's reliance upon the non-identification of the appeal site in the draft plan involved a misinterpretation of the plan's policies.
71. Mr Boyle QC added that although it might have been said that the proposal conflicted with draft policy H4 because the *scale* of the appeal scheme for 120 houses was far in excess of the 30-40 dwellings proposed for Sayers Common as a whole, the Secretary of State did not expressly rely upon that point in his decision letter. Had he done so, the Secretary of State would have needed to weigh that conflict against his own clear conclusions that the appeal site was a sustainable location for housing, the infrastructure constraints affecting Sayers Common would be overcome by the appeal proposal, and the density and scale of the housing proposed was acceptable for Sayers Common (see paragraphs 51 – 53 above). If the neighbourhood plan had already been formally approved, the absence of any harm, including harm arising from conflict with policy H4, could result in planning permission being granted. The same approach would apply where a neighbourhood plan is in draft, subject to any separate, and properly justifiable, prematurity objection. In the present case the decision letter made no attempt to weigh the positive findings in support of the proposal against any complaint that its scale exceeded the 30-40 dwellings in draft policy H4.
72. Mr. Honey responded firstly that the Secretary of State's decision letter did not dismiss the appeal because of any conflict with the draft plan. Instead, he said that the sole reason for refusal had been the prematurity of the proposal in relation to that plan. The issue of “preaturity” is the subject of a separate challenge under ground 2.
73. I agree with Mr. Boyle QC that the Secretary of State dismissed the Claimant's appeal because of a combination of conflict with the policies of the emerging Neighbourhood

Plan and prematurity in relation to the examination of that plan. The appeal was not dismissed simply because of prematurity. Although the second sentence of DL19 relied upon prematurity to dismiss the appeal, it is plain that DL16 and the first sentence of DL19 also rejected the proposal because it had not been “identified” in the draft plan for release, in other words, because of a conflict with the draft neighbourhood plan.

74. Moreover, there is a second aspect of DL16 which makes it plain that the Secretary of State did not treat prematurity as the *sole* reason for dismissing the appeal. He decided that it was appropriate “to tip the planning balance in favour of the emerging neighbourhood plan proposals” “in the light of these [considerations]”. The matters to which he was referring included not only the identification of “housing allocations elsewhere” (i.e. at Hurstpierpoint) but also “the [District] Council has yet to complete an up-to-date objectively assessed housing needs analysis against which to measure the overall neighbourhood plan proposals”. It could not be suggested, and Mr. Honey did not attempt to do so, that this second factor had anything to do with a prematurity objection. Instead, it was a matter relied upon by the Secretary of State, like the non-identification of the appeal site, in order to give greater weight to his conclusion that the appeal proposals conflicted with the emerging neighbourhood plan.
75. It should also be remembered that the Secretary of State chose to determine the Claimant’s appeal alongside two other proposals. The Little Park Farm/Highfield Drive proposals were approved by the Secretary of State in part because the two sites had been allocated in the draft neighbourhood plan, a matter to which he attached “significant weight” (see DL 17 and 18). The Defendant did not raise prematurity as an issue in those appeals. However, the Secretary of State dismissed the Claimant’s appeal not only because of prematurity but also because the site had not been identified in the draft plan, a matter to which he gave “significant weight” once again. Therefore, an important distinction between the two decisions was that the appeal site had not been “identified” in the draft plan for release as a housing site whereas the other sites had, i.e. it was in conflict with that plan.
76. Secondly, Mr. Honey put forward an alternative argument in order to avoid the Claimant’s submission that the Defendant had misinterpreted the draft plan (the “non-identification of the appeal site” point – see paragraph 70 above). He submitted that it should be inferred that the Secretary of State treated the *scale* of the Claimant’s proposal as conflicting with the *distribution* of housing proposed in the draft neighbourhood plan, or the spatial strategy of the draft plan. In part he relied by analogy upon paragraphs 36, 44, 46 to 48, 51 and 53 of the judgment of Lindblom J in Crane v Secretary of State for Communities and Local Government [2015] EWHC 425 (Admin). In that case it was held, on a proper construction of the policies, that the Secretary of State had been entitled to conclude that a proposal for housing on an *unallocated* site was in conflict with an *approved* neighbourhood plan which contained *comprehensive site allocations* sufficient to meet the requirement set for that area in an adopted district-wide core strategy. Mr Honey submitted that the same approach should be adopted in the present case to the interpretation of the draft plan and thus to the decision letter.
77. The poor quality of the reasoning in the decision letter on this aspect, in contrast to the clear reasoning of the decision letter in Crane, is most regrettable, particularly in a case where the Defendant was differing from his Inspector on a critical issue to do

with planning policies, rather than, for example, aesthetic judgment. Nevertheless, I accept Mr Honey's second submission.

78. At first sight it would appear from DL 16 and DL 19 that the Secretary of State only had in mind the non-identification of the appeal site in the draft plan. But the statement in DL 19 that the examination of the draft plan might show that more land needs to be "allocated" indicates that what the Secretary of State in fact had in mind was the possibility that the scale of the housing proposed for Sayers Common might be increased. In addition, I explain below when dealing with ground 1 that the Defendant treated draft policy H4 as imposing a cap which would be breached by the appeal proposal. For these reasons I accept that, reading the decision letter as a whole and in the context of the materials before him, the Secretary of State decided that the proposal conflicted with the draft policy for Sayers Common, because the 120 houses proposed substantially exceeded the 30 – 40 dwellings identified in draft policy H4. The references to the non-identification of the appeal site in the draft plan were simply a clumsy way of expressing this point.
79. Although I accept that the approach taken in Crane to the construction of policy is analogous, it is also necessary to bear in mind for the remaining issues in this challenge, that there are some important differences between the two cases. In Crane the Secretary of State gave an explicit and detailed explanation as to why the proposal was in clear conflict with the *comprehensive* spatial strategy of the neighbourhood plan (see e.g. paragraphs 5, 7 - 8, 11, 13, 29 and 34 of the judgment). First, the neighbourhood plan contained allocations and not housing numbers without allocations. Second, those allocations met substantially more than the housing needs identified by the adopted core strategy for the area of the neighbourhood plan. Third, the documentation for the examination of the plan had explained why allocations to meet the requirements of the Core Strategy had been located on certain sites and others had been rejected. Mr. Crane's site had been considered to be remote from the village centre (paragraphs 33 and 34 of judgment). In the present case the draft neighbourhood plan did not propose any allocations at Sayers Common or discuss the relative merits of sites. It merely proposed, in the absence of a core strategy or even an up to date and objective assessment of housing needs, to cap the number of new dwellings for the village as a whole at 30 - 40.
80. Accordingly, I must reject Mr Boyle's first submission as summarised in paragraph 70 above. The Defendant did not misinterpret the draft plan by failing to appreciate that it contained no allocations of sites at Sayers Common. However, Mr. Honey's second submission (paragraph 76 above) does not overcome the flaw in the decision letter already identified in paragraph 71 of this judgment. The Secretary of State was obliged to weigh the conflict with the strategy in the draft plan, by virtue of the *scale* of the appeal proposal, against his positive findings that the proposal would give rise to no harm as regards *scale*, its effect on the character of the village, infrastructure requirements or other harm. The decision letter failed to carry out that exercise.
81. Moreover, the Defendant's decision is legally flawed in other respects. As referred to in paragraph 74 above, the Secretary of State decided to "tip the balance in favour of" the draft proposals in the neighbourhood plan as part of his reasoning for dismissing the appeal, because the District Council had yet to complete an up-to-date objectively assessed analysis of housing needs against which to measure those draft proposals. Although it had been held that a body preparing a neighbourhood plan does not have

the function of preparing strategic policies to meet assessed housing needs across a local plan area and need not be concerned with wider issues for the delivery of housing (paragraphs 62 and 63 above), it cannot follow that the absence of any objective assessment of housing needs at the district level could justify *increasing* the weight to be given to a draft neighbourhood plan. The lack of such an assessment was plainly irrelevant for that purpose. I do not intend any criticism of Mr. Honey when I say that he was unable to proffer any explanation for the Secretary of State's reliance in DL16 upon this factor.

82. The legal errors in the decision do not end there. In the Claimant's post-inquiry representations to the Secretary of State it was submitted that in the absence of any objective assessment of housing need, whether for the district or for the parish, the neighbourhood plan should not attempt to fix an overall quantum of new homes for the parish or Sayers Common, following the conclusions in the Examiner's Report into the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. It was said, therefore, that the amount of new housing in Sayers Common should not be capped at 30-40 dwellings (see paragraph 47(iv) above). That was a substantial point which the Secretary of State was obliged to deal with in the decision letter.
83. The Secretary of State's reliance in DL16 upon the lack of an objective assessment of housing need in order to *increase* the weight given to the draft plan only serves to demonstrate that he failed to take into account (let alone give reasons in relation to) the argument that there should not be any such cap. The Secretary of State's submission that he treated the appeal proposal as conflicting with the distribution of housing in policies H3 and H4 of the draft plan reinforces this point. Plainly, the Secretary of State failed to give any consideration to the merits of the Claimant's proposal in the light of all of his conclusions in favour of granting permission, but on the basis that the cap in policy H4 was liable to be removed.
84. For these reasons, ground 4 succeeds and the decision must be quashed, in summary, for each of the following separate reasons. First, the Defendant treated the proposal as being in conflict with the *scale* of housing proposed in the draft plan for Sayers Common, but he failed to weigh that conclusion against his findings that the scale and density of the proposal are acceptable for the village, the location is sustainable and the proposal would overcome any infrastructure constraints. Second, and in any event, the Secretary of State decided to *increase* the weight given to the policies in the draft plan because of an immaterial consideration, namely the lack of any up-to-date objective assessment of housing needs against which to measure the proposals in that plan. Third, the Secretary of State failed to take into account, alternatively to give any reasons in relation to, the Claimant's case that the weight to be attached to policy H4 of the draft plan should be reduced because it imposed a cap on housing at Sayers Common despite the absence of an up-to-date objective assessment of housing needs.
85. Mr. Honey accepted very fairly that if the Court should conclude that either grounds 3 or 4 are made out, it would be inappropriate to ask for the Court's discretion to be exercised against the quashing of the decision.

### **Ground 3**

86. It is common ground that policies C1 and H1 to H4 of the neighbourhood plan represent "housing supply policies" for the purposes of paragraph 49 of the NPPF (see



paragraphs 32 and 43 above). Accordingly, there is no dispute that if at the date when that plan formally became part of the statutory development plan (19 March 2015) a 5 year supply of housing land could not be shown, (a) those policies would then be treated as out of date and (b) the presumption in paragraph 14 of the NPPF would apply to a decision at that stage whether to grant planning permission.

87. In Crane Lindblom J held (paragraph 71) that in such a situation the NPPF does not prescribe the weight to be given to “out of date policies”. As he pointed out, in many cases the weight may be greatly reduced, but this will vary according to the circumstances. It must follow, of course, that where paragraph 49 of the NPPF applies, the decision-maker is also obliged to decide how much weight should be given to the housing supply policies of a plan (or plans) by assessing the reasons why those policies are to be treated as out of date and any other relevant circumstances.
88. In the present case it is accepted by the Secretary of State that in his decision he did not apply paragraph 49 of the NPPF to the policies of the draft neighbourhood plan and therefore the weighting exercise to which I have just referred was not carried out. Accordingly, the issue between the parties is whether, as the Claimant maintains, paragraph 49 can apply to an emerging development plan or whether, as the Defendant maintains, it only applies to a plan forming part of the statutory development plan. The Claimant submits that this issue is important in the present case because in DL16 and DL19 the Secretary of State decided to attach “significant weight” to the housing supply policies in the draft neighbourhood plan simply because of the stage reached in the process leading to formal approval of those policies and *without* also weighing the considerations set out in paragraph 71 of Crane (see paragraph 87 above).
89. Mr. Honey rightly emphasised the need to read the NPPF as a whole (see Crane paragraph 73). That must apply to the proper understanding of paragraphs 14 and 49. It should also be emphasised that the issue between the parties in this case applies not only to draft neighbourhood plans but also to draft local plans.
90. Paragraph 49 appears in the section of the NPPF (paragraphs 47 to 55) devoted to “delivering a wide choice of high quality homes”. The overall objective of paragraph 47 is “to boost significantly the supply of housing”. The first requirement is for local planning authorities “to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework...”. The second requirement, to identify and update annually a 5 year supply of deliverable housing land, is set out in paragraph 18 of this judgment. The third requirement is that the authorities should “identify a supply of specific, developable sites or broad locations for growth, for years 6 - 10 and, where possible, for years 11 - 15”. Fourthly, local planning authorities must illustrate the expected rate of housing delivery (both for market and affordable housing) “through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing detailing how they will maintain delivery of a five-year supply of housing land to meet their housing target”. Thus, it is plain that national policy attaches considerable importance to local planning authorities being able to identify a 5 year supply of housing land to meet properly assessed housing needs *on an ongoing basis*.

91. The requirement that a local planning authority should be able to identify a 5 year supply of housing land pre-dates the NPPF. It was previously contained in paragraph 71 of PPS3 (dated June 2011). It is helpful to compare PPS3 and the NPPF.
92. In St Albans City and District Council v Hunston Properties [2013] EWCA Civ 1610 and Solihull Metropolitan Borough Council v Gallagher Estates Limited [2014] EWCA Civ 1610 the Court of Appeal decided how the approach to the provision of housing in the NPPF compares to the former PPS3 (see e.g. Gallagher at paragraphs 14 to 16):-
- (i) Whereas PPS3 required a housing strategy to be formulated by carrying out a balancing exercise of all material considerations (including need, demand and other policy matters), the NPPF requires authorities making local plans to focus on the “full objectively assessed need for housing” and to meet that need unless, and only to the extent that, other policy factors in the NPPF dictate otherwise;
  - (ii) Thus according to paragraph 14 of the NPPF, Local Plans must meet objectively assessed housing needs (with sufficient flexibility to adapt to rapid change) unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” or “*specific* policies in this Framework indicate development should be restricted”;
  - (iii) The NPPF contains “a greater policy emphasis on housing provision”, by laying down an approach which requires the making of a local plan to begin with full objectively assessed housing needs and only then to determine whether other NPPF policies require that less housing should be provided than needed;
  - (iv) The increased emphasis in the NPPF upon the provision of housing can properly be described as a “radical change”.

Similarly, paragraph 9 of the NPPF states that the pursuit of sustainable development involves not only seeking positive improvements in the quality of the environment and in people’s quality of life, but also “widening the choice of high quality homes”. The first and third core principles in paragraph 17 of the NPPF (quoted in paragraph 23 above) are also significant in this context.

93. In Tewkesbury Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 286 (Admin) Males J compared the policies in PPS3 and the NPPF requiring a 5 year supply of housing land (see paragraphs 16 to 21). Paragraph 71 of PPS3 provided that where a local planning authority could not demonstrate an up-to-date 5 year supply of deliverable housing sites, planning applications for housing should be considered “favourably” having regard to policies in the PPS including the need to ensure that developments reflect “the need and demand for housing in, and the spatial vision for, the area”. The Judge concluded that:-

“both before and after the issue of the NPPF, the need to ensure a five year supply of housing land was of significant importance.”

He pointed out that whereas the PPS had required “favourable consideration” to be given to housing proposals (subject to the policies of PPS3), the NPPF created a “rebuttable presumption in favour of the grant of planning permission”. That distinction is consistent with the view of the Court of Appeal in Gallagher that the increased emphasis in the NPPF upon the provision of housing represents a “radical change” from PPS3. It is also consistent with the explicitly stated need “to boost significantly the supply of housing”. At the same time, I agree with the observation of Males J that however important the absence of a 5 years supply of housing may be in the circumstances of a particular case, the NPPF does not provide that that factor must be treated as conclusive by itself (paragraph 21 of Tewkesbury).

94. It is plain that paragraph 71 of PPS3 did not restrict the requirement to give “favourable consideration” to a housing proposal (for example on an unallocated site) to cases where the relevant planning policies were solely contained in a statutory development plan. Nor did it treat that “favourable consideration” as offsetting only policy objections contained in a statutory, as opposed to an emerging, development plan.
95. In my judgment it would be inappropriate to treat paragraph 49 as restricting the circumstances in which national policy lends additional support to a housing proposal because of the lack of a 5 year supply of land, to cases where the “relevant policies for the supply of housing” are contained in statutory, but not draft, development plans. Such a change in national policy regarding the importance of maintaining a 5 year supply of housing land would require explicit language to that effect (see by analogy Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government [2015] PTSR 274 paragraph 16). I am reinforced in that view by the “radical change” introduced by the NPPF which gives greater, not less, emphasis to meeting housing needs.
96. Paragraph 49 of the NPPF simply refers to “relevant policies for the supply of housing” without restricting that expression to policies in a statutory development plan.
97. But Mr. Honey relied upon the first sentence of paragraph 49 which states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development.”

He submits that that is a reference back to paragraph 14 of the NPPF and that because references in paragraph 14 to the “development plan” are concerned solely with documents forming part of the statutory development plan, and not with draft plans, paragraph 49 must be read down in the same way.

98. I agree with Mr. Honey that references in paragraph 14, and generally in the NPPF, to “the development plan” relate to adopted or formally approved plans not draft plans (see also the definition of “development plan” in the Glossary at Annex 2 to the

NPPF). Nothing in this judgment affects that general point. However, that is insufficient to deal with the proper construction of paragraph 49.

99. The NPPF should not be construed as if it were a statute or a contract, any more than a development plan, and regard should be had to both the context and object of the policy being interpreted (Tesco Stores v Dundee City Council [2012] PTSR 983 paragraphs 19, 21 and 25 - 27). Thus, it may be relevant, and sometimes necessary, to adopt a purposive construction of the policy in question.
100. In my judgment, the starting point should be paragraph 49 rather than paragraph 14. Paragraph 14 is of general application for the determination of planning applications in the context of section 70(2) of the 1990 Act and section 38(6) of the 2004 Act. We are dealing instead with a specific group of policies, which have the objective of boosting significantly the supply of housing and requiring local planning authorities to identify on a continuing basis a 5 year supply of housing land to meet properly assessed housing needs. In particular, we are concerned with a policy, paragraph 49, which deals with the consequences of an authority's failure to meet that obligation.
101. As I have said, the first key phrase in paragraph 49, "relevant policies for the supply of housing", is not limited to relevant policies in the statutory development plan. The language is capable of referring to policies in a draft development plan. It is also capable of referring to policies in a statutory development plan which *as a matter of fact* is up to date because that plan has only recently been adopted. Thus, the second key phrase, "should not be considered up-to-date", operates as a deeming provision which treats the relevant policies as being out of date so as to engage "the presumption in favour of sustainable development" (the third key phrase in paragraph 49). Plainly, the object is to increase the likelihood of planning permission being granted for a housing proposal where a 5 year supply does not exist, by applying a "presumption in favour of sustainable development", subject to taking into account all other material considerations in a particular case, whether they tell in favour of or against the grant of planning permission, or are neutral.
102. Paragraph 6 of the NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development" and that paragraphs 18 to 219 of the NPPF, taken as a whole, define what is meant by "sustainable development". Paragraph 9 specifically identifies "widening the choice of high quality homes" (dealt with in paragraphs 47 to 55 of the NPPF) as one aspect of the "pursuit of sustainable development" (see paragraph 92 above) Therefore what is to be encouraged as "sustainable development" is not assessed solely against policies in statutory development plans. The concept is much broader.
103. Paragraph 14 explains what the presumption in favour of sustainable development means for "decision-taking". The first bullet point requires development in accordance with the statutory development plan to be approved without delay. The second bullet point creates a presumption in favour of granting permission in three situations. The first is where there is no statutory development plan. The second is where there is such a plan, but it is silent on the matter in question. The third is where "relevant policies are out-of-date". It is arguable that that phrase is not restricted to policies in a statutory development plan, but even if the contrary view is taken, it does not follow that Mr Honey's reading of paragraph 49 is correct. First, paragraph 14 is simply a broad statement of general application. Second, it does not deal specifically

with a situation where there is a shortage of housing land. Third, the phrase in paragraph 14 “relevant policies *are* out-of-date” without more, simply refers to policies which are *actually out of date*. Fourth, paragraph 49 operates as a deeming provision so as to require housing supply policies to be *treated* as “out-of date” even if that would not otherwise be the case under paragraph 14. Fifth, it follows that paragraph 49 can only be read as *extending the ambit* of paragraph 14. It has the effect of extending the scope of the presumption in favour of development set out in paragraph 14, (a) so as to apply to draft as well as adopted development plan policies, but (b) only where a 5 year supply of housing land does not exist and (c) solely in relation to “housing supply policies”.

104. Once the correct interaction between paragraphs 14 and 49 is appreciated, in a case where a 5 year supply of housing land does not exist, it does no violence to the language of paragraph 14 to treat the presumption in favour of sustainable development as weighing against housing supply policies, including those which restrain development, whether they are contained in statutory or draft development plans.
105. As Lindblom J pointed out in Crane (paragraph 71), where paragraph 49 and the presumption in paragraph 14 apply, the NPPF does not stipulate how much weight should be given to “out of date” policies. That is a matter to be assessed by the decision-maker in the light of the reasons for the shortfall and other relevant circumstances, including, for example, any interim measures being taken by the local planning authority to release land for housing in order to address the shortfall (see paragraph 87 above).
106. The construction for which the Claimant has contended is sensible. First, it promotes, rather than undermines, the positive objectives of paragraphs 47 to 49 of the NPPF. Second, paragraph 49 is a deeming mechanism which simply uses the label “out of date” to engage the presumption in favour of granting permission contained in paragraph 14. Third, even on the Secretary of State’s case, paragraph 49 would operate to treat the housing supply policies in a *statutory* development plan as being “out of date” even if the document had been formally approved only shortly beforehand and could not otherwise be regarded as “out of date”. That could happen where the rate of take up of housing land during the period immediately before and after adoption was much higher than had been assumed in the policies for the overall duration of the plan. It would make no sense to treat the “presumption in favour” as a factor weighing against, for example, a general countryside protection policy contained in a statutory development plan but not the same policy contained in a draft plan, *a fortiori* where the latter would otherwise attract considerable weight because it is close to being adopted. The same analysis applies to policies identifying the numbers and locations of housing to be provided.
107. Mr. Honey submitted that the construction of paragraph 49 which I have accepted “would mean that no emerging development plan document [e.g. a local plan] which sought to address a shortfall in housing land supply could ever be taken into account as a weighty material consideration and applied whilst it was emerging, because until the point of adoption the authority could not demonstrate a five year supply of deliverable housing sites”. He added that “it must be possible to take into account the housing allocations in an emerging development plan document which is at an advanced stage of preparation before that plan is adopted”. In the light of the decision

in Crane, that concern is wholly unjustified. Paragraphs 14 and 49 of the NPPF do not prevent any regard being had to policies which are *deemed* to be out of date because of the lack of a 5 year supply of housing land. Nor does the NPPF specify how much weight should be given to such policies.

108. The NPPF does not lay down a monolithic approach to that issue, whether in relation to an adopted or a draft local plan. Instead, the issue is to be assessed according to the relevant circumstances of the case, including the reasons for the shortfall and steps being taken to address that issue, in addition to applying the presumption in favour of granting permission and considering the matters specified in paragraph 14 of the NPPF (see Crane paragraphs 71 to 75).
109. In many cases a neighbourhood plan will be prepared after housing requirements have been assessed and strategic policies formulated in an adopted local plan. In that situation, the policies in a neighbourhood plan must be “in general conformity with the strategic policies” of that local plan (see paragraph 56 above). Paragraph 184 of the NPPF adds that a neighbourhood plan should reflect, and should plan, positively to support the strategic policies in a local plan. “Neighbourhood plans...should not promote less development than set out in the local plan or undermine its strategic policies”.
110. Where a neighbourhood plan is being prepared so as to be in general conformity with the relevant parts of a local plan, but a 5 year supply of housing land does not exist, paragraph 49 applies to both the housing supply policies in both the adopted local plan and the draft neighbourhood plan, so that when a planning application for housing comes to be determined (a) the presumption in paragraph 14 will apply (subject to assessing the matters specified which may tell against the grant of planning permission) and (b) the weight to be attached to housing supply policies in each of the plans will need to be assessed and taken into account as explained in Crane.
111. The same principles apply in a situation where a local plan has not yet been adopted, a 5 year supply of housing land for the district cannot be shown, but a draft neighbourhood plan “seeks to lead” as Mr. Honey put it, in order to make provision for housing needs in a much smaller plan area. Mr. Honey complains that on the construction of paragraph 49 I have upheld, such a *draft* neighbourhood plan would always be treated as “out of date” unless and until the 5 year land supply issue for the whole district is resolved. But this concern is also, with respect, misconceived (see paragraphs 107 to 108 above).
112. A further problem with Mr. Honey’s complaint is that it would also arise where a neighbourhood plan has been recently approved, in advance of any local plan, but nevertheless has to be treated as “out of date” because of the lack of a district-wide 5 year supply of housing land and the application of paragraphs 14 and 49 of the NPPF (see the common ground recorded at paragraph 86 above). The discontinuity between the geographical coverage of a neighbourhood plan and the requirement of a 5 year supply for the whole of a local plan area is inherent in paragraphs 14 and 49 of the NPPF, even on the construction for which the Secretary of State contends. It therefore provides no support whatsoever for his argument that paragraph 49 does not apply to *draft* development plans, including a neighbourhood plan. Instead, the outcome of applying paragraphs 14 and 49 of the NPPF where either a draft or approved neighbourhood plan precedes a local plan, will depend upon the outcome of

the assessment described in paragraph 105 above in the particular circumstances of each case.

113. By contrast the Secretary of State's construction of paragraph 49 of the NPPF would cause that policy to operate in an arbitrary way for which no justification has been offered. In a case where a district-wide 5 year supply of housing land does not exist, paragraphs 14 and 49 of the NPPF would apply to the housing supply policies in a neighbourhood plan from the very moment when it becomes part of a statutory development plan, but not a few months beforehand or even a week beforehand.
114. For all these reasons, I conclude that paragraphs 14 and 49 do apply to the housing supply policies in a draft development plan, including a draft neighbourhood plan, and therefore should have been applied in the present case when assessing the weight to be attached to those policies in the Neighbourhood Plan and to any conflict with such policies. The Defendant accepts that that was not done in the decision letter and so I uphold ground 3 as a separate reason for quashing the decision.
115. Even if a contrary view were to be taken, so that paragraph 49 does not apply to housing supply policies in an emerging plan, logically it would nevertheless be necessary for the decision-maker to assess how much weight should be given to those policies, and that must involve taking into account the lack of housing land and the clear policy imperative in paragraphs 47 to 49 that a sufficient supply of land should be identifiable at all times. In other words the exercise which Crane requires to be carried out where paragraph 49 does apply (see paragraphs 87, 105 and 108 above), would still need to be undertaken for housing supply policies contained in a draft plan. In the present case it is accepted by the Secretary of State that when he decided how much weight to give to the draft neighbourhood plan he did not carry out that exercise (see paragraphs 87 to 88 above) and so the decision must be quashed in any event.

## **Ground 2**

116. The Claimant submits that the Secretary of State failed to take into account and apply his own policy on prematurity contained in the PPG (see paragraph 26 above). In particular it is submitted that:-
  - (i) The Defendant failed to indicate how the grant of permission would predetermine decisions about the scale, location or phasing of new development that were "central" to the draft Neighbourhood Plan;
  - (ii) The Defendant failed to identify any adverse impacts from granting permission or to consider whether it was clear that such impacts significantly and demonstrably outweighed the benefits of the proposal.
117. Mr. Honey submitted that in DL15 the Secretary of State had regard to the NPPF and the PPG on the issue of prematurity. But it is important to note that DL15 simply referred to the weight which to be given to the draft plan by virtue of the *stage* it had reached in the examination process. In my judgment that is only one of the considerations in the PPG when dealing with prematurity, namely prematurity is seldom justified as a ground of refusal in the case of a draft neighbourhood plan before the end of the local authority publicity period (see paragraph 26 above).

Whether a draft plan has reached a sufficiently advanced stage is simply treated by the PPG as an entry point for considering prematurity as a possible reason for refusal. That factor does not exhaust in all cases the factors which the PPG requires to be assessed. Plainly, therefore, DL15 did not address the key parts of the PPG upon which ground 2 relies.

118. Under grounds 3 and 4 I have already considered the way in which DL16 dealt with the weight to be given to the draft Neighbourhood Plan. I merely add that DL16 did not address (a) the predetermination of issues central to the plan or (b) how any such predetermination would amount to an adverse impact clearly outweighing the benefits of the proposal.
119. Although Mr. Honey argued that prematurity was the sole reason why the Secretary of State disagreed with the Inspector's recommendation to grant planning permission, the only explicit reference to that subject is to be found in DL19. Having stated that the appeal site had not been allocated in the draft neighbourhood plan, the decision letter continued:-
- “Therefore, while he appreciates that the remaining stages through which the Neighbourhood Plan has to pass may show that more land needs to be allocated, he considers that it would be inappropriate to prejudge that at this stage.”
120. Mr. Honey submitted that from the circumstances known to the parties it was obvious how allowing the appeal would prejudice the taking of a decision on a matter central to the examination of the draft plan. He said that the draft plan proposed 282 - 292 new dwellings for the parish as a whole, of which 85% would be distributed to Hurstpierpoint and only 15% to Sayers Common and so allowing the appeal would predetermine (a) whether the total housing allocation should be increased to 372 units and (b) whether the total allocation for Sayers Common should be increased from 30 - 40 units to 120 units. However, as explained in paragraph 36 above, the allocations of sites in Hurstpierpoint were already a *fait accompli* by the time of the examination into the neighbourhood plan.
121. Mr. Boyle QC responded that the Secretary of State's submissions demonstrated that he had not in fact had regard to key aspects of the policy in the PPG on prematurity. In particular he did not address the requirement to identify how granting permission would be prejudicial to the outcome of central issues affecting the draft plan, so as to amount to an adverse impact significantly and demonstrably outweighing the benefits already accepted by the Secretary of State. I agree with Mr. Boyle.
122. In my judgment it was wholly unsatisfactory for the Secretary of State to disagree with the Inspector's carefully reasoned recommendation that the appeal should be allowed by putting forward such sparse reasoning on prematurity as appears in DL 19. He simply stated that it was “inappropriate” to prejudge whether more land should be allocated in Sayers Common. That did not give effect to the criteria in the PPG. Furthermore, when *all* the relevant circumstances are borne in mind, it is plain that the Secretary of State did not take into account and apply his policy on the circumstances in which prematurity may justify a refusal of planning permission.



123. As Mr. Honey explained, the spatial strategy of the draft plan was based upon firstly the objective of retaining the “village feel” of Sayers Common and secondly the infrastructure constraints affecting the village (see paragraph 35 above). The Secretary of State’s decision letter did *not* suggest that *those issues* should be left to the examination of the draft plan. Instead, in determining the Claimant’s planning appeal, he reached his own conclusions on those matters, in agreement with the Inspector’s views. Thus, the Secretary of State agreed with the Claimant (and thereby disagreed with the Parish Council) that the scale and density of the proposal was appropriate for the village, there would be no adverse effect on the character of the area and any infrastructure constraints would be overcome by the appeal proposal (paragraphs 50 to 54 above). The Secretary of State in substance rejected the Parish Council’s representation that development of 120 houses in Sayers Common, exceeding the draft proposal for 30 - 40 dwellings, would cause harm to the character of the village (cf. paragraphs 48 to 49 above). The effect of the Secretary of State’s clear conclusions on the merits of the proposal was to negate the rationale for draft policy H4.
124. Furthermore, when the Secretary of State issued his decision on 4 September 2014, the examination of the draft plan had yet to be concluded. If it were correct to assume that the examination would consider the merits of releasing the appeal site for housing, he ought to have appreciated that his own clear conclusions on the acceptability of the appeal proposal in terms of its effect on the village and the overcoming of infrastructure constraints would be highly material considerations, applying the well-known “consistency principle” in North Wiltshire District Council v Secretary of State (1993) 65 P&CR 137 and other related authorities. Under the neighbourhood plan system which he created, and also on the material before him, the Secretary of State had no reason to think that the examination of the draft plan would not be concluded in the near future. Unsurprisingly, the Secretary of State did not suggest in his decision letter that the appeal should be dismissed on prematurity grounds so that his conclusions as to why the development of the site for 120 houses was appropriate for Sayers Common, could be revisited so soon in the examination of the draft plan, and with any realistic prospect of different conclusions being reached by the Examiner.
125. A proper understanding of the decision letter cannot be divorced from the realities facing the Secretary of State, in particular the basis for draft policy H4 in the neighbourhood plan and the Secretary of State’s own views upon the very same matters. When those points are brought back into focus, it becomes clear that the Secretary of State did not apply himself to the key tests in the PPG on prematurity as to whether particular issues should be determined in the examination of a neighbourhood plan rather than in the decision on a planning appeal. The relevant issues were determined by the Secretary of State in the planning appeal in any event. The suggestion of prematurity in DL 19 was devoid of any content.
126. There is a further difficulty with Mr. Honey’s numerical argument (paragraph 120 above). True enough policy H4 identified only 30-40 dwellings as being appropriate for Sayers Common, whereas the appeal proposal was for 120 dwellings. But, the Secretary of State should have appreciated from the BDW case (as well as from the Claimant’s post-inquiry representations) that policy H4 would not satisfy the requirement in the “basic condition” to have regard to the NPPF, and in particular the

need for “flexibility” and “to plan positively for growth”, unless it was amended so as to remove the cap limiting new housing in the village to 30 - 40 dwellings (see paragraphs 47 and 61 above).

127. This point has all the more force in the present case because of the absence of an up-to-date objective assessment of housing need. The Secretary of State referred in DL16 to the lack of any such analysis against which to measure the proposals in the draft neighbourhood plan. But as I have already held, the Defendant erred in law by relying upon that matter as a factor *lending support* to those draft policies (paragraph 81 above) and by failing instead to deal with the Claimant’s contention that any cap should be removed for the very same reason (paragraphs 47 and 83 above).<sup>2</sup>
128. For all these reasons I uphold ground 2 as a separate basis for quashing the decision letter. Applying the test in Simplex G.E. (Holdings) Limited v Secretary of State for the Environment (1987) 57 P & CR 306, I do not accept that the Secretary of State’s decision would necessarily have been the same if the error under ground 2 had not been made. First, conflict with the draft neighbourhood plan was identified in the decision letter as a reason for refusal of permission. The appeal was dismissed for that reason in combination with prematurity. Second, prematurity formed a substantial part of the reasoning for dismissal of the appeal and, on the material before the Secretary of State, I can see no basis upon which the Court could infer that the appeal would necessarily have been dismissed on that ground if the decision had not been flawed by the errors identified above.
129. The reasons I have already given are sufficient to vitiate the Defendant’s decision to dismiss the appeal by reference to prematurity. But the arguments in this case have revealed a troubling failure by the Defendant to appreciate the limited scope of the examination of a neighbourhood plan and the implications this undoubtedly has for reliance upon prematurity in relation to that process as a reason for refusing planning permission. The conclusions I set out below reflect the decisions of the High Court in BDW and Gladman.
130. As I have mentioned, the judgment in BDW was given well before the Defendant’s decision on the present appeal. The decision in Gladman was handed down on 18 December 2014, but the principles set out by Lewis J in his judgment were based directly upon the statutory scheme for neighbourhood planning promoted by the Secretary of State.
131. Although a neighbourhood plan must be in general conformity with the strategic policies of the local plan and should not provide for less development than is promoted by the local plan (paragraph 184 of the NPPF), these principles do not apply where a neighbourhood plan is progressed in advance of the adoption of any local plan. The absence of a local plan does not preclude the preparation and formal

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<sup>2</sup> Although not strictly relevant to the legal soundness of the Defendant’s decision letter, the Examiner subsequently reported that in order to accord with the NPPF, H4 would have to be amended by removing the cap on the number of units to be built in Sayers Common and the plan was formally approved with that amendment.

approval of a neighbourhood plan. The body responsible for a neighbourhood plan does not have the function of preparing strategic policies to meet assessed housing needs (paragraph 63 above).

132. Apart from any issues as to compatibility with convention rights, the examination of a draft neighbourhood plan may only consider whether the “basic conditions” are met (paragraph 56 above). The basic conditions do not include the issue of whether the plan is “sound” in the sense in which that term is used when dealing with development plan documents (sections 20 (5)(b) of the 2004 Act and paragraph 182 of the NPPF). Therefore, where a neighbourhood plan precedes a local plan, the effect of paragraph 8 of Schedule 4B of the 1990 Act is that the examination of a neighbourhood plan cannot consider whether it is based upon a strategy to meet objectively assessed housing needs. Nor can the examination consider whether the proposed strategy is the most appropriate or justified by a proportionate evidence base (paragraphs 57, 62 and 63 above).
133. The Secretary of State’s PPG also explains how the examination of a neighbourhood plan is very different from that of a local plan. The Examiner is limited to testing whether the neighbourhood plan meets the “basic conditions” and “is not testing the soundness of a neighbourhood plan or examining *other material considerations*” (paragraph 055 with emphasis added). Although the Examiner has a discretion as to whether to conduct the examination by way of a public hearing, paragraphs 056 of the PPG “expects” that the examination will proceed by considering written representations and not a hearing. The statutory scheme for the preparation of neighbourhood plans has been designed so as to make the evidential and procedural requirements, and the intensity of independent examination, less onerous for the promoting body than in the case of a local plan.
134. As in Veolia ES (UK) Ltd v Secretary of State for Communities and Local Government [2015] EWHC 91 (Admin) at paragraph 49,

“I respectfully agree with the approach taken by Frances Patterson QC (as she then was) in paragraph 64 of the judgment in Truro City Council v Cornwall City Council [2013] EWHC 2525 (Admin):

“It is quite impossible to divorce the issue of prematurity from the local plan process: after all, the impugned decision is premature to what? The essence of a successful claim of prematurity is that the development proposed predetermines and pre-empts a decision which ought to be taken in the Development Plan process by reason of its scale, location and/or nature or that there is a real risk that it might do so.”

The suggestion that an issue ought to be determined in the examination of a draft neighbourhood plan rather than in a planning appeal assumes that that issue will fall within the remit of that examination. If that assumption is incorrect, then prematurity does not arise.

135. In the present case the Secretary of State did not give any consideration to that essential question. In DL16 he noted that the District Council had not carried out an

up to date objective assessment of housing need against which to test the proposals in the draft neighbourhood plan. There was no evidence before the Secretary of State as to when that work would be done. There was no suggestion that it would be carried out by the District Council before the examination of the neighbourhood plan. There is no requirement for such an assessment to be in place before a neighbourhood plan may be prepared and approved. Where no such assessment exists, there is no requirement for the body preparing the neighbourhood plan to undertake that work and its absence does not go to the issue of whether the statutory “basic conditions” have been met. Moreover, the examination does not consider whether the policies of a plan are “justified” by a proportionate evidence base (the “soundness” test). However, in DL19 the Secretary of State assumed that the remaining stages of the neighbourhood plan “may show that more land needs to be allocated”. But given the absence of any proper need assessment by the District Council and the limited statutory ambit of the process for the preparation and examination of a neighbourhood plan, the Secretary of State has made an assumption which was essential to the dismissal of the appeal but which was not based upon any evidential or legal justification. For these additional reasons under ground 2 the Secretary of State’s decision must be quashed.

136. The approach subsequently taken in the Examiner’s report issued on 23 September 2014 was consistent with the limitations upon the process for preparing and examining neighbourhood plans. In summary the Examiner concluded:-
- (i) The plan had *taken into account* “consultation” on housing matters, demographic changes and household formation rates and allowed for economic growth generated by demands outside the plan area. The plan “recognises that, in order to meet future demands, housing numbers are likely to be at the higher end of an identified range – towards 395 new homes” (page 23);
  - (ii) Whilst seeking to safeguard the area’s “village feel”, “nowhere in the Neighbourhood Plan is there an absolute limit or a maximum cap on the number of houses to be built over the plan period”, i.e. for the plan area as a whole (page 23);
  - (iii) The plan recognises the inevitability of greenfield release for the delivery of housing (page 23);
  - (iv) The plan’s “proactive approach” in “facilitating a sustainable level of growth within the Parish” [but, I interpolate, without any specific conclusion in relation to Sayers Common] had been criticised for providing too much development, but on the other hand it had been supported in the majority of representations (page 24);
  - (v) As to representations on “the subject of housing numbers and the absence of up to date strategic policy in this regard”, “it is firmly established within national policy that a neighbourhood plan can be made whether or not district-wide housing policies are up to date” (page 24).
  - (vi) As to representations that policy H3 should allow further sites to be promoted and provide greater flexibility, the Examiner responded that the policy “simply

provides for specific allocations, *rather than precludes all other development from taking place*” (page 26 with emphasis added);

- (vii) However, the Examiner recommended that in order to accord with the requirements in the NPPF to promote sustainable growth combined with a flexible approach, the “maximum number” in H4 of 30 - 40 homes for Sayers Common should be removed and replaced with the words “it is anticipated that the village will accommodate around 30 - 40 dwellings during the plan period” (page 26).

137. The Secretary of State did not suggest in his submissions to the Court that the Examiner’s Report had dealt inadequately with the objections made to the draft plan. Instead, the level of scrutiny of the plan in response to these objections, which scrutiny might be described as somewhat superficial, apparently accords with the statutory scheme and policies governing neighbourhood planning. What is not to be found in the Examiner’s Report is any finding as to whether more housing land needed to be allocated in Sayers Common, and in any event whether 120 houses could be accommodated there without any detriment. If, however, upon reflection it is thought by the Secretary of State that issues of this kind ought to be dealt with in the examination of a neighbourhood plan *to the level of scrutiny that could properly found a prematurity objection in a planning appeal* (see paragraph 134 above), then consideration needs to be given to amending the NPPF and PPG (and possibly the legislation) so as to extend the ambit of the process for preparing and examining neighbourhood plans.

### **Ground 1**

138. The Claimant submits that the Secretary of State failed to take into account and apply his own policy in relation to the weight to be given to an emerging plan contained in paragraph 216 of the NPPF. The reasoning in the decision letter on the weight to be given to the draft neighbourhood plan only applied the first criterion in paragraph 216, namely the stage which the plan had reached in the process leading towards its final approval (see paragraph 25 above). The decision letter did not deal with the second and third criteria of that policy, namely the extent to which there are unresolved objections to relevant policies in the draft plan (and the significance of those objections) and the degree of consistency of the policies with the NPPF. It is submitted that the Secretary of State failed to have regard to the second and third criteria, alternatively, if he did, he failed to give any reasons in relation thereto.
139. The Claimant also submits that the second and third criteria were particularly pertinent in the present case because (a) the draft neighbourhood plan was proceeding in advance of an up to date local plan to establish objectively assessed housing needs and strategic housing policies and (b) the draft plan had yet to be examined. This is to be contrasted with, for example, a situation where the report into the examination of a draft plan has been published and it may then be possible to attach significant weight to a draft policy simply because of the very advanced stage which the plan has reached.
140. The Secretary of State submitted that it was not necessary for a decision-maker to recite and apply each of the three criteria in paragraph 216 of the NPPF because they were simply factors to be taken into account in judging the weight to be attached to a

draft plan rather than free-standing tests. The three criteria were not “principal important controversial issues” in their own right attracting an obligation to give reasons. It was also submitted that it could not be inferred from the absence in the decision letter of any finding under the second and third criteria that they had not been taken into account, citing the speech of Lord Lloyd of Berwick in Bolton MDC v Secretary of State for the Environment (1995) 71 P & CR 309, 314 - 5.

141. In my judgment, the policy in paragraph 216 of the NPPF should be read as a whole. It is not a policy which simply makes the trite point that decision-makers may give weight to relevant policies in emerging plans. Rather it is a policy that they may do so “according to” the three criteria or factors which follow. The policy clearly stipulates that the three criteria are relevant in each case. Of course, when dealing with a particular planning proposal it may be the case that the relevant policies in a draft plan have not attracted any objections and so it would not be necessary to consider the second criterion *beyond that initial stage*. But plainly the second criterion is material in each case in order to ascertain whether a relevant draft policy has attracted any objections and if so, their nature, before going on to make an assessment of the significance of any such objections.
142. When applying paragraph 216, an Inspector or the Secretary of State determining a planning appeal is largely dependant upon the information provided by the parties on the application of the three criteria. By contrast, where a decision is being taken by a local planning authority which is also responsible for the draft plan in question, that authority is unlikely to be dependant upon others to provide the information needed to apply the three criteria. It has ready access to that information itself.
143. In my judgment it is plain that in this case substantial information was placed before the Secretary of State which resulted in the application of the second and third criteria becoming “principal important controversial issues” for the Secretary of State to grapple with and determine (see paragraphs 45, 47 and 48 above). For example, the Parish Council submitted to the Defendant that the appeal should be dismissed because it proposed substantially more than the 30 - 40 houses and therefore conflicted with policies C1, H1 and H4 of the draft plan. But the Claimant submitted that H4 was in conflict with the NPPF because it imposed a cap on the scale of new housing in Sayers Common and did not provide the “flexibility” required by national policy.
144. It follows that if the Secretary of State had applied the second and third criteria in paragraph 216 of the NPPF, he was obliged to give reasons explaining how he had done so and resolved important planning issues raised by the parties. He did not give any such reasoning in the decision letter. That is a sufficient basis upon which to uphold ground 1.
145. However, in my judgment the legal error goes further. The decision letter reveals that the Secretary of State did not apply the second and third criteria at all. In DL19 he stated that the issue of whether more land needed to be “allocated” at Sayers Common should not be “prejudged”, but should instead be left to the examination of the draft plan. The clear implication was that the Defendant considered that the appeal site should not be released for housing development unless and until the figures setting the cap for Sayers Common in policy H4 are increased. Thus, the Secretary of State did not assess *whether* the inclusion of *any* cap in draft policy H4 accorded with the

NPPF, nor the strength of the objections made to the plan, particularly that policy, (taking into account paragraphs 33 and 81 of BDW and Reports into the Examination of Neighbourhood Plans cited by the Claimant). The criticism in paragraph 83 above also applies under ground 1.

146. Mr. Honey submitted that even if the second and third criteria in paragraph 216 of the NPPF had been addressed, the decision on the weight to be given to the draft plan would have remained unchanged and the decision would necessarily have been the same, at least in that respect. I am quite unable to accept that submission. For the reasons I have given it cannot be inferred that if, for example, the Secretary of State had addressed the objections to “the cap”, he would necessarily have attached the same weight to the draft plan, in particular H4. Indeed, if he had given little weight to the “cap”, he might well have treated his acceptance of the strong merits of the proposal as decisive.

### **Conclusion**

147. For all the reasons given above, I uphold each of grounds 1, 2, 3 and 4 as freestanding reasons for quashing the decision dated 4 September 2014.

**6**

**APPENDIX**



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# Appeal Decision

Site visit made on 5 October 2015

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 03/11/2015**

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**Appeal Ref: APP/U2235/W/15/3129105**

**Land at Cripple Street, Maidstone, Kent ME15 6DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Millwood Designer Homes Ltd against the decision of Maidstone Borough Council.
  - The application Ref 14/503167/FULL, dated 4 September 2014, was refused by notice dated 30 March 2015.
  - The development proposed is residential development for 36 units and realignment of Cripple Street.
- 

## Decision

1. The appeal is allowed and planning permission is granted for residential development for 36 units and realignment of Cripple Street at Land at Cripple Street, Maidstone, Kent ME15 6DN in accordance with the terms of the application, Ref 14/503167/FULL, dated 4 September 2014, subject to the conditions set out in Schedule 1 of this decision.

## Main Issues

2. The main issues in this appeal are;
  - The effects of the proposal on the Area of Local Landscape Importance (ALLI)
  - The effects of the proposal on the adjacent historic assets

## Reasons

3. Although not referred to in the Council's statement, the officers' report to the Council's Committee sets out that the Council is unable to demonstrate a 5 years' supply of housing land. The report goes on to set out the implications in reference to the National Planning Policy Framework (the Framework); it accepts that relevant policies for the supply of housing should not be considered up to date and refers to Policy ENV28 as one such policy. I acknowledge the position that the Council is in relating to its supply of housing land, and it is in this context that I shall determine the appeal. In these circumstances, I consider the provision of additional homes, including some affordable, where a significant shortfall exists should be seen as a considerable benefit.

### ***The effects of the proposal on the ALLI***

4. The appeal site is an undeveloped area of land outside the urban boundary, within the open countryside. The site is within an ALLI as identified by Policy ENV35 of the Maidstone Borough-Wide Local Plan 2000 (LP) wherein particular attention will be given to the maintenance of open space and the character of the landscape.
5. The site edges contain varying degrees of screening provided by existing vegetation, particularly along the north and west. To the east the site is bounded by a footpath and housing development within the urban area. Whilst the existing hedge provides some screening here, I can see that views from within the adjacent houses take the eye above the hedge to the site and open countryside beyond. Whilst there is a degree of screening along the Cripple Street frontage, the realignment of the road here would allow for additional planting to strengthen this effect.
6. The proposal would provide detached, semi-detached and terraced housing generally of 2 stories with some at 1.5 storeys. The residential development to the east is generally of this form and the lower density housing to the west, whilst more spacious, is also generally of 2 storeys.
7. The appellant has submitted a landscape assessment and I was able to view the appeal site from a number of the identified points at my visit to the area. Generally, longer views are only possible from the south and west and having visited the identified vantage-points, the views available are very limited due to topography and screening provided by vegetation. The site is also seen in the context of existing housing on Cripple Street and Broadoak Avenue. Longer views from the north and east are not possible due to existing development and topography.
8. In relation to shorter views, the footpaths to the south and east and the road at Cripple Street give the best opportunities to see the site from public vantage points. Although some screening would be provided, the houses would be visible from these various points, although again, within the context of existing housing to the east and west. It is also notable that the Council has accepted the development of 2 areas of land to the north of the appeal site. Within the very local context, the development of a green-field site such as this there is inevitably an effect which alters the character of the site itself. However, as set out by the Council, the draft Local Plan acknowledges that Maidstone cannot accommodate all of its required growth on existing urban sites and so the change in local character such as this is something that, to me, seems inevitable. In addition, the proposed form and layout of the development includes generous degrees of spaciousness and it would not appear out of place between the existing housing to the east and the lower density houses to the west. Therefore, whilst there is a degree of conflict with Policy ENV35, this is outweighed by other matters.

### ***The effects of the proposal on the adjacent Heritage Assets***

9. To the east of the site sits the Grade II listed Bockingford Farmhouse and to the west of the northern part of the site, the boundary is shared with the Loose Valley Conservation Area.

10. The Farmhouse is an attractive brick building, said to date from the early 19<sup>th</sup> Century. The original setting of the Farmhouse has obviously been affected by the more recent housing development which abuts it on 3 sides. However, the open aspect to the west, directly over the appeal site contributes positively to its setting. Whilst the proposal would bring about 36 new homes on the site, the area of the appeal site adjacent to the Farmhouse would be open and shown as public open space; this would then extend across the full width of the site. I appreciate that the presence of houses on either side of the open space would alter the existing setting, but I find the retention of the open area of land as worthy of note. However, on balance I consider that the overall effects of the proposal would be to negatively affect the setting of the listed building; I do not consider this to be greatly so and would identify **this as 'less than substantial harm' for the purposes of** paragraph 134 of the Framework.
11. The north west of the appeal site sits adjacent to the boundary with the conservation area. The boundary contains a strong vegetative screen and presents a sense of separateness. The proposal would place the houses at some distance from the boundary here, with their rear gardens adjacent to the boundary; this and the swathe of open space would result in a strong sense of spaciousness at this point. As a result of these factors I consider that there would be no negative effects on the conservation area and its character and appearance would be preserved by the proposal.
12. In relation to this issue, I am required to balance the limited harm that I envisage arising on the setting of the listed building against the public benefits of the proposal. In this respect, I see the provision of new homes, including some affordable, in an area where there is an acknowledged shortfall in the supply of housing land as a public benefit that outweighs the identified harm.

### **Other Matters**

13. I have taken account of the views of interested local individuals and groups who have made representations in relation to this scheme. Much of what is said relates to the effects on character and the heritage assets and I have dealt with these above. In relation to highways, it is notable that Kent County Council (KCC) as highways authority has not objected to the proposal; however, locals have submitted a document produced by KCC which refers to housing growth and resultant highways effects. At the very beginning of the **document it states as a highlighted warning that, "It is important to note that the results of this assessment are indicative only, having been based on broad assumptions and not on a formal model run". In addition, the assessments** refer to housing growth of around 16,000 and also 18,000 and then refer to an approximate number of 2250 in south-east Maidstone. From studying this document it is apparent that some broad assumptions have been made, the assessments are indicative only; and their use to assess a relatively small scheme for 36 houses would not be appropriate in my view.
14. My attention has also been drawn to a recent appeal nearby Ref APP/U2235/A/14/2219898. I have read this and considered its implications for the appeal before me. It is clear that the circumstances of the 2 schemes are not identical and my fellow Inspector attributed limited weight to the benefits arising from that smaller scheme. In my view the benefits arising from this larger scheme, which includes affordable housing are greater.

15. In response to issues raised by the Council and KCC and in order to comply with Policy CF1 of the LP, the appellant has submitted a completed Undertaking which makes provisions for open space and parks, strategic highways improvements, footpath improvements, education, libraries, affordable housing. The Council identifies that the Richmond Way Amenity Space is an area likely to be used by future residents of the scheme and additional works would be required to meet the extra demand and use; I am satisfied that this is the case. KCC request for strategic highways improvements to the capacity at the Loose Road/Boughton Lane junction and Loose Road/Sutton Road junction and the approaches to the Town Centre Bridge gyratory traffic signal junctions which are necessary due to the incremental additional impacts that the proposed housing development would have. Having considered the evidence submitted, I agree that this is justified. The contribution for the improvements to the Public Footpath KB22 and its associated furniture are justified by the proximity to the site and the additional use that would result from the proposal.
16. The KCC demonstrates that the local primary school is at capacity and that the proposal would result in additional demand being placed on it. As such, contributions for enhancements at Loose Primary School are justified. In relation to the libraries service, KCC indicates that the local library currently has a shortfall in stock ie one which is significantly below the County average. The contribution does not seek to make good this shortfall but just to meet the additional demand from the proposal, alone. In these circumstances, I consider that the contribution is necessary. The proposal makes provision for 30% of the units (11), which the Council considers acceptable and based on their evidence, I find it acceptable. The Undertaking sets out the details provisions relating to affordable housing. I am satisfied that it would secure an appropriate level of affordable housing, notwithstanding the comments made by the Council.

### **Conditions**

17. I have considered the need for conditions in relation to the advice in the Planning Practice Guidance and the Council has suggested conditions. In order that the proposal has a satisfactory appearance and effect on the locality conditions relating to materials, fencing/walls, landscaping (including works to existing trees), levels and external lighting are necessary and reasonable. A requirement for ecological enhancements is justified taking account of the site's proximity to another wildlife site to the north and the undeveloped nature of the existing site.
18. So that the proposal encourages alternative means of transport, cycle storage should be ensured. Refuse/recycling storage should be provided to an agreed design. An archaeological investigation should be carried out so that any remains of value can be recorded and where necessary preserved. In the interests of proper drainage means for sustainable surface water drainage and for foul drainage shall be submitted and agreed. For the sake of certainty and proper planning, a condition requiring implementation in accordance with the approved plans is necessary.
19. The Council has suggested that the usual time limit for the commencement of development should be reduced from 3 years to 1 in this case; however, no justification is presented and so I shall not deviate from the usual 3 year time

limit. The Planning Practice Guidance states that conditions which restrict the use of permitted development rights should only be used in exceptional circumstances. The Council has suggested such a condition but has not demonstrated that any exceptional circumstances exist; therefore, I shall not include it.

### **Conclusions**

20. The appeal site is within a sustainable location at the edge of the urban area and in close proximity to services and employment opportunities. The Council is unable to demonstrate a suitable supply of housing land and the development of this site would make a valuable contribution in this respect. In respect of preventing development in the countryside, LP Policy ENV28 is out of date.
21. With respect to the adjacent listed building, I have identified a small degree of harm to its setting arising from the development of the appeal site. However, I consider that this is outweighed by the public benefit of the provision of additional homes in an area where there is an acknowledged shortfall. Therefore, the appeal is allowed.

*S T Wood*

INSPECTOR

### **SCHEDULE 1: CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
- 3) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Details shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection during construction. The details shall also include the long term management, design objectives, management responsibilities and maintenance for all landscaped areas, other than small, privately owned domestic gardens.
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.
- 5) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a habitat management plan detailing how all ecological enhancements and protected species mitigation will be managed in the long term. The site shall be managed in accordance with the approved habitat management plan thereafter.
- 7) If ground works do not commence within 2 years of the Ecology Report dated August 2014, a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any works required shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

- 8) The development shall not commence until details for the provision of cycle storage have been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 9) The development shall not commence until details for the provision of refuse/recycling storage as well as site access design arrangements for waste collection have been submitted to and approved in writing by the local planning authority. The refuse/recycling storage and access arrangements shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 10) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 11) No development shall take place until the implementation of a programme of archaeological works has been secured, the details and timing of which shall have been submitted to and approved in writing by the local planning authority.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 13) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 14) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) The development hereby permitted shall be carried out in accordance with the following approved plans: S101; C101A; P102M; P105C; P110; P111A; P112A; P113; P114; P115A; P116A; P117A; P118A; P119A; P120; P121; P122A; P123; P124; P125; P126; P127; P128; P129; P130A; P131A; P132; P133B; 5500H/01D.
- 16) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements

to secure the operation of the sustainable drainage scheme throughout its lifetime.