



**Bloor Homes Western**

**APPEAL REF: APP/W1850/W/20/3244410**

**Land North of Viaduct, Adj Orchard Business Park, Ledbury**

**Proof of Evidence of Nigel Millington -  
Summary Proof  
BA (Hons) MSc MRTPI MCIHT**

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PJA Project Code: 03468

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## Version Control and Approval

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## I Introduction

### I.1 Qualifications and Experience

1.1.1 I am the Joint Managing Director of PJA, a consultancy specialising in the provision of transport planning, engineering and placemaking advice. I hold an Honours Degree in Geography and a Master's Degree in Transport Planning. I am a Member of the Royal Town Planning Institute and a Member of the Chartered Institution of Highways and Transportation. I have over 22 years' experience in the field of transport planning. The evidence which I have prepared and provide for this appeal reference APP/W1850/W/20/3244410 in this proof of evidence is true and I confirm that the opinions expressed are my true and professional opinions.

### I.2 Background Information

1.2.1 Despite receiving support from Herefordshire Council (HC) as the local highway authority (LHA), planning permission was refused based on the reasons given in the Decision Notice [CD 13.1], which broadly relate to the following:

- Reason for Refusal 1 - Unsatisfactory vehicular access arrangements;
- Reason for Refusal 2 - Impact on the Malvern Hills Area of Outstanding Natural Beauty (AONB) arising from additional traffic generation; and
- Reason for Refusal 3 - Impact on the Ledbury Town Centre Conservation Area (CA) arising from additional traffic generation.

### I.3 Statement of Matters

1.3.1 Whilst the local planning authority (LPA) withdrew the Reasons for Refusal, Ledbury Town Council (LTC) was subsequently granted Rule 6 status and has therefore submitted a Statement of Case (SoC) [CD 5.4], which must be addressed in my proof.

1.3.2 In relation to the LTC SoC, it is important to note the Town Council make it very clear in para 5.1.2 that their entire highways case is centred around the provision of a single point of access, noting that the access arrangements are not satisfactory because of the five reasons cited (listed in para 1.4.2 below), rather than these matters being unsatisfactory in their own right. This is further confirmed in para 5.1.11 of their SoC:

*'The Town Council will also demonstrate that the inadequacies identified above could be resolved through use of a second access to the site under the Ledbury Viaduct.'*

[CD 5.4, para 5.1.11]



- 1.3.3 As is the case when addressing the reasons for refusal, it is therefore necessary to identify those matters within the LTC SoC which *might* be resolved either in part or in whole by the provision of a second point of access. It of course follows that any matters which would be common to both access scenarios and would therefore not be resolved by the addition of a second access, cannot logically form part of the Town Council's case.
- 1.3.4 This proof addresses the 'Highways' section of the LTC SoC plus Reason for Refusal 1; matters relating to vehicular access, whereas Reasons for Refusal 2 and 3 are addressed in separate proofs of evidence prepared by Mr Jackson and Mr Sutton respectively. In order to assist Mr Jackson and Mr Sutton in the preparation of their evidence, I have included in Appendix B to my main proof additional traffic data relating to the Conservation Area and AONB.

#### **1.4 Format of the Proof**

- 1.4.1 My proof initially provides a review of the policy requirements relating to access and the transport assessment, plus a consideration of the feasibility of providing a second point of access. I then consider Reason for Refusal 1, dealing with each of the above matters in turn. I then turn to the matters raised by LTC, some of which overlap with those in the reasons for refusal, followed by a review of concerns raised by local residents and then finally my assessment of the scheme against the relevant policy framework, before drawing conclusions.





## 2 Evolution of the Proposals – Policy Requirements relating to Access

- 2.1.1 As reported in the decision notice, the lack of a second point of access is the Council's stated reason for refusing planning permission, noting that all the reasons for refusal could be overcome, in their view, by the provision of a second point of access off the Hereford Road / Leadon Way roundabout. Given that this issue is central to the Council's case, it is important to examine the policy requirement and evidence base in support of their position. My main proof provides a more detailed review, with the salient points summarised below.
- 2.1.2 Whilst access from the Hereford Road was originally a policy aspiration in order to facilitate an employment development on the site, the position has shifted significantly over more recent years.
- 2.1.3 The SHLAA raised concerns regarding access under the viaduct and also identified the potential for access from Bromyard Road. The Core Strategy then considered access in some detail, resolving to adopt a flexible approach, with no prescriptive requirement either for a second access or an access from Hereford Road. Finally, the Neighbourhood Plan accepted the allocation of the site and did not make any comment on the access arrangements.
- 2.1.4 The policy position in relation to the site access is quite clear; a prescriptive approach including access from Hereford Road was dismissed by the Core Strategy Inspector, a flexible approach was adopted by the UDP and this was carried through to the Neighbourhood Plan; and there is no policy requirement for either a second access, or for an access from Hereford Road.



## 3 Evolution of the Proposals – Transport Assessment and Travel Plan

### 3.1 Context

3.1.1 The planning application to which this appeal relates was originally supported by technical transport and highways information prepared by BWB. Unfortunately, BWB and HC were unable to reach agreement on transport and highways matters and the LHA recommended refusal of the application. PJA was therefore instructed by Bloor Homes Western to review all the previous technical information, prepare revised proposals where necessary and resume negotiations with HC.

### 3.2 Transport Assessment

3.2.1 Vehicle access to the site will be via a new roundabout with Bromyard Road. A separate access for emergency vehicles will be provided via Bromyard Road to the south of the roundabout. Pedestrian and cycle access to the site will be provided beneath the viaduct in two locations - to the north of the Hereford Road / Leadon Way roundabout and also via Ballard Close.

3.2.2 PJA has designed a comprehensive package of walking and cycling infrastructure to enable future residents to travel by sustainable modes:

- Two new toucan crossings on Hereford Road;
- Signalisation of the Hereford Road / Bromyard Road junction to provide a further crossing;
- A 3m shared footway / cycleway on Hereford Road to replace the existing footway;
- Improvements to Ledbury Footpath ZB18 to provide a shared footway / cycleway and connect to the town trail; and
- Connections from within the site to the northern part of the Bromyard Road Trading Estate.

3.2.3 Existing facilities within Ledbury can be accessed on foot and bicycle. It has further been demonstrated that Ledbury railway station offers opportunities to travel to regional employment destinations including Hereford and Worcester, with total journey times shorter than travelling by car.

3.2.4 It is acknowledged, and observed on-site, that there are existing safety, capacity, and operational issues at the Hereford Road / Bromyard Road / The Homend junction adjacent to Ledbury railway station.

3.2.5 It is proposed to improve the junction to provide traffic signals. Following a review of previous assessments, it has been identified that additional traffic capacity can be provided by an extra lane on Hereford Road. The scheme will offer a substantial benefit in terms of highway safety and pedestrian accessibility compared to the existing situation.



3.2.6 The capacity of other junctions within Ledbury has also been tested for a forecast year of 2031. It has been demonstrated that the development would not significantly impact on queues and delays on other parts of the network.

### **3.3 Travel Plan**

3.3.1 The objective of the Travel Plan is to reduce the number of single occupancy car journeys to and from the site. This will be achieved using a package of measures to encourage sustainable travel, the success of which will be regularly monitored through travel surveys.

3.3.2 The Travel Plan will be managed by a Site Travel Plan Co-ordinator (STPC), which will be funded by Bloor Homes until one-year following full occupation of the residential element of the development. Following this, monitoring of the employment element of the development will pass to individual Travel Plan Co-ordinators for each occupier.

3.3.3 The Travel Plan measures can be divided into three categories; Physical, Informative, Financial.

3.3.4 The success of the Travel Plan will be measured through a programme of regular monitoring and reporting to HC. This will include travel questionnaire surveys to residents and employees, and annual traffic surveys of the development.

3.3.5 The initial target of the travel plan is to reduce the trip generation of the development by 10% compared to that predicted in the Transport Assessment, although this will be reviewed following the baseline surveys.

3.3.6 It should be noted that the Transport Assessment does not account for a 10% reduction in traffic flows from the site and is therefore not reliant on the success of the Travel Plan.



## **4 Consideration of a Second Access**

### **4.1 Context**

4.1.1 Section 2 of my proof clearly demonstrates that there is no policy basis on which the LPA could require the provision of a second point of access; from Hereford Road or any other point on the local highway network. The Transport Assessment, and the additional evidence included within other sections of this proof, demonstrates that there are no technical transport related reasons why a second access should be provided.

### **4.2 Environmental Impact Assessment**

4.2.1 As part of the EIA process, a 'Transport' chapter was prepared by PJA for the Environmental Statement (ES) [CD 18.9]. As requested in the Council's Scoping Opinion, four alternative access options were assessed.

4.2.2 The assessment demonstrated that none of the four considered access options would result in significant adverse environmental effects. All of the options would result in significant beneficial effects to Hereford Road on severance, pedestrian delay, pedestrian amenity and fear and intimidation.

4.2.3 I therefore consider that alternative access options have in fact been assessed, and that the alternatives considered offer no significant betterment over that proposed in the planning application.

### **4.3 Viaduct Access**

4.3.1 Despite the lack of any policy basis for the provision of a second point of access, and despite the assessment of alternatives in the Environmental Statement concluding that no significant betterment would be derived from the other access scenarios, I have given further consideration to the practical issues associated with the possible provision of an access beneath the railway viaduct.

4.3.2 I have considered this firstly in relation to the potential design options of such an access, secondly in relation the structural considerations associated with the railway viaduct, and thirdly in relation to the view of the owner of the structure; Network Rail.



### **Access Options**

- 4.3.3 PJA has developed two vehicular access options from the A348 Hereford Road / Leadon Way Roundabout, as shown in Appendix C of my main proof.
- 4.3.4 The issues that would need to be considered in relation to the provision of such an access are as follows:
- Crash protection for the structure;
  - Drainage provision;
  - Impacts on neighbouring properties; and
  - Safety issues associated with existing private accesses.
- 4.3.5 It is not my case that these physical constraints are incapable of being overcome, it is simply to note that the works required to deliver such an access road are significant, have additional related considerations, and it cannot automatically be assumed that these options are deliverable.

### **Structural Considerations**

- 4.3.6 I am not a Civil or Structural Engineer and am therefore not qualified to give a view on the likely structural considerations associated with the construction and operation of a new road in such close proximity to a structure such as the railway viaduct in this case. I have therefore sought advice from Mr Andrew Wood, a Chartered Civil Engineer working for BWB Consulting in the role of Principal Engineer. Mr Wood has over 12 years' experience in the field of bridge and highway design and his written advice is provided in Appendix D to my main proof.
- 4.3.7 Mr Wood's advice can be taken as read and warrants no further comment from me, other than to repeat his closing comments:

*'In summary, there are a large number of issues to be considered in developing a proposal to install a new public highway beneath an existing historic railway viaduct. This letter does not seek to confirm feasibility but it does highlight that at this stage it cannot be taken for granted – indeed it seems unlikely – that the permission of network rail would be granted.'*

### **View of Network Rail**

- 4.3.8 Network Rail is the owner of the railway viaduct and therefore their view was sought on the likely acceptability to them of a public highway being installed beneath Ledbury Viaduct. Their response is available as CD 8.37. Note that this letter was available to the planning committee before the decision was made to refuse the application.



4.3.9 Their advice is very clear:

*'Having held conversations with NRIL's Structures Asset Engineer we would not allow a public highway to be built beneath the structure as it would introduce undue risk to the railway.'*

4.3.10 There is no ambiguity in their advice. There is no suggestion of any future assessment or qualification required which may lead them to a different conclusion. Network Rail will simply not allow a road to be built in this location.

#### **4.4 Summary**

4.4.1 My assessment of the possible provision of a second point of access beneath the viaduct can be summarised as follows:

- There is no policy requirement for the provision of a second point of access, either beneath the viaduct or elsewhere;
- The EIA process did not identify any significant betterment associated with the alternative access options;
- There are various highway design and structural considerations which would need to be resolved in order to identify if an access beneath the viaduct was even deliverable; and
- The owner of the structure, Network Rail, would not allow the access to be built in any event.

4.4.2 I therefore conclude that there is no evidence to suggest that the provision of a second access under the viaduct is required or deliverable.



## 5 Hereford Road (A438) / Bromyard Road (B4214) Junction

### 5.1 Principal Issues

5.1.1 The principal issues relevant to this junction as cited in the first reason for refusal are as follows:

- Discrepancies in the reported capacity of the proposed junction between the proposals submitted by PJA and BWB;
- The capacity of the proposed junction to accommodate additional growth to the north of Ledbury; and
- The intervisibility provided between the stop lines.

### 5.2 Discrepancies in Junction Capacity

5.2.1 This would appear to be a simple misunderstanding on the part of the LPA. The Transport Assessment submitted by BWB included a signalised layout for this junction (as shown in Drawing No LUE-BWB-HML-XX-DR-D-114 S2 Rev P6 [CD 8.42]) which shows a single lane on the eastbound approach to the junction on Hereford Road. The Transport Assessment submitted by PJA also included a signalised layout for this junction (as shown in Drawing No 3468-A-010 Rev 5 [CD 8.45]), but this clearly shows two lanes on the eastbound approach to the junction on Hereford Road.

5.2.2 The PJA signalised layout provides additional capacity through the introduction of a second lane on the eastbound approach to the junction. This therefore explains the differences in the reported capacity of the junction between the two transport assessments submitted by the developer. Rather than being a 'discrepancy', the PJA version simply provides improved operational performance over the previous version submitted by BWB.

5.2.3 I therefore do not consider this aspect of the reason for refusal to be valid.

### 5.3 Additional Growth

5.3.1 The Transport Assessment submitted by PJA [CD 8.26, section 8.3] includes a summary of all committed development sites that were taken into account in the junction capacity modelling. There were no Local Plan sites considered to have the potential to impact on the same sections of the transport network, in accordance with the guidance.

5.3.2 In addition to the committed development sites, traffic growth assumptions were also applied in the Transport Assessment [CD 8.26, section 8.4] to cater for general background growth up to 2031.



5.3.3 I therefore do not consider this aspect of the reason for refusal to be valid. Note also that LTC have now agreed in the SoCGLTC that there is no requirement to consider growth beyond the current plan period.

## **5.4 Intervisibility**

5.4.1 The reason for refusal raises a concern regarding the lack of intervisibility between the stop lines of the proposed signalised arrangement at this junction. Given the detailed nature of this issue, I have included as Appendix E to my main proof a Technical Note which provides the necessary details.

5.4.2 The contents of that Technical Note can be summarised as follows:

- The existing junction is already congested, the layout presents a road safety issue particularly for pedestrians, and HGV movements to and from Bromyard Road cannot be safely accommodated;
- The proposed design provides additional capacity to accommodate the proposed development and other planned growth, controlled pedestrian facilities are provided and HGVs can be safely accommodated;
- Whilst full intervisibility is not provided, this is only a recommendation for upgrades to existing junctions. It is not a requirement of the relevant guidance;
- In the unlikely event of the signals failing, the junction would revert to priority control, similar to the existing situation;
- The calculated intergreen period between signal phases provides a safety margin in the event that any road users 'jump the lights';
- A similar situation of limited intervisibility already exists in Ledbury at the Homend / Southend / Worcester Road / New Street junction. No accidents have been recorded at this junction in the last five years that relate to the lack of intervisibility; and
- A similar junction improvement would be required even if a second point of access was provided, and therefore this issue would still prevail.

5.4.3 Consequently, I do not consider this aspect of the reason for refusal to be valid.

## **5.5 Implications of a Second Point of Access**

5.5.1 Given the existing capacity constraints at this junction, the unsatisfactory layout and the threat to pedestrian safety in particular, a junction improvement would be required at this location in any event, irrespective of the provision of a second point of access. Note that the 'Ledbury Public Realm & Transportation Appraisal' also identifies a requirement for an improvement to this junction [CD 1.19, Table 7-1, Ref 3].





- 5.5.2 If a second point of access under the viaduct were to be provided, additional traffic would still be generated through the Hereford Road / Bromyard Road junction, to the degree whereby an improvement scheme would still be required.
- 5.5.3 In addition, the provision of the second point of access would not reduce the level of additional pedestrian traffic through this junction, thereby necessitating a mitigation scheme due to the lack of a controlled crossing across Bromyard Road to allow pedestrians to safely cross towards the rail station.
- 5.5.4 Given that a mitigation scheme would therefore be required in any event, and given the constraints at this location, it is unlikely that any other mitigation scheme which is materially different to that already proposed could in fact be provided.



## 6 Knapp Lane and Cut Throat Lane

### 6.1 Principal Issues

6.1.1 The principal issues relevant to this aspect of the first reason for refusal are as follows:

- The visibility available at the junction of Knapp Lane and The Homend;
- The lack of footways on Knapp Lane; and
- The forward visibility on the A449 southbound at its junction with Cut Throat Lane.

6.1.2 The Council considers that the deficiencies in design terms, as they see them, at these locations are prejudicial to highway safety. Each of these matters is addressed in turn below.

### 6.2 Knapp Lane / The Homend

6.2.1 Given the detailed nature of this issue, I have included as Appendix F to my main proof a Technical Note which provides the necessary details. The contents of that Technical Note relevant to this issue (Section 2) can be summarised as follows:

- A speed survey was undertaken to determine the recommended visibility splays;
- The recommended visibility splays can be met from an 'x' distance of 2m; and
- There have been no recorded collisions at this junction in the last five years.

6.2.2 The increase in traffic on Knapp Lane as a consequence of the development is also predicted to be low. The Transport Assessment [CD 8.26, p.62, Table 10-5] shows that just 12 additional two-way trips are predicted to use Knapp Lane in the peak hours; this equates to an increase of just 5%.

6.2.3 Given the advice in Manual for Streets 2 (MfS2) as reported in my main proof, the local context, the lack of recorded accidents and the low levels of additional traffic predicted to use Knapp Lane, I conclude that the visibility at this junction is adequate.

### 6.3 Knapp Lane

6.3.1 The Technical Note in Appendix F to my main proof also includes details (in Section 3) relevant to this issue, the contents of which can be summarised as follows:

- Following a review by the Council in 2010, traffic calming measures were installed on Knapp Lane;
- Although there is no footway on Knapp Lane, there is sufficient width for a car and a pedestrian to pass; and
- Pedestrians have been recorded as using Knapp Lane in the peak hours, yet no accidents have been recorded on Knapp Lane in the past five years involving a pedestrian.



6.3.2 As noted in para 6.2.7 of my main proof, just 12 additional two-way trips are predicted to use Knapp Lane in the peak hours. Given that no pedestrian accidents have been recorded on Knapp Lane and given the low levels of additional traffic predicted to use this route, I do not consider there to be an unacceptable risk to highway safety in this case.

## **6.4 Cut Throat Lane / A449**

6.4.1 The Technical Note in Appendix F to my main proof also includes details (in Section 4) relevant to this issue, the contents of which can be summarised as follows:

- Speed surveys have been carried out to inform the calculation of visibility splays and forward stopping sight distances;
- Visibility splays can be provided from Cut Throat Lane which meet the 'One step below desirable minimum' standard from DMRB CD 109 Table 2.10;
- Forward visibility to the Cut Throat Lane junction for vehicles travelling southbound on the A449 is below the recommended level;
- However, only four accidents have been recorded at this junction in the past five years, and only one of which relates to vehicles travelling southbound on the A449;
- The accident rate for this junction is typical for a junction of this type and traffic flow; and
- The increase in traffic at this junction as a result of the development is predicted to be only 15%.

6.4.2 Given the lack of an existing road safety problem at this junction, and the modest increase in traffic flows expected as a result of the development, I do not consider that the development will give rise to an unacceptable impact on road safety in this location.

## **6.5 Implications of Second Point of Access**

6.5.1 As noted previously, the Council contends that all the concerns they have raised are easily capable of being overcome by providing a second point of access.

6.5.2 However, the evidence in Section 5 of Appendix F to my main proof shows that the Knapp Lane route is the shortest route available to the A449/Cut Throat Lane junction from both access points, and therefore the introduction of a second access would not reduce any impacts on Knapp Lane or Cut Throat Lane.



## 7 Rhea Lane

### 7.1 Principal Issues

- 7.1.1 In the final element of the first reason for refusal, the Council expresses concern that Rhea Lane would be unsuitable for use by development traffic in the event that Bromyard Road to the south of the proposed access becomes blocked for any reason.
- 7.1.2 Further concern is raised that Rhea Lane may be unavailable in any case due to flooding in the vicinity of Storesbrook, although no evidence to that effect has been provided by the Council at any time during the planning application and determination process.

### 7.2 Policy Context

- 7.2.1 Planning Practice Guidance issued on ‘Travel Plans, Transport Assessments and Statements’ notes that:

*“In general, assessments should be based on normal traffic flow and usage conditions”*

[CD1.27, Para 015]

- 7.2.2 The guidance is therefore clear that the potential transport impacts of new developments should be based on a ‘normal’ day, not on the basis of a rare event which may or may not happen, and certainly not in conjunction with a separate rare event which also may or may not happen.

### 7.3 Alternative Routes

- 7.3.1 Bromyard Road provides access to eight other main through-routes north of the site, with other variants of these routes available. Some of these routes are acknowledged to be of a low quality, albeit they are all passable, but there are good standard connections to the wider road network via the A4103 and B4220.
- 7.3.2 Whilst the provision of a second point of access would reduce the reliance on Bromyard Road, given the extremely low probability of Bromyard Road being closed, the availability of other routes, and the policy context requiring normal conditions to be assessed, I consider there to be no unacceptable impact in relation to this issue.



## 8 Provision of a Single Site Access

### 8.1 Principal Issues

8.1.1 The principal issue cited by the Town Council in their SoC in relation to the provision of a single site access is that it is contrary to Herefordshire Council's 'Highways Design Guide for New Developments' (July 2006), specifically with reference to:

- The quantum of development served from the single access point; and
- Safeguarding of the northern section of the Ledbury bypass.

### 8.2 Quantum of Development

8.2.1 The Town Council contends that the proposal for a single site access is not satisfactory by virtue of the fact that it will serve more than 300 dwellings, contrary to Herefordshire Council's Highways Design Guide for New Developments (July 2006).

#### Herefordshire Design Guide

8.2.2 The Design Guide was published to aid designers in preparing transport infrastructure in relation to new developments. It is acknowledged that the proposed site access does not conform to the design guide in relation to the number of dwellings served. However, as noted within the document:

*'The Design Guide stems from guidance set out in Design Bulletin 32: Residential Roads and Footpaths: Layout Considerations (DB32) and its companion guide Places, Streets and Movement.'*

[CD 1.52, Section 1.1]

8.2.3 Manual for Streets (MfS) was published in 2007 and MfS2 in 2010, both of which supersede DB32 and the Herefordshire Design Guide. These documents do not place restrictions on the number of dwellings served via a single point of access.

8.2.4 Highway authorities have mostly now moved away from the significantly out of date guidance contained in DB32 and the various local guidance documents that were produced as derivatives of it. There is a general acceptance that relatively large amounts of development can be served from a single point of access providing that safety, capacity and environmental factors are considered appropriately.



- 8.2.5 With regard to the appeal site, it has been demonstrated that the single point of access will operate well within capacity, no road safety issue have been identified through the Road Safety Audit process, and two arms into the site are provided from the access roundabout to allow some traffic movements to divert from the principal street.
- 8.2.6 In terms of environmental factors, given that the application is in outline and the masterplan is only illustrative, there are of course ample opportunities at more detailed design stages to consider the nature of any dwellings fronting the principal street, in terms of the set back from the carriageway, inclusion of street trees, specification of windows etc.

### **Herefordshire Council's Assessment of the Proposals**

- 8.2.7 The Council as highway authority has accepted that a single point of access is an appropriate solution to access the site, in that this arrangement would comply with the relevant policies and guidance.

## **8.3 Ledbury Bypass**

- 8.3.1 It is now agreed in the SoCGLTC that there is no longer any safeguarded route for the northern section of the Ledbury Bypass.



## 9 Signalised Layout of the Bromyard Road / Hereford Road Junction

### 9.1 Principal Issues

9.1.1 The principal issues cited by the Town Council in relation to the layout of the proposed signalised junction at the Bromyard Road / Hereford junction are in relation to operating capacity and safety. I have addressed each matter in turn below.

### 9.2 Operating Capacity

#### Need for the signalised layout

9.2.1 An improvement to this junction is required in any event. Whilst the proposed development and associated access proposal would indeed result in increased traffic volumes through this junction, there would still be increased traffic volumes through this junction if a second access were to be provided beneath the viaduct, and the existing issues relating to capacity and pedestrian safety would still prevail.

#### Discrepancies between junction capacity results

9.2.2 I have already dealt with this matter in Section 5.2 of this proof.

#### Operation of the junction in conjunction with other proposed crossings

9.2.3 It has been agreed with the Town Council's highway witness, Mr Bradshaw, that there is no longer a requirement to consider the operation of the two proposed stand-alone toucan crossings on Hereford Road.

#### Flawed Modelling

9.2.4 No explanation is provided in the LTC SoC as to the precise nature of their criticism with regard to the modelling, therefore I am not able to address this matter at the time of preparing this proof. As noted in para 5.2.4 of my main proof, the modelling was thoroughly reviewed by the highway authority and their consultants, and was considered to be acceptable.

#### Further Growth North of Ledbury

9.2.5 The SoCGLTC notes that it is now agreed there is no need to consider any additional growth beyond the current Core Strategy plan period.

### 9.3 Safety

9.3.1 The Town Council's safety concerns in relation to this junction are associated with the intervisibility between stop lines. I have already dealt with this in Section 5.4 of this proof.



## **10 Rat-Running Along Local Lanes**

### **10.1 Principal Issues**

10.1.1 In relation to 'rat running', the Town Council contends that:

- The assumptions in the Transport Assessment regarding the distribution of development traffic are flawed;
- There are safety concerns associated with Knapp Lane and Cut Throat Lane;
- The modelling underestimates the level of traffic coming from the north that will seek alternative routes; and
- Increased 'rat running' would occur if an emergency closed Bromyard Road.

### **10.2 Distribution of Development Traffic**

10.2.1 It is now agreed in the SoCGLTC that the distribution of traffic is acceptable.

### **10.3 Knapp Lane / Cut Throat Lane**

10.3.1 Safety issues relating to Knapp Lane and Cut Throat Lane have already been addressed in Section 6 of this proof.

### **10.4 Traffic from the North**

10.4.1 The proposed signalised junction is predicted to operate with reserve capacity in both peak hours and with calculated delays of 36 to 46 seconds per vehicle [CD 8.36, Appendix C, Tables 1 and 2] on the Bromyard Road arm of the junction, depending upon the forecast pedestrian crossing demand. Given the relatively low level of delay, and given the queues at the junction are predicted to clear each cycle, I do not consider that these absolute levels of delay would be sufficient for drivers to consider an alternative route into Ledbury.

10.4.2 It should also be noted that there is already a level of queueing and delay experienced by drivers on Bromyard Road, as demonstrated by the survey data. Any additional net delays would therefore be lower than the levels set out above, adding further justification to my conclusion that drivers from the north are unlikely to seek alternative routes.

### **10.5 Closure of Bromyard Road**

10.5.1 I have already dealt with the potential closure of Bromyard Road in Section 7.2 of my proof. The Town Council's witness has also now agreed that the assessment should be based on normal conditions.





## II Local Residents' Concerns

11.1.1 Representations made by local residents on the planning application have been reviewed to identify any matters of concern additional to those raised in the reasons for refusal. A large number of representations were received by the LPA, many of which do not relate to my evidence and others which are already addressed in this proof. However, I have summarised in Table 11-1 those matters raised by local residents which are not addressed in this proof, and I have then provided a brief response to each item.

**Table 11-1: Matters raised by local residents**

Matter Raised	Response
The proposed toucan crossings will create additional queues and delays.	Very minor localised delays will be incurred when the toucan crossings are called. However, any disbenefits associated with these minor delays are significantly outweighed by the benefits to pedestrian and cyclist safety.
No additional car parking is proposed in the town centre.	Additional parking in the Town Centre was not identified as a requirement in the Ledbury Public Realm & Transportation Appraisal, no request for additional parking has been received from the highway authority, and the site is within walking and cycling distance of the Town Centre.
The proposed pedestrian, cycle and junction improvements should be implemented before development commences.	The conditions and any associated triggers will be discussed with the LPA prior to, and during the inquiry.
Any development that serves to increase the risk to active travel journeys would contravene the Council's Climate Emergency Policy.	The proposed improvements to pedestrian and cycle infrastructure, together with additional S016 funding related to non-car modes, will decrease, not increase, the risk to active travel.
The trip assignment is disputed.	The trip assignment has been agreed with the LHA, it was not a matter disputed by TPA on behalf of the Town Council, and it is now agreed in the SoCGLTC.
The viability of the 675 bus service would be impacted if there are additional delays on Bromyard Road.	The proposed signalised improvement at the junction of Bromyard Road with The Homend will not result in significant additional delays on Bromyard Road, and the development could result in an increase in patronage on the 675 service, therefore the impact on the viability of the service is likely to be positive.
No additional parking is proposed at local schools.	Additional parking at local schools was not identified as a requirement in the Ledbury Public Realm & Transportation Appraisal, no request for additional parking has been received from the highway authority, and the site is within walking and cycling distance of the local schools. Furthermore, the provision of additional parking would undermine attempts to discourage parents from using the car for school journeys.
No additional parking is proposed at the rail station.	Additional parking at the station was not identified as a requirement in the Ledbury Public Realm & Transportation Appraisal, no request for additional parking has been received from the highway authority, and the site is within walking and cycling distance of the local schools. However, funds could be made available from the S106 package to provide additional cycle parking at the station.



11.1.2 I consider that the matters identified in the table above have been adequately addressed and do not give rise to any material concerns which would alter my assessment of the proposed development.



## 12 Policy Assessment

### 12.1 Relevant Policy Framework

12.1.1 The policies relevant to my proof are as stated in the decision notice and are as follows:

- National Planning Policy Framework (February 2019), Paragraphs 109 and 110;
- Herefordshire Local Plan Core Strategy, adopted 16 October 2016, Policies SS1, SS4, LB2 (seventh bullet) and MT1; and
- The provisions of Herefordshire Council's 'Highways Design Guide for New Developments' (July 2006).

### 12.2 National Planning Policy Framework

12.2.1 In my professional opinion, the technical information provided in support of the planning application, and the additional evidence provided in my proof, all demonstrate that there will be no unacceptable impact on highway safety and that there will be no severe residual cumulative impacts on the road network. My assessment has shown that there are no existing road safety concerns which will be exacerbated by the proposed development, and that mitigation is provided to address localised junction capacity issues and to improve pedestrian and cycle safety. The detailed provisions of paragraph 110 of NPPF are also met by the proposals.

12.2.2 I therefore consider that the proposals are compliant with NPPF in transport terms.

### 12.3 Herefordshire Local Plan Core Strategy

12.3.1 In my professional opinion, the technical information provided in support of the planning application, and the additional evidence provided in my proof, all demonstrate that the development proposals are sustainable in transport terms. The site is within walking and cycling distance of both the Town Centre and the rail station, improvements are proposed to pedestrian and cycle facilities, and a comprehensive Travel Plan has been prepared. I therefore consider that the proposals are compliant with Policy SS1.

12.3.2 My evidence has demonstrated that the impacts on the transport network will be minimal, the highway network will continue to operate in a safe and efficient manner, the site is accessible and that mode choice has been facilitated. I therefore consider that the proposals are compliant with Policy SS4.

12.3.3 Much of my evidence has concentrated on the vehicular access arrangements, demonstrating that they are satisfactory, in so much as the access proposal is safe, efficient, policy compliant, deliverable and does not give rise to unacceptable impacts. I therefore consider that the proposals are compliant with Policy LB2 (seventh bullet).



12.3.4 With regard to Policy MT1, each and every aspect of the policy requirements has been met as follows:

- Traffic impacts have been mitigated;
- Non-car modes are promoted and incorporated into the design;
- Active travel is encouraged through the Travel Plan;
- Safe access is provided for all;
- New connections have been provided to existing footways; and
- The requirements of the Highways Development Design Guide and Local Transport Plan have been considered, noting however that the design guide is significantly out of date in many aspects.

12.3.5 I therefore consider that the proposals are compliant with Policy MT1.

## **12.4 Highways Design Guide for New Developments**

12.4.1 This document was published in July 2006 and has subsequently been superseded by Manual for Streets 1 and 2, plus other publications. As noted in Section 8.2 of my main proof, I therefore attach little weight to this document.



## 13 Summary and Conclusion

### 13.1 Summary

13.1.1 This proof addresses the 'Highways' section of the LTC SoC plus Reason for Refusal 1; matters relating to vehicular access.

13.1.2 In relation to the Hereford Road / Bromyard Road junction I have demonstrated that:

- An improvement to the junction is required in any event to resolve existing capacity and pedestrian safety issues;
- The capacity results presented for the proposed junction are correct;
- There is sufficient capacity within the junction to accommodate both the proposed and other committed development;
- The provision of full intervisibility is not a requirement and there are no significant road safety implications of not providing the full intervisibility; and
- Even if a second access was to be provided, a similar junction improvement would be required in any event.

13.1.3 In relation to Knapp Lane and Cut Throat Lane I have demonstrated that:

- Adequate visibility is available at the junction of Knapp Lane with The Homend;
- The lack of footways on Knapp Lane does not present an unacceptable risk to highway safety;
- The lack of full forward visibility on the A449 southbound does not present an unacceptable risk to highway safety; and
- The provision of a second point of access will not reduce any impacts on Knapp Lane or Cut Throat Lane.

13.1.4 In relation to Rhea Lane, I have demonstrated that;

- The potential transport impact of new developments should be based on a 'normal' day;
- The probability of Bromyard Lane becoming impassable is very low, with the combined probability of this happening in conjunction with flooding on Rhea Lane being negligible; and
- A range of alternative routes are available in the unlikely event of Bromyard Road becoming blocked.

13.1.5 In relation to the provision of a single site access, I have demonstrated that:

- There is no policy requirement for the provision of a second point of access, either beneath the viaduct or elsewhere;



- There is no evidence to suggest that the provision of a second access under the viaduct is required or deliverable;
- Little weight should be attached to the Herefordshire Design Guide;
- The provision of a single site access complies with MfS and MfS2; and
- The Council as highway authority has accepted that a single point of access is an appropriate solution to access the site.

13.1.6 In relation to rat-running along local lanes, and in addition to the concerns raised regarding Knapp Lane and Cut Throat Lane, I have demonstrated that drivers from the north are unlikely to seek alternative routes due to the introduction of traffic signals at the Bromyard Road / Hereford Road junction.

## **13.2 Conclusion**

13.2.1 In conclusion, the proposed development is allocated in the Local Plan, received no objections from the local highway authority, was recommended for approval by the planning authority, the reasons for refusal have been withdrawn, the Council is now inviting the Inspector to allow the appeal, I have demonstrated that the first reason for refusal is invalid and that the matters raised by the Town Council do not have any material bearing on the assessment of the application.

13.2.2 Therefore, in my considered professional opinion, there are no highways or transport grounds on which to withhold planning permission.