



Lewis Oliver
Principal Planning Officer
Planning Services
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13th December 2021

Dear Mr Oliver,

**Planning Application APP/20/01221 – Land to the west of the B&Q, Purbrook Way, Havant
Highways Authority Response – 24th November 2021**

I write in relation to the above planning application and, in particular, the consultation response received from Hampshire County Council (HCC) Highways dated 24th November 2021. We are pleased to see the previous highways objection has been overcome.

Background

The response removes the previous Highways objection, subject to the following conditions and S106 obligations.

- Prior to commencement of development to enter into a Highways agreement for the pedestrian and cycle link as shown indicatively on drawing number AD 110 Rev C. To implement the pedestrian and cycle link to the Highways Authority's satisfaction prior to occupation.
- Prior to commencement of development, to enter into a Highways agreement for the A3 (M) J4 improvements as detailed in drawing number B/LIDLPUROBROOKWAY2.1/06 REV H. To implement the improvement works to the satisfaction of the Highways Authority prior to occupation of the development.
- Prior to occupation of development, to pay the pedestrian and cycle contribution of £202,000.
- Payment of the Travel Plan approval and monitoring fees (c.£16,500) along with the bond.

The latest response was based on a revised improvement scheme prepared by Mayer Brown for the A3(M) Junction 4 roundabout, along with associated modelling outputs and revised tracking drawings. The amendments included the incorporation of a two-lane entry onto the roundabout from the B&Q arm which reduced the pedestrian crossing distance, compared to the previous improvement scheme, from 7.3m to 5.9m. Further improvements were also provided including, for example, road humps, vegetation clearance and tactile paving.

The scheme put forward was the subject of an independent Stage 1 safety audit which raised no issue with the crossing of two-lanes.

The main concern upheld by the Local Highways Authority (LHA) relates to the introduction of an additional lane and perceived detrimental impact upon the attractiveness of the existing route for pedestrians and cyclists. In the view of the LHA, the scheme is considered to result in an increase of severance along a route identified in Hampshire County Council's Draft Local Cycling and Walking Infrastructure Plan for the Borough of Havant. The LHA also consider the scheme contrary to a wider position established in HCC's Emerging LTP4 Policy and LTN 1/20 which

seek to prioritise the movement of pedestrians and cyclists. It is on the basis of this single issue that a highways contribution is sought totalling £202,000.

Matter at Issue (Increased Severance)

The LHA Consultation Response notes that:

"By introducing an additional lane [as part of the proposed A3(M) J4 Improvements], the Highway Authority remain concerned that the scheme is less attractive for pedestrians and cyclists and will increase severance along the route which has been identified... [within the LCWIP] as one of the key routes for vulnerable road users in the area."

This view is entirely subjective. The proposed A3(M) J4 improvements allow for the provision of an additional traffic lane on the B&Q entry arm of the roundabout, based upon realignment of the existing crossing point. The improvements result in the crossing distance increasing from 4.8m to 5.9m, consistent with the existing crossing distance for the B&Q arm roundabout egress (5.4m). The total crossing distance has increased by just 1.1m (less than the length of adult bicycle).

The marginally increased crossing distance would have an imperceptible impact upon severance. Further no regard is had to the significant improvements to the junction proposed as part of the development. These include: -

- **Tactile Paving** – Provision of tactile paving at crossing points for less able sighted, with only dropped kerbs currently provided in this location.
- **Widened Footway/Cycleway** – existing shared footway/cycleway running along Purbrook Way currently narrows to c. 2.2m, below the recommended minimum of 3m in the vicinity of the existing eastern dropped kerb crossing point. Improvements provide a widened 3m shared footway/cycleway to the new crossing point.
- **Crossing Distance** – realignment of the crossing point to minimise associated crossing distance, resulting in a nominal 1.1m increase.
- **Pedestrian/Cyclist Visibility and Approach Speed Reduction** – Visibility afforded for pedestrians and cyclists at the existing crossing point was considered below standards outlined within HCC Technical Guidance Note TG3 – Stopping Sight Distances and Visibility Splays (Revised May 2019). Consequently, one of the key elements of the improvements was to provide appropriate visibility in accordance with HCC TG3, through the realignment of the kerb line to address third party visibility constraints and reduce vehicle speeds on the junction/crossing approach via the introduction of full road width speed hump.

This comprehensive package of improvements also needs to be set in the context of the minimal level of additional pedestrian and cycle trip generation at this crossing point that can be attributed to the proposed development (c. 3 no. pedestrian trips and 1 cycle trip in any hourly period). In short, the proposals represent a significant betterment to the crossing point when compared to the existing situation.

Despite the measures presented, the LHA have requested a contribution of £202,000 to provide pedestrian and cycle improvements. The LHA have confirmed that the level of contribution has been calculated as per below:

- Relevant schemes identified within the Borough of Havant Draft Local Cycling and Walking Infrastructure Plan (LCWIP) dated 21st September 2021 namely:

Scheme	Description	Cost At
277.1.5	Off-road segregated cycle lanes on Purbrook Way in vicinity of A3(M) northbound roundabout	£250,000
277.1.6	Segregated lanes on Purbrook Way bridge over the A3 (M) if centre verge is removed or widened shared use facility.	£150,000

Based upon a combined scheme cost of £400,000, the LHA are **seeking over 50% of the cost of these schemes to be provided by this individual development.**

Planning Obligations

Paragraph 57 of the NPPF (July 2021) is clear that planning obligations must only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms.
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

There can be no credible argument that the planning obligation, as sought by the LHA, is necessary to make the application proposals acceptable in planning terms. To the contrary, it is our view, that the level of contribution fails to meet any of the three tests.

We say this for the following reasons:

- The LHA have confirmed, within their response dated 6th October 2021, that PVM² values, which assess the degree of conflict between vehicles and pedestrians/cyclists for the B&Q junction arm 'with development' scenario fall below the requirements for a controlled crossing point.
- The degree of severance is minimal. It comprises an increase in crossing distance of just over 1m. The crossing distance is wholly comparable with the existing crossing distance for the B&Q arm roundabout egress (5.4m).
- No regard has been had to the significant benefits and improvements to the junction as a consequence of the improvement scheme.
- It is not unreasonable to assume that the 'attractiveness' of the junction for both pedestrians and cyclists will improve as a result of the junction improvements put forward as part of the proposals.
- An independent road safety audit raised no concern on the matter of severance.
- The proposals cannot be said, in any way, to increase the intensification/use of the crossing to any meaningful degree.

- The LHA have accepted the application proposals will not have a detrimental impact upon the highway network.
- Based on the minimal level of additional pedestrian and cycle trip generation, improvements to the junction can be said to be primarily for public benefit (c. 3 no. pedestrian trips and 1 cycle trip in any hourly period).
- The rationale for the contribution appears based on emerging policy which holds limited weight.

Overall, it is entirely unreasonable for the application proposals to be expected to contribute over 50% of the total financial contribution of the aforementioned cycle schemes set out within the Draft Local Cycling and Walking Infrastructure Plan. Such a significant level of contribution is not necessary to make the development acceptable in planning terms, directly related to development, nor fairly related to the scale of the development and matter at hand (i.e., a perceived impact on severance to the existing crossing point).

Community Infrastructure Levy

The unreasonableness of the contribution sought by the LHA assumes further importance when regard is had to the matter of Community Infrastructure Levy (CIL). The application proposals are CIL liable. This is not an insignificant figure and will total over £200,000 alone.

Havant Borough Council Infrastructure Funding Statement (IFS) (2020), establishes (Appendix A) an indicative list of infrastructure projects that may be wholly, or partly, funded by CIL. This includes local and strategic transport improvements, except for site-specific matters required to mitigate the impact of the development and make it acceptable in planning terms.

Further the Infrastructure Delivery Plan (IDP) (July 2020) forms a key part of the evidence base to support the Havant Borough Local Plan (2036). It also influences the Council's spending decisions on the CIL. Types of infrastructure are set out within this document which, notably, includes cycling and walking. Commenting on appropriate funding sources for cycling and walking infrastructure the document notes that sources of funding would *"be from a variety of sources which may change over time with government policy, currently we look to Section 106 or 278 agreements with developers, Community Infrastructure Levy or other dedicated funds (Such as Transforming Cities Fund)"*. (our underlining).

As the IFS (2020) acknowledges when CIL is collected, 100% of the sum is divided as follows: 80% Strategic CIL, 15% Neighbourhood Portion and 5% Monitoring and Administration. Therefore, the majority of CIL is proportioned for strategic infrastructure. Clearly, HBC is responsible for making the final decision on the allocation of funding raised through the Community Infrastructure Levy. However, we contend that the cycle schemes comprise strategic infrastructure projects (consistent with comparables identified within the IFS). They are precisely the types of projects that CIL funding should be directed towards.

Conclusion

Section 106 Agreements need to meet the three tests:

- Necessary to make development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

The suggested contribution by the LHA does not meet any of the tests. It is not necessary to make the development acceptable in planning terms. The works proposed through the planning application result in significant betterment to the existing junction, with no safety concerns raised following detailed review by Hampshire County Council, including internal safety auditors and engineers. Nor can delivery of the cycle schemes be considered directly related to the development. They are of wider strategic importance to the Borough. On that basis a contribution from the proposals for over 50% of the total estimated cost of these identified schemes can in no way be considered fairly and reasonably related to the development.

Regardless, the development makes a significant CIL payment – a large proportion of which could be allocated to the cycle schemes. There is no need, or justification, for a further s106 payment on this basis.

Yours sincerely,

A black rectangular box redacting the signature of Alastair Thornton.

Alastair Thornton

Director