



Lewis Oliver
Principal Planning Officer
Planning Service
Havant Borough Council
Public Services Plaza
Civic Centre Road
Havant
PO9 2AX

10th February 2022

Ref. SP19-1085

Dear Mr Oliver,

**Planning Application APP/20/01221
Land to the West of the B&Q, Purbrook Way, Havant
Highways Authority Response – 14th January 2022**

I write in relation to the above planning application and in reply to the consultation response from Hampshire County Council (HCC) Highways dated 14th January 2022.

In short, we hold significant concerns regarding the level of financial contribution sought by HCC. We question, in the strongest possible terms, whether the obligations meet the relevant tests.

In summary, the position is as follows:

- The Highway Authority have removed their previous objection subject to several conditions and S106 obligations.
- A payment of £202,000 is requested for pedestrian and cycle highway improvements.
- This contribution is based on concerns regarding the introduction of an additional lane of traffic and the resultant detrimental impact upon the attractiveness of crossing the site access for pedestrians and cyclists.
- HCC consider that the application proposals result in an increase of severance along a route identified in Hampshire County Council's Draft Local Cycling and Walking Infrastructure Plan (LCWIP) September 2021.
- The Highway Authority also consider the scheme contrary to Hampshire County Council's Emerging Policy LTP4 Policy and LTN 1/20, which seek to prioritise the movement of pedestrians and cyclists.
- Following undertaking various analysis work and a road safety audit, HCC have confirmed that based upon post development traffic, pedestrian and cyclist numbers and applying a weighting factor to more vulnerable road users, the provision of an uncontrolled crossing point is suitable at this particular location.
- The only material concern raised by HCC is that the carriageway would increase from a wide 1 lane approach to 2 lanes. This equates to the crossing distance increasing by just 1.1m.
- The development proposes significant improvement works to the access junction (including tactile paving, widened footway/cycleway, visibility enhancements, and speed reduction measures etc). These are of wider public benefit. They improve the existing crossing arrangement and, therein, its attractiveness.

- The principal matter of disagreement between the Highways Authority and the Applicant are to what extent does the perceived severance make it less desirable for pedestrians and cyclists to use the crossing (post development) and to what extent do the wider junction improvements 'counterbalance' this degree of severance.
- The Highway Authority have afforded a 'monetary value' to perceived severance by reference to 2no. cycle/pedestrian schemes (277.1.5 and 277.1.6), outlined within the Draft LCWIP.
- Based upon a combined cost of £400,000, the Highway Authority are seeking over 50% of the total cost of these schemes to be borne by the development (based on average percentage increase in vehicular trips on the B&Q arm).
- The LCWIP remains in draft. It has not been adopted and is afforded only limited weight.
- The cycle/pedestrian schemes remain aspirational. They have not been fully costed nor subject to any detailed design or feasibility testing etc.
- In the absence of the application proposals, projects identified within the LCWIP will be the subject of a range of funding opportunities (including Community Infrastructure Levy).

It simply cannot be credible for this individual development to fund 50% of two aspirational cycling schemes.

Planning obligations can only be sought where they assist in mitigating the impact of unacceptable development, making it acceptable in planning terms. They cannot be used to secure wider infrastructure works not necessary to the development, directly related, or fair and reasonable in scale and kind. The statutory tests are clear in this respect.

The key consideration is the level to which any severance caused by the junction redesign, proposed as part of the application proposals, can be said to make it less desirable for pedestrians and cyclists. Further, any perceived degree of any severance needs to be weighed against the wider junction improvements provided.

Mayer Brown have reviewed further the level of financial contributions sought by the Highway Authority. Enclosed with this letter is an additional Technical Note (dated February 2022). This revisits trip generation, cross visitation and the crossing improvements to be delivered with the application. It concludes that the crossing point improvements are primarily for public benefit and that the proposals actually reduce severance by making the junction safer to cross and more attractive to all users. Consistent with HCC's own policy, the cost of undertaking the works can be deducted from the level of financial contribution requested.

The junction improvements have been accepted by the Highways Authority from a vehicular capacity perspective and their previous objection removed on this basis. Requesting a substantial contribution for what remain, in effect, aspirational projects contained in a draft LCWIP extends far beyond what is reasonable and necessary to make the development acceptable in planning terms. We would welcome the view of the Local Planning Authority on whether these obligations can be said to meet the CIL tests.

Regardless, should Havant Borough Council decide that a contribution is necessary to make the development acceptable in planning terms, a far more appropriate level of financial contribution would total £41,000. This is evidenced and appropriately justified within the note prepared by Mayer Brown and follows an alternative calculation methodology.



We would welcome the opportunity to talk this through with you and propose convening a meeting with yourself and HCC Highways as a matter of urgency.

Yours sincerely,



Alastair Thornton

Director