Advice Note 02

Spatial Planning Framework Commission

Job number:	SB514		
Job title:	PJ Browns Bolney Access from A23		
LPA name:	Mid Sussex Council	**LPA Ref:**	EF/18/0446
To:	Marius Pieters	**cc:**	
Topic:	Transport Statement and Travel Plan review		

	Prepared:	**Checked/Approved**
Name:	Harry Robinson	Terry Dale
Date:	29/08/2024	10/09/2024

Throughout this response any **ACTION POINTS** for the applicant are shown as **bold underlined**.

Introduction

1 In February 2023, Mid Sussex District Council (the Council) served an enforcement notice, ref: EF/18/0446, on PJ Brown (Civil Engineering) Ltd. (the Appellant), who has since appealed against the notice under grounds (a), (b), (d), (f), and (g) of Section 174(2) of the Town and Country Planning Act 1990, as amended.

2 In support of the appeal, Cora IHT (Cora), the Appellant's Transport Consultant, has prepared a Transport Statement (TS) and Travel Plan (TP) to support a temporary planning consent for the development for a period of four years. On behalf of National Highways, the Jacobs SYSTRA Joint Venture (JSJV) has reviewed the documentation and would offer the following comments.

Development Proposals

1 As discussed, the Appellant has appealed against an Enforcement notice under Section 174(2) of the Town and Country Planning Act 1990, as amended. The report prepared by Cora, states that the appeal site has been used since 2007 for:

- The importation, processing, storage, and export of waste material upon the Land
- The deposition of waste material upon the Land
- The storage of building materials upon the Land
- The storage of plant, machinery, and containers upon the Land
- The laying and construction of hardstanding upon the Land

2 Therefore, with particular respect to ground (a), if the Inspector is inclined to grant consent, the Appellant submits that such consent should allow the continuation of the above uses (the development) on the appeal site for a period of four years.

Site Location

3 As can be seen in **Figure 1** the appeal site is located immediately adjacent to the A23.

Figure 1. Appeal Site location in relation to the SRN

4 The A23 at the location of the access to the appeal site, as identified in **Figure 2**, is categorised as a Dual 3 All Purpose (D3AP) road. For context, a D3AP road is designed to accommodate high traffic volumes while providing access to both local and longer-distance destinations.

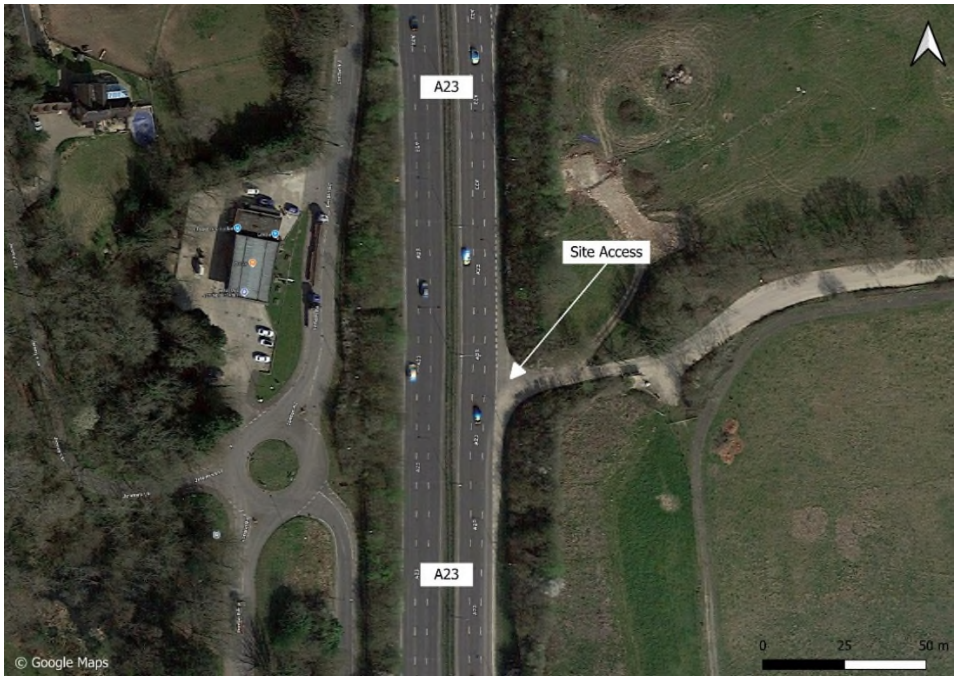

Figure 2. Location of site access

5 Adjacent to the appeal site, the A23 main carriageway is a Dual all-purpose three-lane carriageway (DAP3) which benefits from street lighting and is subject to the National Speed Limit (70mph).

Current Access and Use

6 As shown in **Figure 2**, the appeal site gains access via a priority junction with the A23 that operates as left in/left out. This access has existed at this location for several years; therefore, its geometric layout predates the current highway design standards outlined in the Design Manual for Roads and Bridges (DMRB), which was comprehensively reviewed in 2019. At the time of its original formation, likely coinciding with improvements to the A23, the junction would have been categorised as a 'Direct Access', and the prevailing DMRB design standard (TD41/95) should have applied. Nonetheless, the junction lacks a traffic island, hatching, or bollards, all of which are typical features of a Direct Access arrangement consistent with TD41/95.

7 Furthermore, the access road itself is insufficiently wide enough to accommodate two-way movements; hence, a vehicle exiting the land may obstruct access and may cause an incoming vehicle to overhang into the main carriageway if it is of a length greater than 10m.

8 Commensurate with the speed limit on the A23, the visibility splay to the south of the access (left) should be 4.5m (minimum X) x 295m (Y); this splay is apparently unachievable however, potentially due to the overgrowth of vegetation in the verge. Visibility to the north (right) of the access can be achieved from a minimum 4.5m setback; this is 4.5m x 295m and 4.5m x Tan.

9 Cora, states that:

- The access has been used by PJ Brown Construction Limited since 2007 for the deposit and transport of inert materials to and from the site. The operation continues to this day and the foreseeable future which ranges between 30 to 60 HGV arrivals per day.
- The proposed works associated with this application would not intensify the use of the access as the material importation movements will be as existing i.e. up to 60 HGV arrivals in total including the current PJ Brown operations.

Current Design Standards

10 Separately, the JSJV has conducted a review of the access to the land east of Dan Tree Farm to inform the preparation of a Position Statement for National Highways, assessing its compliance with current design standards as outlined in the DMRB.

11 The review highlighted that the access does not meet current DMRB design standards, particularly the standards that apply to priority junctions and Dual 3 All Purpose (DAP3) roads. Specifically:

i. Inappropriate for a DAP3 Road:

- Direct Access: The access cannot be classified as a "Direct Access" under DMRB CD 123 standards because such accesses are not permitted on DAP3 roads. These roads are designed for high-speed, high-volume traffic, and direct accesses are typically only allowed in limited, low-impact scenarios (e.g., single dwellings or small utility sites with minimal traffic).
- Simple Priority Junction: The access also does not meet the criteria for a simple priority junction, which is not permitted on DAP3 roads. Simple priority junctions are generally limited to single-carriageway roads without climbing lanes

ii. Design Deficiencies:

- The layout of the access does not include essential safety features typically required such as appropriately designed merge and diverge tapers, traffic islands, and potentially visibility splays (southwards).
- Specifically, the access lacks a merging taper of sufficient length (110 meters required) and does not meet the 40-meter nose requirement for dual carriageways with a design speed of 120 km/h (75 mph). The inbound corner radius is also below the standard 40 meters needed for compliance with DMRB CD 123.

iii. Road Safety Implications:

- The provision of this access relative to DAP3 standards suggests that it was not implemented with the required safety margins that apply to roads of this nature. However, historical Personal Injury Collision (PIC) data does not indicate a significant safety issue at the access; this will be discussed later; nonetheless
- The design elements are substandard for a road of this type, which typically demands stricter controls to ensure safety due to the high speeds and volumes of traffic. Hence, non-compliance with standards may present a latent risk, especially if traffic levels at the access were to increase, or road conditions change.

12 In summary, the access does not comply with the stringent design standards set out in CD 123. However, while historical data suggests that the access has not yet caused safety issues, its noncompliance with standards may pose a latent risk, particularly if the use of the access were to intensify.

Review

Trip generation

13 Cora states that the site has been operating for over 17 years and, therefore, already generates a level of traffic consisting of a maximum of 60 HGV arrivals and 60 departures per day, i.e., 120 two-way HGV trips per day. In addition to the HGV movements, 5 staff members arrive on site outside of the highway peak hours, as shown in **Figure 3**.

Table 3.1: Maximum Daily Traffic Levels

Time Beginning	HGVs		Cars	
	Arrival	Departure	Arrival	Departure
0600	0	0	5	0
0700	5	0	0	0
0800	5	5	0	0
0900	5	5	0	0
1000	5	5	0	0
1100	5	5	0	0
1200	5	5	0	0
1300	5	5	0	0
1400	5	5	0	0
1500	5	5	0	0
1600	5	5	0	0
1700	5	5	0	0
1800	5	5	0	5
1900	0	5	0	0
Total	**60**	**60**	**5**	**5**

Figure 3. Cora daily traffic generation

14 Cora states that *"…It can be deduced that the existing site traffic is low and that this does not have a severe impact on the existing highway network"*.

15 Despite the above, Cora has not provided any evidence to corroborate the volume of vehicle trips shown in **Figure 3**.

16 **The JSJV recommends therefore that Cora provide evidence to confirm that the daily traffic generation presented within Table 3.1 of the TS is representative of a typical working. It is recommended that the Appellant carry out a comprehensive assessment of traffic operations and establish a monitoring regime to ensure that the access remains safe during given its continued use.**

17 Furthermore, the JSJV would reiterate that only presenting a vehicle trip estimate is inappropriate when considering the requirements of Circular 01/2022 which sets out a different approach to trip forecasting.

18 Paragraph 12 of the circular states that development should aim to reduce the need for private car travel and focus on locations that are, or can be made, sustainable. Additionally, paragraph 48 requires that, where a transport assessment is necessary, it should begin with a vision of what the development seeks to achieve in transport terms, followed by the testing of various scenarios to determine the optimal design and transport infrastructure needed to realise this vision.

19 This approach places greater emphasis on forecasting person trips and developing effective, robust travel plans, rather than simply estimating car trips. Therefore, we expect the Transport Statement (TS) to outline the forecast person trip generation for the development, how the need for travel will be minimised, and the expected shift towards more sustainable modes. The measures and initiatives employed to achieve this mode shift should be detailed in the Travel Plan (TP) and referenced in the TS.

20 The JSJV notes that although car-sharing measures are included in the TP, they are not reflected in the TS.

21 **Notwithstanding the requirements of the circular, if the lane use is to be consented at appeal, albeit for a limited period, the Appellant should establish the actual vehicle and person trip generation for the development, set out how the need to travel will be minimised, based upon sound, deliverable, and secured travel planning initiatives and forecast the anticipated shift towards more sustainable modes. Once the residual vehicle trip generation is determined, its impact on the operation of the SRN should then be established and presented in a Transport Assessment and associated Operational Management Plan to ensure that traffic movements can be monitored over the life of the consent.**

Mitigation Measures

22 Cora has included mitigation measures relating to the potential “nuisance associated with the movement of HGVs”, considering working hours, noise, vibration, dust, odour and debris or mud on the highway.

- **Operational timings:** Deliveries will be made during approved hours. The normal operational hours of the site will be 0700 to 1900 hours Monday to Friday. No material imports or other routine site operations will be carried out on any Sunday, public or bank holiday without the prior written approval of the planning authority.
- **Noise and vibration:**
  - The use of well-maintained vehicles and equipment; and
  - Vibrations and noise from vehicle and plant movements to and from the site will be managed through the enforcement of the designated site access point and journey route.

- **Dust and odour:**
  - Minimises dust and odour generation, through the use of enclosed handling and offloading facilities;
  - Minimise dust from being carried beyond the periphery of the site through regular cleaning of roadways.
- **Mud, litter and debris:**
  - During normal operations, HGV deliveries will be on the agreed route. The site operator will ensure that site roadways are kept free of mud, litter or debris, to minimise the risk of carry over onto the public highway.
  - The site operator will provide facilities to ensure that, prior to departure from the site, all vehicles shall have wheels free from excessive mud or debris

23 The JSJV would also note that Cora states that wheel washing facilities are situated on site.

24 Further to the above, the JSJV would recommend a planning condition requiring that an Operational Management Plan (OMP) be submitted if planning permission is to be granted. The OMP should be submitted to and approved in writing by the local planning authority (who shall consult with National Highways).

25 The OMP shall likely include details (text, maps, and drawings as appropriate) pertaining to the scale, timing, and mitigation aspects of the development. It shall encompass, but not be limited to, the following elements: site hours of operation; the number, frequency, routing, and types of vehicles visiting the site; a travel plan; guided access/egress and parking arrangements for workers, visitors, and deliveries; details of the sheeting of loose loads, wheel washing, and other facilities designed to prevent dust, dirt, detritus, and other deleterious materials from entering the public highway (along with procedures for removal if it occurs).

26 In addition to the OMP, it is also suggested that a condition be required stating that the development will not generate more vehicle trips per day than is forecast in the OMP.

Collision Data Analysis

27 The JSJV has reviewed PIC data provided by West Sussex County Council (WSCC) to National Highways, covering the period from 1 July 2017 to 30 June 2022.

28 This period coincided with the COVID-19 pandemic; hence, it requires cautious interpretation due to potentially reduced traffic volumes during national lockdowns. Nonetheless, only three PICs were recorded, none of which involved a vehicle entering or leaving the southbound carriageway at the site access. Additionally, none of the incidents were identified as having a contributory factor related to the access. Of the three, two were associated with standing water on the carriageway, and one, a fatality within the layby, has alcohol cited as a contributory factor.

29 Given that the study period also spanned national lockdowns, and notwithstanding Government guidance on the preparation of Transport Assessments—which recommend an analysis of injury accident records for the most recent three-year period, or five-year period if the proposed site has been identified as being within a high-accident area—the JSJV has also reviewed PIC data hosted by Crashmap.co.uk, covering a 21-year period (2002–2022 inclusive) (**Figure 4**).

30 As discussed, the A23 is subject to a 70-mph speed limit; hence, the SSD requirement is 295m (ref: DMRB CD109). Within 295m of the site access, therefore, we noted nine PIC on the southbound carriageway of the A23.

31 Four of the PIC are located to the south of the access, one of which was categorised as serious; two are located to the north of the layby and one, a fatality, is located within the layby. The remaining two are located between the layby exit and the appeal site access; these are categorised as serious and occurred in 2014 and 2015.

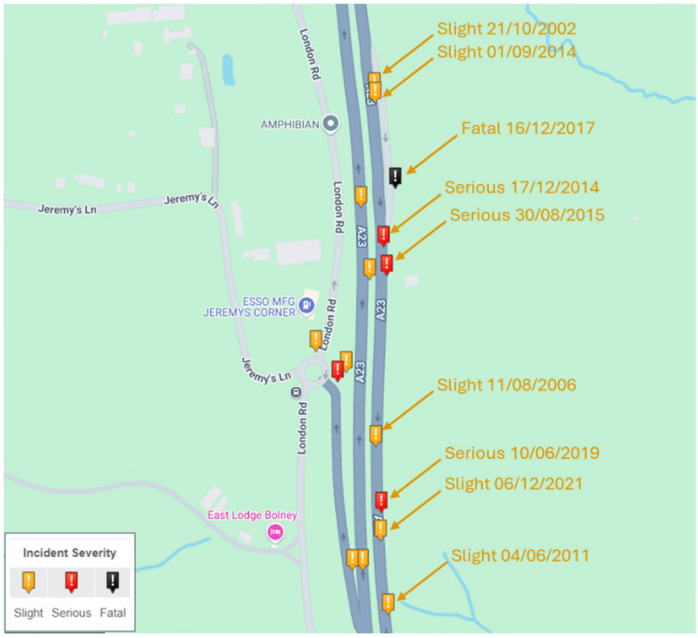

Figure 4. PIC Data 2002 – 2022

32 The spread of PIC on this section of road suggests that there is no specific trends or clusters, albeit the JSJV notes that standing water was cited as a contributory factor in two of the nine collisions. Equally, that none of the PIC recorded over an extended period are directly adjacent to or associated with the access suggests that presence of the access in itself does not generate a road safety issues.

Travel Plan

33 **The JSJV would note that, in line with Circular 01/2022, the applicant should set out a transport vision for the development. The vision should describe the aims of the development in terms of transport and illustrate how the Applicant will enable a reduction in the need to travel by private car and prioritise sustainable transport opportunities ahead of capacity enhancements.** Specifically, Circular 01/2022 states that:

> "Where a transport assessment is required, this should start with a vision of what the development is seeking to achieve and then test a set of scenarios to determine the optimum design and transport infrastructure to realise this vision."

34 The JSJV would note that it has not presented a "transport vision" within the TA or Travel Plans; however, Cora has stated that the Appellant recognises the importance of providing and encouraging a range of sustainable travel options as an alternative to car use.

Travel Plan Measures

35 Due to the location of the site, measures to promote active travel and public transport use are unrealistic; therefore, Cora notes that the TP provides a commitment to the following initiative to reduce single-occupancy car use:

- The lead Travel Plan Coordinator will co-ordinate a site-wide car share scheme using SusGo and will gather details of any person interested in car sharing.

36 Cora notes that the SusGo travel to is an electronic travel planning tool which:

- Allows Councils to monitor travel plans;
- Automatically sets up car share scheme within work group;
- Initiates travel surveys for repeated and manual schedules; and

- Produces summarised reports for Council monitoring.

Travel Plan Targets

37 Cora states that specific targets will be set for the site using the results of the initial travel survey, which will identify the baseline mode share. A summary of the findings of the initial travel survey will be available within three months of the survey's completion.

38 **The JSJV notes that a baseline mode share and a target mode share should be established prior to the initial survey and then adjusted once the survey has been completed, should the need arise. The TP cannot be deemed appropriate until suitable targets have been agreed upon with National Highways.**

39 **As discussed previously, the target mode share should then be applied to the person trip generation to derive the residual vehicle trip generation. Once the residual vehicle trip generation is determined, its impact on the operation of the SRN should then be established.**

Funding

40 The JSJV notes that there is no mention of how the TP will be funded. **We would suggest that a firm financial commitment with regards to funding for the measures proposed should be presented within the TP.**

Monitoring and Management

41 Cora notes that Susgo will be able to generate the travel survey data for all staff within the site. All survey data are automatically updated on the Council's Susgo Admin page and reviewed by the Council as required.

42 **We note that Cora has not provided any examples of alternative measures in the case that the TP is not achieving its targets or the funding that may be needed to deliver them. These should be clearly stated within the TP.**

Conclusion

43 Should the inspector be minded to grant a temporary consent as sought by the Appellant pursuant to ground (a) of the appeal, we suggest that National Highways respectfully requests that planning conditions be applied that address the deficiencies identified within this review and allow monitoring of traffic use.

44 The conditions below have previously been shared with the Council and the Appellant:

Condition 1

Within 3 months from the date of the planning consent, an Operational Management Plan [OMP] shall be submitted for approval by the local planning authority (who shall consult with National Highways). Unless otherwise agreed in writing by the local planning authority (in consultation with National Highways) the development shall thereafter be operated in accordance with the approved plan. The OMP must include the details (text, maps, and drawings as appropriate) pertaining to the scale, timing, and mitigation of traffic impacts as may arise from the operation of the development. The OMP must include, but not be limited to, the following elements:

1. A Transport Assessment to forecast traffic generation for the development.
2. A mechanism to derive and report the mean maximum peak hour period traffic generation, mean maximum daily traffic flows, and annual average weekly traffic [AAWT] flows at the junction between the site access and the A23.

3. A method of continuous monitoring of traffic flows at the junction between the site access and the A23.
4. The method and timing of reporting to the Council, in consultation with National Highways, the mean maximum peak hour period traffic generation, mean maximum daily traffic flows, and the annual average weekly traffic flows at the junction between the site access and the A23.
5. Site hours of operation.
6. The routing and types of vehicles visiting the development.
7. A Travel Plan that seeks to minimise vehicle trips, guide access and egress and parking arrangements for workers, visitors, and deliveries.

Reason:

To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and paragraph 115 of the National Planning Policy Framework (December 2023).

Condition 2

Unless otherwise agreed in writing, over any weekly period, the development hereby approved shall generate no more traffic movements than the greater of the vehicle trips per day forecast in the Operational Management Plan or the derived mean maximum daily flow.

Reason:

To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and paragraph 115 of the National Planning Policy Framework (December 2023).

Conditional response