LAND AT BIRD IN EYE FARM, SOUTH OF BIRD IN EYE HILL, FRAMFIELD, UCKFIELD, EAST SUSSEX

PROOF OF EVIDENCE OF RICHARD WHITE
(Text)

APPEAL BY KASSIE SMITH KC
TOWN AND COUNTRY PLANNING ACT 1990
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MILES WHITE TRANSPORT

CONTENTS

1	**INTRODUCTION**	1
2	**REASONS FOR REFUSAL**	7
3	**EXISTING TRANSPORT CONDITIONS**	12
4	**DEVELOPMENT PROPOSALS**	21
5	**PROPOSED VEHICULAR ACCESS**	23
6	**SUSTAINABLE ACCESSIBILITY**	31
7	**TRAFFIC IMPACT**	39
8	**SUMMARY AND CONCLUSIONS**	41

FIGURES

FIGURE 1.1	EXTRACT FROM SOCG
FIGURE 3.1	SITE LOCATION
FIGURE 3.2	LOCAL HIGHWAY NETWORK
FIGURE 3.3	SIGN SHOWING EXISTING COMMERCIAL ACTIVITIES AT BIRD IN EYE FARM
FIGURE 3.4	CRASHMAP DATA 2012-2021
FIGURE 3.5	FOOTWAY WIDTHS ON FRAMFIELD ROAD
FIGURE 3.6	EXTRACT OF MASTERPLAN
FIGURE 3.7	EXTRACT FROM PARAMETER PLAN
FIGURE 5.1	APPROXIMATE CAPACITY OF PRIORITY JUNCTIONS
FIGURE 5.2	SWEPT PATHS OF ARTICULATED VEHICLES AT ACCESS (REV M)
FIGURE 5.3	ENVELOPE OF VISIBILITY (CD123)
FIGURE 5.4	VEGETATION TO THE EAST OF THE PROPOSED SITE ACCESS
FIGURE 5.5	SWEPT PATHS OF A 12M RIGID VEHICLE ACCESSING THE SITE (REV M)
FIGURE 6.1	DETOUR FOR WESTBOUND CYCLISTS WISHING TO ENTER THE APPEAL SITE

FIGURE 6.2 FLOODING ON FRAMFIELD ROAD (LOOKING WEST NEAR COMMUNITY HOSPITAL)
FIGURE 6.3 FLOODING ON FRAMFIELD ROAD (LOOKING EAST NEAR COMMUNITY HOSPITAL)
FIGURE 6.4 ALTERNATIVE ROUTE WHEN FRAMFIELD ROAD IS FLOODED
FIGURE 6.5 FOOTWAY WIDTHS FROM MANUAL FOR STREETS
FIGURE 6.6 SUGGESTED ACCEPTABLE WALKING DISTANCES (CIHT)

APPENDICES

APPENDIX A PRIVATE SCHOOL SUMMER TERM TIMES
APPENDIX B EXTRACT FROM MANUAL FOR STREETS
APPENDIX C CENSUS DATA
APPENDIX D SSD CALCULATIONS

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1 INTRODUCTION

Preamble

1.1 My name is Richard James White and I hold a Bachelor of Science (Honours) degree in Geography from Kingston Polytechnic and a Master of Science degree in Transport Planning and Management from the Polytechnic of Central London. I am a Member of the Chartered Institute of Logistics and Transport, the Chartered Institution of Highways and Transportation and Engineering New Zealand.

1.2 I am a founder and Director of Miles White Transport Limited, a company established in 2018 to provide specialist highways engineering and transport planning advice to the private and public sectors in relation to development schemes in England, Wales and Ireland.

1.3 Prior to this, I was the founder and Managing Director of FMW Consultancy Ltd, which employed over 20 people and was acquired in full by a PLC in June 2015.

1.4 I have 33 years' experience as a practising specialist traffic and transportation engineer gained in the UK, Ireland and New Zealand. During this time, I have been employed by local authorities and private concerns to advise on transportation engineering and development issues covering safety, design, management and planning matters of many kinds.

1.5 In this matter I have been retained by Kassie Smith KC (a Rule 6 party) to provide transportation engineering and planning advice as part of my client's objection to the proposed development.

1.6 I became involved in the proposed development in 2021 and have visited the site and the surrounding area.

1.7 The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Instructions and Background

1.8 I have been retained by Kassie Smith KC to advise on the highway engineering and transport planning aspects of the proposed development on land at Bird in Eye South, Uckfield, East Sussex.

1.9 The Transport Assessment (TA) (**CDA.15**), and associated Framework Travel Plan (FTP) (**CDA.16**), submitted with the planning application were prepared by Bellamy Roberts LLP (Bellamy Roberts) in April 2021. I reviewed the transport documents submitted with the planning application and prepared Technical Note 1 - Highways and Transport Considerations (TN1) (**CDI.11**) in December 2021 on behalf of my client.

1.10 Bellamy Roberts submitted a Transport Assessment Addendum (TAA) (**CDA.47**) in March 2022 following comments from East Sussex County Council (ESCC), as the local highway authority (LHA), requesting further work on several key highways/transport matters, many of which mirrored the points I made in TN1 (**CDI.11**). I reviewed the TAA (**CDA.47**) and prepared Technical Note 2 – Additional Transport Observations (TN2) (**CDI.12**) in May 2022.

1.11 Bellamy Roberts submitted a Transport Assessment Second Addendum (TASA) (**CDA.49**) in September 2022 following further comments from ESCC. I reviewed the TASA (**CDA.49**) and prepared Technical Note 3 – Further Transport Observations (TN2) (**CDI.12**) in October 2022.

1.12 Bellamy Roberts continued to discuss the transport aspects of the proposed development with ESCC following the appeal against non-determination in September 2022. Indeed, new or revised documents and drawings were submitted to ESCC as part of the hearing statements prepared in February 2023 and discussions continued during June 2023 when the Statement of Common Ground (SOCG) (**CDD.2**) was prepared and submitted.

1.13 Additional information was received during the week commencing 7th August 2023 via an email from ESCC (that I received on the 8th August 2023 @11:49) and an email sent by Bellamy Roberts to Mary Cook (received by me on the 10th August 2023 @ 11:59).

1.14 My evidence focuses principally upon the issues embodied in the highways and transport related reasons for refusal; namely, the safety of the proposed access arrangements and the ability of the site to be accessed using sustainable modes of travel. I also consider the traffic impact of the appeal site upon the local transport network and the key junctions within Uckfield.

Planning Context and History

1.15 As already noted, originally Croudace Homes Limited and Mr & Mrs Berry (whose names have now been removed from appeal documents) appealed against the non-determination of the planning application for outline permission with all matters reserved except for the means of access from Bird in Eye Hill (ref: WD/2021/2198/MAO) in September 2022. The application had been registered by Wealden District Council (WDC) in September 2021.

1.16 This appeal was originally identified to be dealt with by a Hearing but was amended in April 2023 to an Inquiry scheduled to commence on the 12th September 2023.

1.17 WDC's Hearing Statement (**CDC.3**) states in paragraph 4.3 that planning permission should be refused for six reasons, two of which relate to highways and transport as follows:

- *Whether the scheme the subject of the planning application is in an accessible location.*
- *Whether the scheme the subject of the planning application can provide safe access.*

1.18 ESCC identity four reasons for refusal, which correlate with these two reasons, and are detailed further in Section 2 of my evidence.

1.19 It is worth noting that a planning application for a residential development scheme (ref: WD/2006/3564/MAO) comprising 197 dwellings on a similar part of the appeal site was refused on appeal in 2008. The 2006 application was refused for five reasons, two of which related to highways and transport reasons, i.e., traffic congestion and road safety (condition 2) and ability to travel by sustainable modes of transport (condition 4).

1.20 The 2006 scheme was refused on appeal following an Inquiry, conjoined with two other sites elsewhere in Uckfield – Bird in Eye North and Downlands.

1.21 The Secretary of State's letter (dated February 2009) (**CDK.1**) identifies the material planning policy considerations at the time of this decision in paragraph 11, which includes Planning Policy Guidance note 13 (PPG13). PPG13 was withdrawn in December 2015 and national transport planning policy is now provided in the National Planning Policy Framework (NPPF) (**CDL.1**), which was last updated in 2021.

1.22 Thus, the appeal decision was taken in a very different planning policy climate when the assessment of the transport implications of a proposed development was much more focused on traffic (vehicles) and less so with the ability of people to travel by more sustainable modes of transport such as walking, cycling and public transport.

1.23 The Appeal Decision (**CDK.1**) states at paragraph 755 that the appeal site relies solely upon Framfield Road to provide a pedestrian/cycle route into the town centre and acknowledges that this route is frequently congested during peak hours. Whilst the Inspector considered the appeal site (and the Bird in Eye North site) to be better located than the Downlands site, he concluded that "*both have drawbacks*" (paragraph 758).

1.24 The Secretary of State agreed with the inspector in paragraph 37 that the site "*had drawbacks*" and did not "*offer a choice of pedestrian/cycle routes into town*".

1.25 The Appeal Decision (**CDK.1**) states at paragraph 770 that all the development schemes considered would "*exacerbate town centre traffic congestion*".

Statement of Common Ground

1.26 The SOCG (**CDD.2**) was signed by the LHA and Bellamy Roberts (on behalf of the Appellant) on 19th June 2023.

1.27 The SOCG (**CDD.2**) identifies the latest versions of the various Bellamy Roberts drawings on the 19th June 2023. An extract from the SOCG (**CDD.2**) is shown as **Figure 1.1** on page 1 in the Figures and Appendices volume of my evidence.

1.28 The SOCG (**CDD.2**) sets out the highways and transport matters that are agreed between Bellamy Roberts and ESCC. The matters confirmed not to be agreed are in June 2023 are set out in Section 5.0 of the SOCG (**CDD.2**) and summarised below for completeness:

- Proposed Site Access – including the facilities for non-motorised users (NMU), the geometry of the junction and the speed limit on Framfield Road.
- Sustainable Accessibility – including improved facilities for pedestrians and cyclists on Framfield Road, bus accessibility and the FTP (**CDA.16**).
- Wider Area Highway Impacts – the acceptability of the proposed mitigation in isolation of other necessary associated measures.

Structure of Evidence

1.29 My evidence considers the highways and transport aspects of the proposed development as set out in the planning application and in numerous subsequent documents submitted by Bellamy Roberts after the application as a result of ongoing dialogue with ESCC.

1.30 My evidence assesses the proposed development against relevant national and local planning policies, and national technical and design guidance.

1.31 Thus, my evidence is structured as follows:

- Section 2.0 Details the highways and transport related reasons for refusal for the planning permission.
- Section 3.0 Reviews the existing conditions of the local transport network and provides a review of the accessibility of the site by sustainable modes of travel.
- Section 4 .0 Summarises the development proposals and associated transport improvements.
- Section 5.0 Assesses the suitability of the proposed access arrangements and resultant road safety implications in relation to Reasons for Refusal 1, 2 and 3.

- Section 6.0 Assesses the relative sustainability of the site in relation to Reason for Refusal 4.
- Section 7.0 Assesses the impact that the vehicular traffic generated by the proposed development will have upon the local road network and key junctions within Uckfield.
- Section 8.0 Presents a summary of my evidence and identifies the main conclusions that can be drawn.

2 REASONS FOR REFUSAL

Introduction

2.1 East Sussex County Council (ESCC) as the County Highway Authority has objected to the planning application for the following reasons:

1. "The proposal would result in a material change in the volume of traffic using B2102 Bird in Eye Hill where speeds are derestricted, and hazards would be introduced by the slowing, stopping, and turning traffic at the proposed access, contrary to para 111 of the National Planning Policy Framework.

2. The proposal would lead to increased traffic hazards on the B2102 Bird in Eye Hill by reason

of the inadequate visibility at the proposed access and would therefore be contrary to para 111 of the National Planning Policy Framework.

3. Insufficient measures have been submitted on the highway to support an urban extension, for purposes of reducing traffic speeds which are required to support sustainable transport modes.

4. Non-car travel choices for residents/users are limited between the site and Uckfield town centre as a result of substandard highway infrastructure which would not encourage sustainable travel modes and would therefore be contrary to para 104 and 106 of the National Planning Policy Framework."

2.2 Reasons for Refusal 1, 2 and 3 all relate to the suitability and acceptability of the proposed new junction on B2102 Framfield Road (Bird in Eye Hill) providing vehicle access to the proposed development and are dealt with in section 5 of my evidence under the heading 'Proposed Vehicular Access'.

2.3 Reason for Refusal 4 is dealt with in my evidence under the heading of 'Sustainable Accessibility'.

2.4 The SOCG (**CDD.2**) confirms that the wider traffic impact of the appeal site has not been

agreed with ESCC and is dealt with in section 6 of my evidence under the heading 'Traffic Impact'.

Relevant Planning Policy

2.5 The relevant parts of the Wealden Adopted Development Plan and the NPPF (**CDL.1**), which is quoted in the Reasons for Refusal, are produced in this section of my evidence.

2.6 This section also contains relevant extracts from the ESCC Local Transport Plan (**CDI.15**).

Wealden Adopted Development Plan

2.7 The adopted development plan for Wealden District comprises several documents, with the following being relevant in terms of transport:

- Wealden District Council Core Strategy Local Plan (adopted February 2013) (**CDE.1**)
- Saved Policies of the Wealden Local Plan (adopted December 1998) (**CDE.2**)

2.8 Policy SPO7 in the Core Strategy states that WDC "*will encourage reduction of the need to travel by car by concentrating development where it can most closely relate to public transport opportunities, improving the offer of our towns in terms of retail, leisure and recreation and by making it easier to travel by more sustainable modes of transport. We want to see noticeable improvements in journey quality for those people making trips on foot, bicycle or by public transport*."

2.9 Saved policy TR3 in the Local Plan states that "new developments will be permitted where the following criteria are met:

(1) the proposed development does not create or perpetuate unacceptable traffic conditions;

(2) a satisfactory means of access (vehicular, cycle and pedestrian) is provided to meet Local Planning and Highway Authority standards;

(3) where appropriate the provision of suitable public transport facilities".

2.10 Saved policy TR13 in the Local Plan states that the Council "*will seek to secure the provision of safe and convenient pedestrian routes in new developments, which should link to the existing footpath network where appropriate*".

National Planning Policy Framework

2.11 The NPPF (**CDL.1**) was revised on 20 July 2021 and Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

"a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and,

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places."

2.12 NPPF (**CDL.1**) states in Paragraph 105 the planning system "*should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*".

2.13 NPPF (**CDL.1**) states in Paragraph 110 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and,

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

2.14 Paragraph 111 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

2.15 Within this context, the NPPF (**CDL.1**) states in Paragraph 112 that applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and,

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

2.16 Paragraph 113 states that:

"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

East Sussex Local Transport Plan

2.17 The East Sussex Local Transport Plan 3 (LTP3) (**CDI.15**) was published in June 2011 and

covers the period 2011 to 2026.

2.18 LTP3 (**CDI.15**) states in paragraph 4.26 that the "*key challenge for Uckfield is that the highway network within the town is already very near capacity, resulting in town centre congestion issues, and it will struggle to accommodate a further increase in traffic*".

2.19 Paragraph 4.27 of LTP3 (**CDI.15**) further states that "*traffic generated by future housing in and around Uckfield from existing planning permissions and those likely to come forward through the Wealden LDF, will require an appropriate traffic management solution in the town centre*".

2.20 ESCC are currently reviewing LTP3 (**CDI.15**) and undertaking consultation on LTP4, which is envisaged to run from 2023 to 2050. LTP4 will demonstrate alignment and contribution to net zero carbon emissions and will set out how ESCC plan to improve transport, deliver better access to jobs and services, including education, and create safer, healthier, more sustainable and inclusive communities.

3 EXISTING TRANSPORT CONDITIONS

Site Location

3.1 The site is located to the south of Bird in Eye Hill (the B2102) approximately 1.5km east of Uckfield town centre as shown in **Figure 3.1 on page 1** in the Figures and Appendices volume of my evidence.

3.2 The B2102 leads through Uckfield in a broadly east-west direction linking to the A22 Uckfield Bypass to the west (as Bell Farm Road) and the B2192 at Blackboys to the east as Framfield Road/High Street.

3.3 The A22 provides the primary route to/from Uckfield and connects to East Grinstead and the M25 (and beyond to Purley) to the north and Eastbourne (and the south coast) to the south.

3.4 The A22 connects with the A26 to the south of Uckfield, which provides a link to Lewes and then to Newhaven as the A26 and to Brighton via the A27.

3.5 **Figure 3.2 on page 2** in the Figures and Appendices volume of my evidence shows the local highway network around Uckfield and the site area.

3.6 The appeal site lies to the east of the current urban area and is immediately south of the B2102 Bird in Eye Hill.

Existing Farm Operations

3.7 In addition to horse keeping, numerous businesses currently operate from Bird in Eye as can be seen in **Figure 3.3 on page 2** in the Figures and Appendices, which is a photograph of the sign at the entrance to the farm that was taken in July 2023.

3.8 These businesses are involved in a range of activities as listed below and overleaf:

- Vehicle body repairs
- Building material supplier
- Beauty salon
- Chiropractor
- Crystal shop

- Dog groomer
- Magazine printer
- Radio station

3.9 The TA (**CDA.15**) (or any of the Addendum documents) does not attempt to quantify the traffic levels associated with these existing businesses and so this is unknown. Whilst it is accepted that the traffic generated by these businesses will be included in the Automatic Traffic Counts (ATCs) undertaken on Bird in Eye Hill (either side of the location of the proposed site access), no data was presented by the appellant on the traffic levels (i.e. the number and type of vehicle movements) associated with current operations at the farm and so the impact that this could have upon the safe operation of the proposed site access was unknown until the week commencing 7th August 2023 when the appellant submitted the results of a traffic survey undertaken at the existing access junction on the 1st August 2023.

3.10 This survey date clearly falls within the school summer holiday period and so is not considered to be an accurate record of traffic flows at the existing junction for the reasons expanded upon later in this section of my evidence under the heading 'Traffic Volumes'.

The appellant has not produced any evidence to demonstrate the occupancy levels of the various business units within the farm and so the true nature of the use of the existing farm access remains unclear. Nor does the submitted The TA (**CDA.15**) (or any of the Addendum documents) address the existing access.

Highway Network

Bird in Eye Hill

3.11 The B2102 Bird in Eye Hill runs along the northern side of the site area and currently provides access to Bird in Eye Farmand several commercial and residential properties. The current access arrangement is described in the RSA dated August 2023 (received by me on the 10th August 2023) under problem A.3.1 on page 9 as being "*approximately 5 metres wide with large corner radii that appear to have been extended to incorporate tapers*". Presumably, the radii provided relates to the size of vehicles that currently use the farm access, which it is understood will utilise the proposed vehicular access and is discussed in section 5 of my evidence under the heading 'Swept Paths'.

3.12 Bird in Eye Hill is a two-way single carriageway road and is subject to the national speed limit (60mph) in the vicinity of the site. In the vicinity of the site, it is approximately 5.5m wide but does not provide any footways and is not lit.

Framfield Road

3.13 The B2102 is known as Framfield Road to the west of the junction of the road serving the Uckfield Community Hospital and east of the New Town signal-controlled junction on the outskirts of the town centre.

3.14 Framfield Road provides a single traffic lane in each direction and is subject to a 30mph speed limit (to the west of the Community Hospital access road junction) and so is lit. There is parking along at least on side of the road with narrow footways on both sides of the road.

Traffic Volumes

Automatic Traffic Count

3.15 The TA (**CDA.15**) states that an Automatic Traffic Counter (ATC) was installed on Bird in Eye Hill in mid-July 2019.

3.16 It is unusual to undertake traffic surveys in July as is not a neutral month and because some of the schools will already have closed for the summer, particularly the private ones, and so the surveys are not considered to be representative of normal traffic conditions in these locations.

3.17 Neutral months are identified in the "Transport Evidence Bases in Plan Making and Decision Taking" (Department for Levelling Up, Housing and Communities, March 2015 (**CDI.16**)) which states that "*the recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October*".

3.18 Further investigation of the term dates for the various private schools that people in the Uckfield/Framfield area currently travel to/from (eight schools in total as listed in **Appendix A** in the Figures and Appendices volume of my evidence) reveals that most of these, if not all, would have broken up for the summer holidays by the time the 2019 traffic surveys were undertaken.

3.19 The 2019 ATC indicated two-way traffic flows on an average weekday were 4,240 vehicles. The peak hourly flows were 410 and 397 for the morning and evening hours respectively.

The 2019 ATC identified 85th percentile speeds of 42.4mph for eastbound vehicles and 45.9mph for westbound vehicles.

3.20 As already noted, new traffic data was seen during the week commencing the 7th August 2023 following the appellant undertaking a junction count at the existing farm access on the 1st August 2023 and an ATC to the east of the proposed zebra crossing (see section 6 of my evidence under the heading 'Quality of Walking Route') between the 1st and 7th August 2023.

3.21 Clearly, both of these surveys were undertaken during the school summer holidays and so the results are questionable and of limited value for the reasons identified earlier in my evidence.

Junction Counts

3.22 Turning counts were undertaken at the two signal-controlled junctions on the B2102 (New Town/Framfield Road and High Street/Bell Lane) in October and November 2020.

3.23 Given that travel restrictions associated with the COVID-19 pandemic were in place in October/November 2020, these surveys are also not realistic.

3.24 The UK Government published data on transport use during the coronavirus (COVID-19) pandemic since the 1st March 2020 (Transport use during the coronavirus (COVID-19) pandemic and developing faster indicators of transport activity - GOV.UK (www.gov.uk)). This showed motor vehicle traffic flows as a proportion of the anticipated levels during more normal times. During the week surveyed traffic volumes were estimated to be approximately 11% higher during normal conditions, which explains why the October/November 2020 surveys compared well to the July 2019 surveys as that is similar to the level of reduction experienced when the schools start to break up for the summer.

3.25 Thus, it is my professional view that the traffic data collected and used in the assessment of the traffic impact of the proposed development is not representative of normal traffic volumes on Bird in Eye Hill and at the two town centre junctions of interest.

Accident Analysis

3.26 Personal injury collision data was included in the TA (**CDA.15**) for the most recent 3-year period (2018-2020) from the CrashMap database. It is worth noting that a 5-year period is normally selected for such an assessment.

3.27 This shows that there were no accidents close to the proposed site access (and the existing commercial/farm access) and just one accident at the junction of Bird in Eye Hill (the B2102) and Sandy Lane to the east of the site.

3.28 However, an interrogation of the CrashMap website in December 2021 (for TN1 (**CDI.11**)) identified that two further accidents had occurred in the vicinity of the site.

3.29 The most recent 5 years of data available on the CrashMap system (2017-2021) shows that an additional accident, resulting in serious injuries, occurred at the sharp bend in Bird in Eye Hill to the east of the site in 2020. Whilst one additional accident may not seem significant, it is important to look at road safety over a longer period than three years to identify any accident clusters as these indicate a potential road safety hazard.

3.30 If the period of investigation is extended to 10 years (2012-2021), then it can be seen that there is a cluster of 5 accidents at the sharp bend to the east of the site and 8 accidents on Framfield Road as shown in **Figure 3.4 on page 3** in the Figures and Appendices volume of my evidence.

3.31 The emergence of these additional accidents suggests that this part of the B2102 is not as safe as concluded in the TA (**CDA.15**) and this will be exacerbated by the increase in traffic volumes associated with the proposed development and the provision of a substandard access junction.

3.32 The accident data is considered in the context of the risk assessment matrix provided in the Institute of Highways & Transport (IHT) 'Road Safety Audit' document, published in October 2008 (**CDI.17**) as shown overleaf in **Table 3.1**. In this respect, the assessed risk of an accident occurring is related to various factors including vehicle demand, the speed of traffic and geometric properties of the highway.

		Frequency of Collision			
Severity		More than one per year	One every 1-4 years	One every 5-10 years	Less than one per 10 years
	Fatal	Very High	High	High	Medium
	Serious	High	High	Medium	Medium
	Slight	High	Medium	Medium	Low
	Damage	Medium	Medium	Low	Low

Table 3.1: IHT Risk Assessment Matrix

3.33 The assessed 'severity' of a collision is determined by impact speed, the type of vehicles involved in the collision and the protection afforded to victims. The resultant risk is categorised within the standard matrix below as 'low', 'medium', 'high', or 'very high'.

3.34 Typically, it is accepted that a 'low risk' is immaterial, and consideration of mitigation would not be required. Where 'medium risk' ratings are indicated, mitigation is not a pre- requisite, but practical solutions should be considered where possible. 'High risk' ratings indicate that mitigation would be desirable whereas a 'very high risk' would require immediate intervention.

3.35 Thus, the fact that there is (on average) one accident every 2 years (resulting in slight injuries or worse) at the sharp bend on the B2102 to the east of the site and nearly one per year (resulting in slight injuries or worse) on Framfield Road means that the risk is medium or high, and it is considered that there is an existing road safety problem that needs to be addressed.

3.36 The increased traffic levels associated with the appeal site will exacerbate this and requires suitable mitigation or improvements to be identified and delivered.

3.37 In summary, there is an unacceptable safety risk within the considered study area related to the geometry or layout of the highway network which will be materially worsened by the additional traffic movements arising from the development.

Walking

3.38 As identified by the Inspector at the 2006 appeal (**CDK.1**), the only route between the appeal site and the town centre and other local facilities is along Framfield Road.

3.39 The footways along Framfield Road vary in width from 1m to 1.8m as shown in **Figure 3.5 on page 3** in the Figures and Appendices volume of my evidence.

3.40 The appropriateness, or otherwise, of this is discussed further in section 6 of my evidence.

3.41 It is worth noting that the only existing pedestrian crossing facilities along Framfield Road are located at the Uckfield Community Hospital junction (uncontrolled) and as part of the New Town signal-controlled junction.

Cycling

3.42 At present, there are no dedicated cycle facilities on Bird in Eye Hill and Framfield Road. However, there are limited cycle lanes and advanced stop lines on New Town close to the signal-controlled junction with Framfield Road (but not on all approaches as stated in paragraph 4.10 of the TA (**CDA.15**)).

Bus

3.43 The closest bus stops to the appeal site are located close to the road leading to the Community Hospital, which are approximately 800m from the south-eastern corner of the site and 600m from the notional centre of the site (as shown in **Figure 3.6** and **Figure 3.7 on page 4** in the Figures and Appendices volume of my evidence).

3.44 This equates to a 7-to-10-minute walk using a walking speed of 1.4m/s as set out in Providing for Journeys on Foot (IHT, 2000) (**CDI.4**).

3.45 These bus stops are served by several bus services as shown below in **Table 3.2**.

Service	Operator	Route	Frequency
29A	Brighton & Hove	Heathfield - Brighton	Hourly (M-Su)
248	Community Transport for Lewes Area	Uckfield – Hadlow Down	3 per day (M-F)
249	Community Transport for Lewes Area	Uckfield – Buxted - Uckfield	1 per day (M, W, F)
262	Wealdlink Community Transport	Hartfield - Heathfield	3 per day (Sa)
318	Seaford & District	Heathfield – Ringmere College	1 per day (school)
331	Seaford & District	Uckfield – Hurst Green	1 per day (M-F)

Table 3.2: Existing Bus Services

3.46 The only bus service providing any kind of regular service is the 29A. However, the journey time to Brighton is approximately 1 hour and 20 minutes and it takes 45 minutes to get to Lewes. This is not attractive for future residents wishing to commute to Lewes and Brighton to work, particularly when combined with the lengthy walk to the stop and the hourly frequency.

3.47 It is worth noting that the bus service identified in the TA (**CDA.15**) (and other transport documents) to be improved by the Appellant (the 231 operated by Compass Travel – see paragraph 4.15 in the TA (**CDA.15**)) is no longer in operation. The implications of this for the Appellant's public transport offer are considered further in Section 6 of my evidence.

Rail

3.48 The nearest rail station is in Uckfield, which is 1.4km from the centre of the site and equates to a 17-minute walk.

3.49 Uckfield station is the southern terminus of a branch of the Oxted Line and provides an hourly service to London Bridge station.

Summary

3.50 In summary, the appeal site is connected to the town centre (and other local facilities) solely by Framfield Road, which provides a poor walking environment due to the narrow width of the footways and congestion on the road itself. There are few dedicated cycling facilities and the only regular bus service, which provides an hourly service, is served by stops located beyond the recommended walking distance. This is particularly relevant in the context of addressing compliance with NPPF 104 c) & 110 a) & b) and 112 a) -d).

4 DEVELOPMENT PROPOSALS

Development Composition

4.1 The appeal site comprises 42.8 hectares and the proposed development will comprise the following elements:

- 290 residential dwellings
- Existing operations at Bird in Eye Farm (vehicle body repairs, building material supplier, beauty salon, chiropractor, crystal shop, dog groomer, magazine printer, radio station and two residential properties)
- Strategic SANG

Vehicular Access

4.2 Vehicular access to the site was originally proposed via a simple priority T-junction onto the southern side of the B2102 Bird in Eye Hill to the east of the existing access in an effort to provide a junction that provided an appropriate level of visibility in both directions. This was shown in Bellamy Roberts drawing number 5330/006 Rev F.

4.3 Bellamy Roberts (reluctantly) revised the proposed vehicular access to include a right turn lane in September 2022 following ESCC's continued position that such a facility was required, which was also my professional view as set out in TN1 (**CDI.11**) and TN2 (**CDI.12**).

4.4 There have been numerous revisions to the proposed access arrangement since the application was submitted in September 2021 and these culminate in the design shown in Bellamy Roberts drawing number 5330/021 Rev K (**CDA.55**) as issued with Mr Twinberrow's Hearing Statement in February 2023 (**CDC.2**).

4.5 A further revision to the proposed vehicle access arrangement (Rev M) was submitted to ESCC on the 7th August 2023 and was first seen by me on the 8th August 2023. It is understood there was Rev L of this drawing, but it was never formally issued by the appellant to ESCC and so I have not seen this arrangement.

4.6 Rev M of the proposed vehicle access arrangement shows 3m wide through lanes but appears otherwise unchanged. Whilst it is unclear what ESCC's views of this new proposal are, and if the appellant will actually seek to promote this as an alternative to Rev K, let alone if the inspector will accept this new drawing revision (given it has not been the subject of wider consultation), my evidence addresses both Rev K and Rev M in Section 5 of my evidence in an effort to assist the inspector. I must stress I have had little time available to consider this and other new material emerging and so reserve my position to comment further upon it if necessary.

Pedestrian and Cycle Access

4.7 Pedestrians and cyclists are proposed to access the appeal site from a new connection to the northwest of the site as first shown in Bellamy Roberts drawing number 5330/016 Rev F, which was issued with the TASA (**CDA.49**) in September 2022.

4.8 This arrangement has similarly undergone further revisions culminating in the design shown in Bellamy Roberts' drawing number 5330/016 Rev K (**CDA.56**) as issued with the SOCG (**CDD.2**) (Rev H was attached to Mr Twinberrow's Hearing Statement in February 2023(**CDC.2**)).

4.9 This drawing has been revised and the latest version is 5330/016 Rev K (**CDA.56**), which is identified in the SOCG (**CDD.2**), but it is unclear when this was first issued to ESCC. This also shows the 30mph speed limit moved to the east of the pedestrian/cycle access.

4.10 Section 6 of my evidence provides further commentary on the proposed pedestrian and cycle access arrangement.

Internal Layout

4.11 As the application is in outline the internal transport layout is indicative. However, access is not reserved and so the appellants proposal to provide bus facilities to the south of the vehicular access need to be agreed and is discussed in section 6 of my evidence.

Car & Cycle Parking Provision

4.12 The TA (**CDA.15**) confirms that car and cycle parking will be provided in accordance with the ESCC parking demand calculator.

5 PROPOSED VEHICULAR ACCESS

Introduction

5.1 Reasons for Refusal 1, 2 and 3 all relate to the suitability and acceptability of the proposed new junction on B2102 Framfield Road (Bird in Eye Hill) providing vehicle access to the proposed development and are dealt with in this section of my evidence.

5.2 In addition to providing access to the existing farm, access is also provided to two residential properties. It is proposed that the relocated site access would also serve the farm and existing properties.

5.3 The Bird in Eye Hill carriageway in the vicinity of the proposed site access is approximately 5.5m wide and allows for two-way free flowing traffic.

5.4 CD 123 of the Standards for Highways (**CDI.7**) (previously TD42/95 of the Design Manual for Roads and Bridges – DMRB) provides guidance on the selection of the type of priority junction provided on single carriageway roads based on the traffic flows on both the major and minor road. **Figure 5.1 on page 5** in the Figures and Appendices volume of my evidence reproduces Figure 2.3.1 of CD 123.

5.5 Given this, it was surprising that the TA (**CDA.15**) does not specifically demonstrate that adequate forward visibility is available for vehicles approaching the site from the west on the B2102 to prevent accidents occurring when vehicles are waiting in the road to turn into the site and obstructing through traffic.

Right Turn Lane Priority Junction

Chronology

5.6 As already noted, the appellant, somewhat reluctantly, finally revised the access arrangement to include a right turn lane in September 2022 following the repeated advice from ESCC that this was required. I supported ESCC's position as detailed in TN1 (**CDI.11**) and TN2 (**CDI.12**).

5.7 The latest revision of the proposed access arrangement is shown in Bellamy Roberts drawing number 5330/021 Rev K (**CDA.55**), which was issued with Mr Twinberrow's Hearing Statement (**CDC.2**) in February 2023.

5.8 As already noted, Rev M of the proposed access arrangement was issued during the week commencing 7th August 2023.

5.9 I prepared TN3 (**CDI.13**) in October 2022 once the right turn lane had been accepted by the appellant in the TASA (**CDA.49**) and shown in drawing number 5330/021 Rev H (**CDA.9**). I commented in section 2.2 of TN3 (**CDI.13**) that the design of the right turn lane junction "*appears to meet current standards and so, in that respect, is acceptable*". However, TN3 (**CDI.13**) identifies that the visibility at the proposed access was still not acceptable due to the contrived introduction of the island and the consequential measurement of the 'Y' distance to the centre of the road rather than the nearside kerb/edge.

5.10 It is important to note that the junction arrangement shown in drawing 5330/021 Rev H (**CDA.9**) showed the 30mph speed limit relocated to the east of the proposed access junction and so my comment should be seen in the context of the proposed junction being located within a part of Bird in Eye Hill that was proposed to be subject to a 30mph speed limit. It is also important to note that I had not seen an RSA for the 'right turning lane' junction arrangement when I prepared TN3 (**CDI.13**). This is because an RSA was not undertaken until November 2022, i.e., 2 months after the submission of the TASA (**CDA.49**).

5.11 Drawing 5330/021 Rev H (**CDA.9**) was the subject of a Stage 1 RSA in November 2022, which was included in the Highway Note prepared by Bellamy Roberts in November 2022. This document includes drawing 5330/021 Rev J, which provided a further revision of the proposed pedestrian/cycle access arrangement but still showed the 30mph speed limit being moved to the east of the proposed site access junction.

5.12 Mr Twinberrow's Hearing Statement (**CDC.2**) (dated February 2023) included drawing 5330/021 Rev K (**CDA.55**), which does not show the 30mph speed limit relocated and neither does Rev M Thus, the current access junction is proposed within that part of Bird in Eye Hill that is subject to a 60mph speed regime.

5.13 Drawing 5330/021 Rev K (**CDA.55**) was the subject of an RSA in August 2023 (that I received on the 10th August 2023) and this identified several problems that are highlighted in the remainder of this section of my evidence.

5.14 It is important to note that I have not seen an RSA of Rev M and the appellant has not indicated whether one has been commissioned. I reserve my right to comment on any further new material if admitted.

NMU Facilities

5.15 There are no facilities provided for pedestrian and cyclists at the site access as all such movements are proposed via the separate access to the northwest of the site, which is discussed in section 6 of my evidence.

Speed Limit

5.16 Drawings number 5330/021 Rev K (**CDA.55**) (and Rev M) are both based upon the existing 60mph speed limit on this part of Bird in Eye Hill. The SOCG (**CDD.2**) confirms on page 8 that ESCC will not support a reduction to 40mph on this part of the B2102.

5.17 This needs to be seen in the context of the appellants previous proposal to introduce a 30mph speed limit on Bird in Eye Hill, which was unacceptable to ESCC given that the recorded speeds were above 40mph and that "*traffic calming and visual influence*" would be required to enable a 30mph speed limit to be successfully introduced. The presence of NMUs and their associated infrastructure (footways, lighting etc) on this part of Bird in Eye Hill would assist as it would indicate a change in the road environment and influence vehicle speeds accordingly.

5.18 Thus, the access junction must be considered in the context of the existing speed regime and given that the speed limit on Bird in Eye Hill is unlikely to reduce from 60mph, it is my view that a new access junction cannot be safely accommodated as currently proposed by the appellant.

5.19 The introduction of 3m through lanes in Rev M will assist but the junction arrangement is still not considered to be appropriate to serve the proposed development in a 60mph environment for the reasons set out in the remainder of this section of my evidence.

Geometry

5.20 The proposed width of the through lanes at the access junction (2.75m) is substandard as these should be a minimum of 3m as specified in CD123 (**CDI.7**) paragraph 6.8. The narrow width of these lanes is not appropriate given the presence of larger vehicles (including those using the existing businesses operating at the farm) and increases the risk of sideswipe collisions.

5.21 This is supported by the identification of Problem A.3.1 on page 10 of the RSA prepared in November 2022 and problem A.2.1 in the RSA dated August 2023. The current access arrangement proposes 2.75m through lanes within a 60mph speed environment (rather than the 30mph environment audited) and so is even more of a safety hazard than identified in the RSA.

5.22 Mr Twinberrow defends the 2.75m lanes in paragraph 2.2 of his Hearing Statement (**CDC.2**) by simply stating that this is the existing width of the traffic lanes on this part of Bird in Eye Hill. Whilst this may be the case, the level and type of traffic using the road will undoubtedly change should the proposed development be permitted and so the lane widths should be reassessed. The fact that a 3m right turn lane is proposed makes the width of the through lanes look even more problematic.

5.23 It is unclear why the appellant cannot provide 3m through lanes as it is understood that the land on the north side of Bird in Eye Hill is in the same ownership as the appeal site although the topographical survey does not extend to show this. The late introduction of Rev M suggests that that appellant recognises the unacceptability of the narrower through lanes.

5.24 Drawing number 5330/239 (included in the Highway Note prepared by Bellamy Roberts in November 2022 (**CDI.14**)) shows three articulated vehicles utilising the proposed access junction (Rev K) as shown in **Figure 5.2 on page 5** in the Figures and Appendices volume of my evidence. This show that there is very little margin for driver error within a 60mph speed environment and confirms that the lane widths are substandard for the type of traffic that will pass through the junction.

5.25 As identified by ESCC, the lack of a bollard (with keep left signs) and beacon at the front end of the right turn lane is a further deficiency that could have safety implications for drivers approaching the junction from the east.

5.26 Rev M provides 3m through lanes at the junction but is otherwise the same as Rev K and, as such, is considered to be unsafe for the reasons set out in the remainder of this section of my evidence. It is worth noting that Rev M has not been the subject of an RSA.

Swept Paths

5.27 Drawing 5330/227 Rev C (identified in the SOCG (**CDD.2**)) shows the swept paths of a 11.2m refuse vehicle entering and exiting the proposed access junction in all directions. I am unsure why such a vehicle has been selected as the swept paths undertaken as part of the TA (**CDA.15**) used a 12m refuse vehicle.

5.28 The swept paths show that the smaller refuse vehicles will encroach into opposing lanes if it is to avoid over-running the kerb. This is obviously not acceptable and demonstrates why the access junction is not appropriate for the proposed level of development.

5.29 The fact that there will be a relatively high volume of HGV traffic visiting the existing farm businesses makes this even more concerning given the proposed narrow lane widths and tight junction radii, which I understand ESCC have advised the appellant they do not consider to be appropriate at the proposed junction. The RSA dated August 2023 identifies that the swept paths encroach into opposing lanes as problem A.3.1.

5.30 Additional swept path drawings were submitted in early August based upon Rev M that showed the tracking for an 11.2m refuse vehicles (drawing 5330/227 Rev F), a 12m rigid truck (drawing 5330/228 Rev F) and a 16.5m articulated vehicle (drawing 5330/244 Rev B). On each of these drawings there are areas where the vehicles encroach into the opposing lane and so my concerns about the ability of the proposed access arrangement to accommodate the range of vehicles likely to use it are unchanged. **Figure 5.3 on page 6** in the Figures and Appendices volume of my evidence shows an extract from 5330/244 Rev B and an articulated vehicle using the access.

5.31 Indeed, the email sent by Bellamy Roberts to Mary Cook on the 10th August 2023 refers to these new swept path drawings and paragraph 6.8.1 of Manual for Streets (see **Appendix C** in the Figures and Appendices volume of my evidence) in relation to some of the larger vehicles needing to encroach beyond their lane by quoting that they "*will be able to use the full width of the carriageway to manoeuvre*". However, this quote from Manual for Streets should be seen in full as it firstly says that "*on streets with low traffic flows and speeds, it*

may be assumed that…..". Bird in Eye Hill is not a street, and neither is it lightly trafficked or in a low-speed environment.

5.32 Therefore, my concerns remain about the ability of the proposed access arrangement to accommodate the range of vehicles likely to use it.

5.33 The appellant suggests that the 2023 traffic survey shows that the number of heavy vehicles using the commercial/farm access is low and so this will occur on an infrequent basis. However, there is nothing to stop the composition of the businesses operating from the farm changing and this resulting in more heavy vehicles visiting the site than at present. I would also reiterate that the survey was undertaken during the summer period when the commercial/farm site could be less busy in any event.

Visibility

5.34 ESCC has accepted that the visibility splay to the west (2.4m x 113m) is compliant with the 85th percentile speeds recorded as shown in drawing number 5330/021 Rev K. However, this can only be achieved if a solid centreline is provided to the west of the junction. This would restrict overtaking and thus enable the visibility to be measured to the centre of the road in a similar way as with the previously proposed central island (see section 5.22 of my evidence). Even then the visibility splay is normally measured to the centreline of the road (and not the centre of the oncoming traffic lane as shown in Rev M) and so the visibility splay is not shown correctly.

5.35 The visibility to the east is shown in drawing number 5330/029 (identified in the SOCG (**CDD.2**)) and demonstrates that extensive vegetation management is required. CD123 (**CDI.7**) provides guidance on the approach visibility at priority junctions and refers to CD109 (**CDI.18**) for the measurement of visibility from eye heights and to object heights using the envelope of visibility as shown in **Figure 5.4 on page 7** in the Figures and Appendices volume of my evidence.

5.36 Thus, the vegetation affected to the east of the proposed vehicular access will need to be reduced in height accordingly and kept below this height in perpetuity (i.e., will require regular and continuous maintenance). The vegetation affected is shown in **Figure 5.5 on page 7** in the Figures and Appendices volume of my evidence.

5.37 The level of forward visibility between westbound vehicles and vehicles waiting to turn right

into the site was identified as a problem (A.3.1) in the RSA undertaken in March 2022 (included as Appendix 8 of the TAA (**CDA.47**)) as vegetation within the verge north of the carriageway restricts visibility and, as such, drivers will not have enough warning of right turning vehicles into and from the site. The designer's response refers to the proposed 30mph speed limit (which will need a TRO) but otherwise offers no solution to this issue. Given that the 30mph speed limit is rightly no longer being progressed, I consider that in the context of Rev K this issue needs to be looked at again, particularly as the access is now proposed further to the east than at that time (access drawing was 5330/020 Rev D).

5.38 Drawing 5330/027B was submitted by Bellamy Roberts with Rev M and the swept path drawings already referred to. This shows the forward visibility for westbound vehicles and that it still appears to require the trimming/removal of vegetation on the northern side of Bird in Eye Hill.

Construction of Vehicle Access

5.39 No details on the phasing of the construction of the proposed vehicle access have been provided. This will need to be covered by a suitable planning condition if planning permission were granted. This is important as the existing access (serving the farm, commercial area and two residential properties) will need to be operational whilst the new access is being constructed as both accesses cannot be operational at the same time due to their proximity.

Relevant Planning Policy

5.40 Several policies in the Adopted Wealden Local Plan (1998) were saved (**CDE.2**) by approval of the Secretary of State. Saved policy TR3 states the following (my underlining):

"Planning applications for new developments will be permitted where the following criteria are met:

(1) the proposed development does not create or perpetuate unacceptable traffic conditions;

(2) a satisfactory means of access (vehicular, cycle and pedestrian) is provided to meet Local Planning and Highway Authority standards;

(3) where appropriate the provision of suitable public transport facilities".

5.41 The proposed access junction is not appropriate to serve a development of 290 residential dwellings (as well as a farm and a Strategic SANG) and so, in my professional view, fails to

meet the underlined parts of the policy above.

5.42 The proposed access is also unacceptable in relation to paragraphs 104 a), 110 b) and 111 (highway safety) of the NPPF.

6 SUSTAINABLE ACCESSIBILITY

Introduction

6.1 Reason for Refusal 4 relates to the lack of choice for travel by sustainable modes due to the substandard nature of the existing highway infrastructure in the area.

Proposed Pedestrian and Cycle Access

6.2 The TA (**CDA.15**) noted that there is an existing footway along the southern side of Bird in Eye Hill, which will provide a route from the north-western corner of the application site to the centre of Uckfield. This was shown in drawing number 5330/016 Rev C, which was appended to the TA (**CDA.15**).

6.3 It is proposed that the main, indeed only, pedestrian/cycle access to the site will be achieved from this location and not from the vehicular access. As part of the proposal, a footpath link within the site will be provided to the existing footway on Bird in Eye Hill. This route within the site will be 3m wide to facilitate its use as a shared footpath/cycleway.

6.4 The section of footway along the southern side of Bird in Eye Hill between the pedestrian cycle access and bus stops will be widened to 3m and designated as a shared footway/cycleway. However, it was unclear what happens to cyclists when the shared footway/cycleway terminates at the westbound bus stop just before the access to Uckfield Community Hospital.

6.5 This drawing has been revised and the latest version is 5330/016 Rev K (**CDA.56**), which is identified in the SOCG (**CDD.2**), and was issued sometime in June 2023. This also shows the 30mph speed limit moved to the east of the pedestrian/cycle access.

6.6 As stated in sections 3.11 and 3.13 of my evidence, the existing speed limit on Bird in Eye Hill is 60mph and on Framfield Road it is 30mph. The recorded speeds identified by the appellant (85th percentile speeds of 42.4mph for eastbound vehicles and 45.9mph for westbound vehicles) in the vicinity of the proposed vehicular access means that vehicles are likely to be travelling between 30mph and 40mph in the part of Bird in Eye Hill where the proposed pedestrian/cycle route is located under the current speed regime.

6.7 The 30mph speed limit starts on Bird in Eye Hill just to the east of the access road leading to the Community Hospital as can be seen in Bellamy Roberts' drawing number 5330/016 Rev K (top panel). The location of the speed limit sign is very similar to the location that the proposed pedestrian/cycle access will connect with Bird in Eye Hill as shown in the lower panel of drawing 5330/016 Rev K (**CDA.56**).

6.8 The appellant is proposing to move the 30mph speed limit approximately 85m to the east so that the pedestrian/cycle access will connect with Bird in Eye Hill at a point where a 30mph speed limit is in place.

6.9 It is important to note that the speed limit can only be moved if a successful Traffic Regulation Order (TRO) is made. This will follow a statutory process, involving robust consultation, and is a separate process to the planning application and so cannot be relied upon as part of any planning permission at the appeal site. As the successful implementation of the TRO will be required to make the proposed pedestrian/cycle access acceptable, a Grampian planning condition to this effect should be imposed if the proposed development was granted planning permission.

6.10 It is unclear how cyclists will access this facility as eastbound cyclists will have to turn off the B2102 whilst westbound cyclists will effectively cycle past the vehicular access before turning back on themselves as they enter the site (a distance of over 1km as shown in **Figure 6.1 on page 8** in the Figures and Appendices volume of my evidence), which is counterintuitive. In reality, westbound cyclists will use the vehicular access, which will be unsafe as there are no facilities for cyclists at this junction, where there is a real likelihood that they will meet turning vehicles coming across their paths. Given the proposed development comprises a Strategic SANG, it is considered that a reasonable proportion of visitors will be travelling to/from the east and so this issue should have been addressed by incorporating additional facilities for NMUs at the vehicle site access, particularly as the RSAs undertaken in March and November 2022 both stated that "*cyclists were observed during the site visit*".

Flooding at Proposed Pedestrian and Cycle Access

6.11 All pedestrian and cycle movement to/from the site is proposed via a new access to the northwest of the appeal site. The design of the access and its connection with the existing pedestrian infrastructure on Framfield Road has now been agreed with ESCC.

6.12 However, the ability of this access to be used is questionable as it sits in flood zone 2 and 3 and suffers from regular flooding events such as those shown in **Figure 6.2** and **Figure 6.3 on page 8 and 9** respectively in the Figures and Appendices volume of my evidence, which occurred in November 2022.

6.13 This flooding occurs when the Framfield Stream, which runs under Framfield Road between the two bus stops, is swollen and overtops its banks. This is exacerbated as water flows out of the drains on Framfield Road to the west of the road serving the Community Hospital. This water will be dirty and could contain sewage as well as being dangerous given that the covers could blow off the drains, which would be very perilous for pedestrians attempting to walk through the floodwater.

6.14 These flood events will mean that pedestrians and cyclists will not be able to access the site at all and will also mean that the bus stops are out of use at times.

6.15 Given that this route is the only way that people would be able to walk or cycle between the site and local facilities, there will be times (becoming more frequent in nature) when the development will be entirely dependent upon the private vehicle for all travel. Indeed, those residents who do not have access to a vehicle will be stranded and unable to access everyday facilities. Census (2011) data (**Appendix C** in the Figures and Appendices volume of my evidence) shows that in the Uckfield BUA (Built Up Area) 13.4% of households do not have access to a car and a further 38.6% only have access to one car, meaning that there will be periods when this vehicle is not available to be used. This is important in the context of the appeal site being entirely dependent upon the private vehicle for all travel in times of flood.

6.16 Flooding will also affect pedestrian and cycle access to the proposed Strategic SANG as demonstrated in Mr Maiden-Brooks' evidence. Paragraph 164 of the NPPF states a development should "*be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*". Clearly, the appeal site will not provide a safe access for vulnerable users in times of flood and is thus in conflict with paragraph 110 b) of the NPPF.

6.17 Therefore, the proposed development cannot reasonably be described as sustainable as it provides only one sustainable access, which will not always be available meaning the development will be wholly dependent on the private vehicle, which is contrary to current national and local planning policy, in particular, paragraphs 104 c), 105, 106 d), 110 a) and 122 a).

6.18 **Figure 6.4 on page 10** in the Figures and Appendices volume of my evidence replicates Figure 12 in Mr Maiden-Brooks' evidence and shows the alternative route that pedestrians, cyclists and vehicles would have to use when Framfield Road is flooded. This route is over 7km in length (a 1.5 hour walk and a 20-minute cycle) and has not been assessed for its potential use by vulnerable road users. In such circumstances, it is my professional opinion that very few, if any, residents or visitors would walk or cycle to/from the appeal site.

6.19 The adequacy, or otherwise, of this alternative route for vehicles is similarly unknown and so supports the assertion that residents, even those with access to a vehicle, will be unable to access everyday facilities.

Quality of Walking Route

6.20 The TA (**CDA.15**) states that the existing footway network varies in width but is generally 1.5-1.8m wide, and 1m at its narrowest in the vicinity of 2-8 Framfield Road. Manual for Streets provides guidance on the width of footways as shown in **Figure 6.5 on page 10** in the Figures and Appendices volume of my evidence.

6.21 **Figure 6.5** shows that the parts of Framfield Road with a footway width below 1.5m will not allow a buggy and pedestrian to safely pass and so will not encourage future residents to walk to local facilities, particularly given the congestion that occurs at the western end due to capacity issues at the New Town traffic-signal controlled junction.

6.22 The condition of the surfacing on the footways is poor, as identified in the RSA undertaken

in April 2023 (problem A.4.3), which could lead to pedestrians tripping and falling. The designer's response ((Bellamy Roberts) was that as this was an existing section of carriageway it is "*expected that the Highway Authority should maintain their carriageway network to a suitable standard*", which seems to be missing the point. The same issue is identified as a problem in the August 2023 RSA (as problem A.4.2) and is again seen as ESCC's problem and not one that the appellant should address. This is important in the context of paragraph 112 c) of the NPPF, which requires safe and attractive places for pedestrians.

6.23 The Uckfield Local Cycling and Walking Improvement Plan (LCWIP) (**CDI.19**) was published by Sustrans in June 2018 and forms part of the countywide Cycling and Walking Strategy commissioned by ESCC. The LCWIP (**CDI.19**) identifies Framfield Road as a primary route (route 211) and describes it as a "*busy connector road*" with "*between 5,000 and 10,000 vehicles a day*". The report states that "*footways are narrow*" with "*no facilities to support cyclists*". The report concludes that Framfield Road provides "*low levels of pedestrians comfort*" (sic) and an "*uncomfortable pedestrian environment*".

6.24 Such width restrictions and uneven surfacing will affect the perceived quality of the walking route between the town centre and the site and influence the propensity of future residents to undertake journeys on foot. Moreover, a pedestrian route that is attractive and direct, as well as being safe and secure, will generate higher numbers of pedestrians than one that is narrow, involves crossing movements and is generally of poor quality as is the case along parts of Framfield Road.

6.25 The appellant has put forward a scheme of improvements on Framfield Road that are shown in drawings 5330/017 Rev H (**CDA.57**) and 5330/018 Rev J (**CDA.58**) (referred to as the latest versions in the SOCG (**CDD.2**)). This involves the provision of tactile pacing on the side roads, a new bus cage and a zebra crossing in the vicinity of number 78/80 Framfield Road. Previous versions include changes to the on-street parking regime along Framfield Road, which were not supported by ESCC and were of very limited value for pedestrians and cyclists in my opinion anyway.

6.26 The latest version of the 'zebra crossing' arrangement was submitted to ESCC on the 7th August 2023 (drawing 5330/034 Rev B) and a further revision was sent to Mary Cook on the 10th August 2023 (Rev C) along with a drawing showing the pedestrian visibility at this crossing (5330/033 Rev A). The latter shows a visibility splay of 1.5m x 39.5m to the east (for westbound vehicles) and 1.5m x 40m to the west (for eastbound vehicles). The email to Mary Cook and the designer's response to the August 2023 RSA (problem A.2.4) suggests that the SSD to the east relates to the recorded speeds of 29.5mph for westbound vehicles. However, my calculations (using the Manual for Streets 2 formula) identifies that the SSDs should be 46m to the east and 44m to the east as shown in **Appendix D** in the Figures and Appendices volume of my evidence). Thus, the required pedestrian visibility splay is likely to pass through the parked cars shown in drawing 5330/033 Rev A and so in reality would not be achievable, putting pedestrians at risk.

6.27 It is also unusual to position a zebra crossing so close to a pub entrance and to have access driveways within the zig-zag area on the southern side of Framfield Road. No account seems to have been taken for vehicles (customers and deliveries) entering and exiting the pub car park. This is identified as part of problem A.2.4 in the August RSA but does not appear to have been addressed by the designer.

6.28 Thus, it is my professional view that the proposed zebra crossing is unsafe in terms of its proximity to the pub car park access and the level of pedestrian visibility available along Framfield Road.

Distance to facilities

6.29 The TA (**CDA.15**) identifies various facilities that are all allegedly within an acceptable walking distance of the site. Acceptable walking distances will vary considerably depending on various factors such as fitness and land topography; however, the Providing for Journeys on Foot (**CDI.4**) guidelines produced by the Chartered Institution of Highways and Transportation (CIHT) identifies suggested acceptable walking distances for different types of journeys as shown in **Figure 6.6 on page 11** in the Figures and Appendices volume of my evidence.

6.30 **Table 6.1** below identifies the walking distances (and times) from the notional centre of the site (as shown in **Figure 3.5**) to various local facilities in comparison to the acceptable distances suggested by the CIHT.

Facility	Distance	Walking Time	CIHT Maximum Guidance
Bus Stops	600m	7 mins	400m
Primary Schools	1,500m	18 mins	2,000m
Town Centre	1,700m	20 mins	1,200m

Table 6.1: Distance to Local Facilities

6.31 **Table 6.1** shows that only 1 of the 3 key local facilities is within the maximum distances in the CIHT Guidelines despite the TA (**CDA.15**) stating in section 4.12 that numerous facilities are "*located within easy walking distance of the site*". It is also worth noting that the walk to the primary school and other facilities to the south involves an uphill gradient, which will negatively affect the decision making of future residents and visitors when travelling from the site.

6.32 Therefore, it is my view that it is very unlikely that future residents will walk to/from local facilities, other than those who have no choice, and will instead use their private car to access these facilities. Thus, the proposed residential development is not located to maximise travel by more sustainable modes of travel (such as walking and cycling) and, if permitted, will lead to the creation of a significantly car-borne development, which is contrary to local and national planning policy.

Cycling

6.33 There are very few dedicated on-carriageway cycle facilities on the local highway network, such as shared footway/cycleways or on-carriageway cycle lanes etc. This is demonstrated in the LCWIP (**CDI.19**), which states that Framfield Road *"has no facilities to support cyclists*".

6.34 The ability to cycle to and from the site needs to be assessed in the context of existing vehicle speeds. It is our view that few residents will cycle to/from the site without the provision of additional cycling facilities, which it is noted are not part of the mitigation package identified in the TA (**CDA.15**).

Public Transport

6.35 As already stated in my evidence, I am of the view that the ability to travel by bus to/from the appeal site is limited given the lack of regular services and the relatively long walk to the closest existing bus stops. This is compounded by the fact the walk to the bus stops will not be possible at times of flooding and nor will the bus stops be accessible as they will be deep in flood water as shown earlier in my evidence.

6.36 The Bus Service Improvement Plan (**CDI.20**) prepared by ESCC in October 2021 identified that there were only two bus services in the whole of East Sussex that were not at pre-Covid 2019 frequencies; one of which was the 29A service that operates with an hourly frequency along Bird in Eye Hill as identified in section 3.45 of my evidence.

6.37 Following a request from ESCC, the appellant has shown a bus facility to the south of the site access road (Appendix 7 of Mr Twinberrow's Hearing Statement (**CDC.2**)). This is described as a 'Bus Interchange' and involves the provision of a roundabout and a bus stop that will presumably be served by the 29A diverting into the site given that this is the only vaguely regular bus service left operating along Bird in Eye Hill. The ability of the bus operator to incorporate this diversion is not known. The appellant advised on the 8th August 2023 that this roundabout was no longer being proposed.

6.38 It is understood that ESCC have advised the appellant that the level of contribution towards the 29A bus service is £162,158 per year for a minimum period of 3 years. This money will be used to support the service, which is already funded up to 2026 following a partially successful Bus Service Improvement Plan bid by ESCC.

6.39 Therefore, I conclude that the proposed development fails to comply with paragraphs 104 c) and 112 a) and c) as opportunities and facilities to enable travel to and from the site using sustainable modes of transport are not maximised or prioritised accordingly.

7 TRAFFIC IMPACT

7.1 Notwithstanding the concerns regarding the traffic data used in the junction assessments in the TA (**CDA.15**), the junction modelling undertaken was critically reviewed in TN1 (**CDI.11**).

7.2 The Wealden Core Strategy Local Plan (February 2013) (**CDE.1**) states in paragraph 6.6 that:

"There is significant traffic congestion in the town centre at the junction of the B2102/Lower High Street and at the Bell Lane roundabout. The Highway Authority is currently modelling design solutions for delivery of a traffic management scheme in the town centre aimed at addressing these issues".

7.3 Thus, clearly the operation of these junctions is already a cause for concern and so any additional traffic through this junction needs to be assessed accurately to avoid increased congestion in the future.

7.4 Indeed, ESCC's Local Transport Plan (LTP3) (**CDI.15**), which covers 2022-2026, states in paragraph 4.26 that the "*key challenge for Uckfield is that the highway network within the town is already very near capacity, resulting in town centre congestion issues, and it will struggle to accommodate a further increase in traffic*".

7.5 At the outset, ESCC confirmed that the traffic signals at the two town centre junctions currently operate independently of each other, i.e., they do not operate a Split Cycle Offset Optimisation Technique (SCOOT) type system.

7.6 The LINSIG modelling in the TA (**CDA.15**) shows that the two signal-controlled junctions in the town centre are operating close to their theoretical capacity in the base year (2020). The addition of traffic growth (to 2027) and the traffic associated with committed development in the town will cause the junctions to operate "*above their theoretical capacities*" (section 7.7 of the TA (**CDA.15**)).

7.7 Table 9 in the TA (**CDA.15**) identifies the Practical Reserve Capacity (PRC) for the existing junction in 2020. The TA (**CDA.15**) defines the PRC as a "*measure of how much additional traffic could pass through a junction whilst maintaining a maximum degree of saturation of 90% on all lanes. A positive PRC value indicates that a junction has spare capacity to accept additional traffic whereas a negative PRC value indicates that the junction is over capacity*".

7.8 The existing junction operates with a PRC in excess of 10% in the morning peak hour and 5% in the evening peak hour, yet this is described in the TA (**CDA.15**) as being "*close*" to their theoretical capacities.

7.9 Therefore, the TA (**CDA.15**) proposes to improve the existing situation by linking the two signalised junctions via a SCOOT type system. In summary, such a system will coordinate the two town centre junctions which currently operate independently of one-another.

7.10 Table 12 and 13 in the TA (**CDA.15**) show the results of the LINSIG assessment of the two junctions in 2027 with committed development and the traffic associated with the proposed residential development in place and also with a SCOOT type system at the junctions. Table 13 shows that the PRC is above 10% for all scenarios save for the morning peak hour at the Bell Lane/High Street junction, which operates with a negative PRC of -0.9%.

7.11 The TA (**CDA.15**) concludes that the PRC values compare favourably to the 2027 scenario (without the development traffic and SCOOT) and suggest that the impact is not severe in terms of Paragraph 111 of the NPPF.

7.12 At this point is important to recall that the TA (**CDA.15**) itself states in section 7.4 that "*a negative PRC value indicates that the junction is over capacity*".

7.13 If these results are considered in parallel with the questions over the accuracy of the traffic data (i.e., the main input into the LINSIG model), then the validity of the TA's (**CDA.15**) conclusion in relation to the severity of the residual traffic impact (in NPPF terms) is unproven.

7.14 Following further work using ESCC's SATURN model, it is understood that the appellant has agreed, in principle, to contribute around £100,000 towards the introduction of a MOVA (Microprocessor Optimised Vehicle Actuation) system at the two signal-controlled junctions in the town centre. However, I have not seen any technical evidence to confirm that the introduction of a MOVA system would resolve the issues associated with the traffic generated by the development of the appeal site and/or if such a contribution is compliant with CIL regulations.

8 SUMMARY AND CONCLUSIONS

Summary

8.1 I have been retained by Kassie Smith KC (a Rule 6 party) to provide transportation engineering and planning advice as part of my client's objection to the proposed development.

8.2 Croudace Homes Limited appealed against the non-determination of the planning application for outline permission with all matters reserved except for the means of access from Bird in Eye Hill (ref: WD/2021/2198/MAO) in September 2022.

8.3 East Sussex County Council (ESCC) as the County Highway Authority has objected to the planning application for 4 reasons that relate to the suitability/acceptability of the proposed new junction on B2102 Framfield Road (Bird in Eye Hill) providing vehicle access to the proposed development and the lack of choice for travel by sustainable modes due to the substandard nature of the existing highway infrastructure in the area.

8.4 ESCC are also concerned about the impact that the traffic generated by the proposed development will have upon the wider road network and, in particular, the two signal-controlled junctions to the south of the town centre.

Vehicular Access

8.5 The appellant revised the access arrangement to include a right turn lane in September 2022 following the repeated advice from ESCC that this was required. I supported ESCC's position as detailed in TN1 (**CDI.11**) and TN2 (**CDI.12**).

8.6 The latest access arrangements (Rev K and Rev M) have resolved some of the issues identified by ESCC, and by me, at the time of the planning application but there are still several areas of concern in relation to policy TR3 of the Adopted Wealden Local Plan and paragraphs 104 a), 110 b) and 111 (highway safety) of the NPPF as follows:

- There are no facilities provided for pedestrian and cyclists at the site access.
- The speed limit on Bird in Eye Hill is unlikely to reduce from 60mph and thus a new access junction cannot be safely accommodated.

- The proposed width of the through lanes at the access junction (2.75m) is substandard as these should be a minimum of 3m, as now shown in Rev M. The narrow width of these lanes is not appropriate given the 60mph speed environment and presence of larger vehicles (including those using the existing businesses operating at the farm), which increases the risk of sideswipe collisions.
- The swept paths show that larger vehicles will encroach into opposing lanes if it is to avoid over-running the kerb, which applies to both Rev K and Rev M. This is obviously not acceptable and demonstrates why the access junction is not appropriate for the proposed level of development.
- The visibility to the east is shown in drawing number 5330/029 (identified in the SOCG (**CDD.2**)) and demonstrates that extensive vegetation management is required regularly.

8.7 Therefore, I support ESCC's position and believe that the proposed access arrangement is unacceptable and inappropriate to serve such a large development.

Sustainable Accessibility

8.8 All pedestrian and cycle movement to/from the site is proposed via a new access to the northwest of the appeal site. However, the ability of this access to be used is questionable as it sits in flood zone 2 and 3 and suffers from regular flooding events.

8.9 These flood events will mean that pedestrians and cyclists will not be able to access the site at all and will also mean that the bus stops are out of use at times. Given that this route is the only way that people would be able to walk or cycle between the site and local facilities, there will be times (becoming more frequent in nature) when the development will be entirely dependent upon the private vehicle for all travel.

8.10 The footway along Framfield Road is narrow and will not encourage future residents to walk to local facilities, particularly given the congestion that occurs at the western end due to capacity issues at the New Town traffic-signal controlled junction. As such, the perceived quality of the walking route between the town centre and the site will negatively affect the propensity of future residents to undertake journeys on foot.

8.11 The appellant has put forward a scheme of improvements on Framfield Road involves the provision of tactile pacing on the side roads, a new bus cage and a zebra crossing. However, this will do little or nothing to improve the quality of the walking experience along Framfield Road.

8.12 Many key local facilities are located beyond the maximum distances in the CIHT Guidelines despite the TA (**CDA.15**) stating in section 4.12 that numerous facilities are "*located within easy walking distance of the site*". Therefore, it is my view that it is very unlikely that future residents will walk to/from local facilities and will instead use their private car to access these facilities.

8.13 Thus, the proposed residential development is not located to maximise travel by more sustainable modes of travel (such as walking and cycling) and, if permitted, will lead to the creation of a significantly car-borne development, which is contrary to local and national planning policy.

8.14 There are very few dedicated on-carriageway cycle facilities on the local highway network, such as shared footway/cycleways or on-carriageway cycle lanes etc. Therefore, the ability to cycle to and from the site needs to be assessed in the context of existing vehicle speeds. It is our view that few residents will cycle to/from the site without the provision of additional cycling facilities.

8.15 The ability to travel by bus to/from the appeal site is limited given the lack of regular services and the relatively long walk to the closest existing bus stops. This is compounded by the fact the walk to the bus stops will not be possible at times of flooding and nor will the bus stops be accessible as they will deep in flood water.

Traffic Impact

8.16 Following further work using ESCC's SATURN model, it is understood that the appellant has agreed, in principle, to contribute around £100,000 towards the introduction of a MOVA (Microprocessor Optimised Vehicle Actuation) system at the two signal-controlled junctions in the town centre. However, I have not seen any technical evidence to confirm that the introduction of a MOVA system would resolve the issues associated with the traffic generated by the development of the appeal site and/or if such a contribution is compliant with CIL regulations.

Conclusion

8.17 In my opinion there are significant highways or transportation reasons why the proposed development should not be granted planning permission as proposed.

8.18 The proposed access arrangements are unacceptable and inappropriate for the scale of development proposed, and the site is not well located for travel by sustainable modes. Therefore, the scheme is contrary to paragraphs 104, 110, 111 and 112 of the NPPF respectively, and I respectfully request that this Appeal is dismissed.

Richard J White
Director
Miles White Transport Ltd
14th August 2023