

STATEMENT OF CASE

On behalf of:

Ms Kassie Smith KC

In respect of:

Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, TN22 5HA

Date:

July 2023

PINS ref:

APP/C1435/W/22/3307820

Local Planning Authority ref:

WD/2021/2198/MAO

CONTENTS

1. INTRODUCTION	3
2. HIGHWAY SAFETY AND ACCESSIBILITY.....	3
3. DRAINAGE/FLOOD RISK.....	4
4. CONDITIONS AND OBLIGATIONS.....	5
5. LIST OF DOCUMENTS RELIED ON	5
APPENDIX A: MILES WHITE TRANSPORT TECHNICAL NOTE 1 DATED 13 DECEMBER 2021	6
APPENDIX B: MILES WHITE TRANSPORT TECHNICAL NOTE 2 DATED 31 MAY 2022.....	7
APPENDIX C: MILES WHITE TRANSPORT TECHNICAL NOTE 3 DATED 14 OCTOBER 2022.....	8
APPENDIX D: PHOTOGRAPHS OF RECENT FLOODING.....	9

1. INTRODUCTION

- 1.1. This Statement of Case is prepared on behalf of Ms Kassie Smith KC (“Ms Smith”) in respect of the appeal with reference APP/C1435/W/22/3307820 (the “Appeal”).
- 1.2. Ms Smith is a local resident living in Framfield and was granted Rule 6 status in the Appeal on 14 July 2023.
- 1.3. Croudace Homes Ltd (the “Appellant”) applied for planning permission in respect of land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, TN22 5HA (the “Appeal Site”) for:
“Outline planning application for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2102”
(the “Proposed Development” or the “Appeal Scheme”).
- 1.4. The Appellant’s application for the Proposed Development (the “Application”) was received by Wealden District Council (the “District Council”) on 19 August 2021 and validated on 17 September 2021. The Appellant has lodged the Appeal on the basis that the District Council has failed to determine the Application.
- 1.5. Ms Smith has objected to the Proposed Development throughout, and made representations to the District Council in respect of the Application on a number of occasions.
- 1.6. Letters of representation dealing with a range of planning issues were submitted in December 2021 and in January, February and March 2022. Ms Smith no longer intends to present direct evidence on planning, save in respect of the consequences, in planning and NPPF terms, of the issues raised in this Statement of Case, and to leave other matters to the District Council. As a result, those representations are not appended to this Statement of Case.
- 1.7. Ms Smith also does not intend to present evidence on the heritage grounds which she had previously raised.
- 1.8. Ms Smith submitted separate representations on transport matters in December 2021 and in May and October 2022. These technical notes are appended to this Statement of Case at Appendix [A] – [C].
- 1.9. This Statement of Case sets out the basis for Ms Smith’s objections and the evidence she proposes to present in the Appeal.
- 1.10. For the purposes of Rule 6 status, Ms Smith proposes to present evidence on the matters of highway safety, accessibility and drainage/flood risk.
- 1.11. This Statement of Case is without prejudice to Ms Smith’s response to the re-consultation letter sent by the District Council on 19 July 2023 in respect of the changes to the Proposed Development introduced by the Appellant since the consultation stage on the Application. There has been no opportunity to review these but they will be considered as part of our evidence.

2. HIGHWAY SAFETY AND ACCESSIBILITY

- 2.1. On highways matters, Ms Smith proposes to present evidence which demonstrates that the likely trip generation from the Proposed Development exceeds the typical operational capacity of a simple priority junction as proposed, and that a ghost island priority junction, as suggested by East Sussex County Council (“ESCC”) is necessary. The Appellant’s Transport Assessment dated April 2021 (the “TA”) fails appropriately to address the road safety aspects of not providing such a junction. The proposed access junction is not sufficient to serve a development of 290 dwellings and it does not comply with the District Council’s saved policy TR3. The TA also fails to address

two additional accident sites close to the Appeal Site, meaning that the proposed Appeal Site access is not as safe as suggested in the TA.

- 2.2. Evidence will show that the inclusion of a traffic island to the west of the proposed access to the Appeal Site is simply for the purpose of allowing visibility splay to be measured in a way which benefits the Appellant without providing any real function or benefit.
- 2.3. Evidence will show that road safety hazards will be created by proposed vehicle movements to and from the Appeal Site due to conflict between different users.
- 2.4. Evidence will be presented to show that weekday traffic volumes used within the TA do not accurately represent normal traffic volumes, as the data was collected during the Covid-19 pandemic and is now out of date. The increase in traffic since the pandemic has not been considered.
- 2.5. Evidence will also demonstrate that proposed cycle and foot access to and egress from the site which relies wholly on a new combined path in the north west corner of the site and footpath links into the proposed SANG will not maximise sustainable travel to and from the site to Uckfield. In addition, these routes cross flood zone 2 which is prone to flooding, further calling into question their utility, safety and attractiveness. Photographs of recent flooding on the B2102 are appended to this Statement of Case at Appendix D. For this reason, it will be suggested the tilted balance should not be allowed and in any event the Appeal should not be allowed.

3. DRAINAGE/FLOOD RISK

- 3.1. Evidence will show how the Appellant's Flood Risk Assessment dated April 2021 (the "FRA") has not been revised to reflect the updates to the National Planning Policy Framework (the "NPPF") in July 2021, nor the updates to the Planning Practice Guidance (the "PPG") "Flood Risk and Coastal Change" in August 2022, most notably the requirement of the application of the sequential test to the Proposed Development.
- 3.2. At the time the FRA was prepared, the application of the sequential test to the Proposed Development would still have been necessary as the Appeal Site is not allocated within the District Council's local plan. At paragraph 4.3.2 of the FRA, it is stated that "It is assumed that owing to the site's allocation in the emerging Local Plan, that the Sequential Test has been applied by Wealden District Council and determined as passed". On this basis, the sequential test has not been applied to the Proposed Development by the Appellant in assessing the flood risk of the Appeal Site. Due to consultation on the Levelling-up and Regeneration Bill, the District Council confirmed in December 2022 that it had paused work on its own local plan consultation and as a result the Appeal Site has not been allocated. In accordance with the NPPF any tilted planning balance should be disengaged and in any event the Appeal should not be allowed.
- 3.3. Ms Smith therefore proposes to present evidence which shows that, as the Appeal Site and off site infrastructure is partially located within flood zones 2 and 3 and is not allocated, the impacts of climate change and the risk from any form of flooding should have been and needs to be considered now. The photographs appended to this Statement of Case at Appendix D again illustrate the flood risk experienced in the area which has not been appropriately considered in the Application. An updated flood risk assessment in respect of the Appeal Site which applies the sequential test should therefore be prepared and considered.
- 3.4. Evidence will also show that sufficient consideration was not given to the risk of flooding from all sources in accordance with NPPF 2021 & the updated PPG. The FRA fails to consider the potential effect of surface water on access to the SANG. The Government's "Risk of Flooding from Surface Water" maps show that the access to the SANG lies within the area at risk from surface water flooding and this source should therefore have been considered as part of the sequential test. The

FRA also fails to consider the risk of flooding from small watercourses such as the Bird-in-Eye Shaw watercourse situated within flood zone 2, which provides access to and egress from the Appeal Site. The District Council's Strategic Flood Risk Assessment 2022 (the "SFRA") makes clear that small watercourses with a catchment area of 3km² or less should be considered as part of site-specific flood risk assessments and the application of the sequential test due to not being included in the District Council's flood zone mapping. Ms Smith notes the failure of the FRA to address these matters properly means that Natural England are not aware of the limitations of access to the SANG in this respect. The proposed pathway is likely to be washed away regularly.

- 3.5. Evidence will also be presented to demonstrate how the risk of groundwater, particularly from two groundwater springs identified as being close to the Appeal Site, has not been analysed in the FRA, a concern also raised by the District Council in its consultation response on drainage dated 25 October 2021. This evidence will show that site investigations should have taken place to assess the level of groundwater in the area and that such assessments should have been used to inform the FRA. It is noted that testing has demonstrated that the site is not suitable to accommodate a drainage strategy based upon infiltration and that subsequently the drainage strategy has been altered so that it no longer relies upon this technique. It will be critical to ensure the SUDS basin is adequately sized given the obvious potential risk of overtopping to adjacent AW but also the need to avoid exacerbating flooding of the local watercourse and the knock on consequences to critical transport infrastructure – the only pedestrian and cycleway link to Uckfield.

4. CONDITIONS AND OBLIGATIONS

- 4.1. Our evidence will consider the extent to which our objections could be met by conditions and/or planning obligations.

5. LIST OF DOCUMENTS RELIED ON

- 5.1. Ms Smith will refer to the following documents:
 - 5.1.1. The Appellant's application documents;
 - 5.1.2. The Appellant's Statement of Case;
 - 5.1.3. The District Council's Statement of Case;
 - 5.1.4. The Highway Statement of Case;
 - 5.1.5. The Highway Statement of Common Ground;
 - 5.1.6. Previous objections to the Proposed Development
 - 5.1.7. The National Planning Policy Framework
 - 5.1.8. The Planning Practice Guidance
 - 5.1.9. Wealden District Core Strategy Local Plan (February 2013);
 - 5.1.10. Adopted Wealden Local Plan (1998);
- 5.2. Ms Smith reserves the right to refer to additional documents if appropriate and/or required.
- 5.3. As a Rule 6 party, Ms Smith also expects to have the opportunity to contribute to the preparation of the core documents to be used during the Appeal.

**APPENDIX A: MILES WHITE TRANSPORT TECHNICAL NOTE 1 DATED 13 DECEMBER
2021**

LAND AT BIRD IN EYE FARM, UCKFIELD, EAST SUSSEX

TECHNICAL NOTE 1 – HIGHWAYS AND TRANSPORT CONSIDERATIONS

1 INTRODUCTION

- 1.1 Miles White Transport (MWT) have been appointed by Kassie Smith QC (our client) to provide highway engineering and transport planning advice in relation to an outline planning application that was submitted to Wealden District Council (planning reference WD/2021/2198/MAO) by Croudace Homes Ltd and Mr & Mrs Berry in August 2021 for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG.
- 1.2 The planning application was supported by a Transport Assessment (TA) and Framework Travel Plan (FTP) that were prepared by Bellamy Roberts LLP.
- 1.3 Our client objects to this proposed development. This Technical Note provides a critical assessment of the proposed scheme (and the information submitted with the planning application) from a highways and transport perspective.
- 1.4 The application documents contain information dealing with the potential impacts of the proposed development in relation to the following highways and transport related issues:
 - Site Access Arrangement
 - Traffic Impact and Road Safety
 - Accessibility by Sustainable Modes

2 SITE LOCATION

- 2.1 The site is located to the south of Bird in Eye Hill (the B2102) approximately 1.2km east of Uckfield town centre as shown overleaf in **Figure 1.1**.
- 2.2 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.
- 2.3 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 to the south coast at Eastbourne in the south.
- 2.4 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.
- 2.5 **Figure 1.2** overleaf shows the local highway network around Uckfield and the site area.

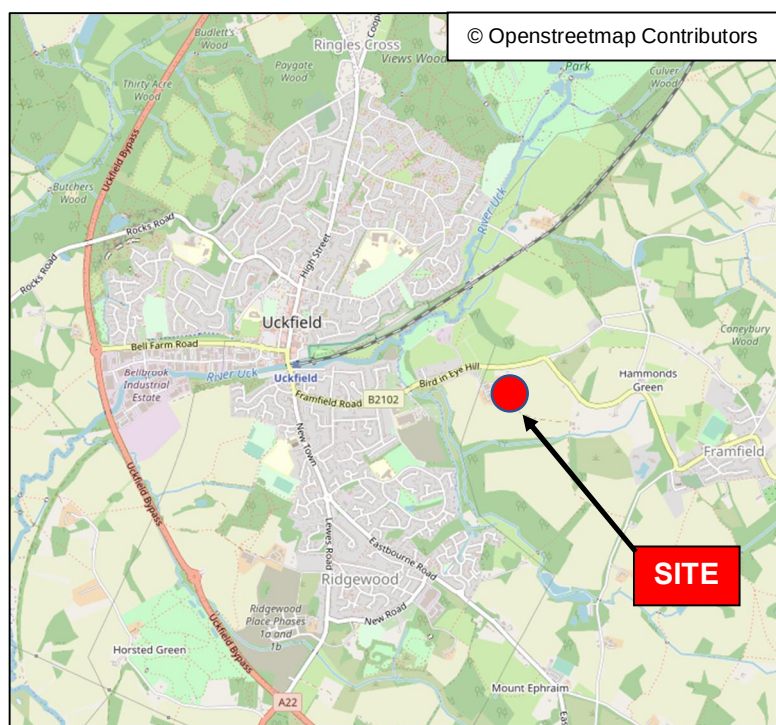


Figure 1.1: Site Location

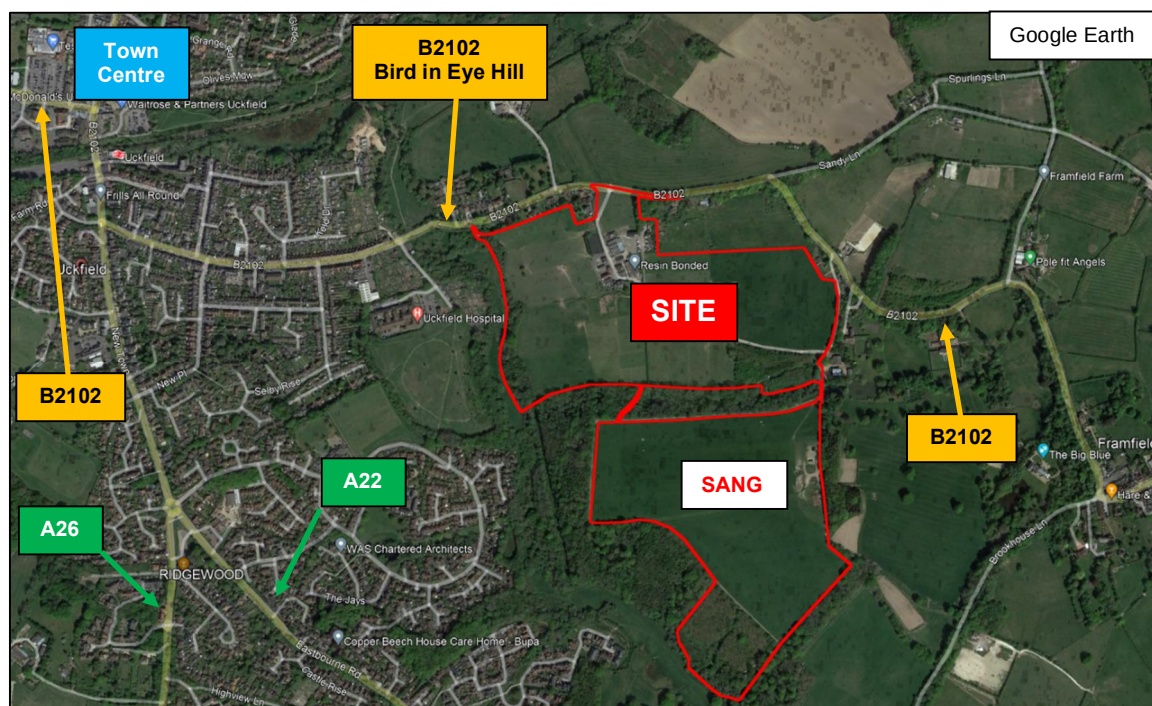


Figure 1.2: Local Highway Network

3 PROPOSED VEHICULAR ACCESS

Access Junction

- 3.1 Vehicle access to the site is proposed to be achieved directly from Bird in Eye Hill via a simple priority T-junction arrangement. A separate shared footway/cycleway will connect to the existing network at the northwest corner of the application site.
- 3.2 The existing site is accessed via a simple priority T-junction on the southern side of Bird in Eye Hill. The proposal will relocate this access approximately 30m to the east to serve the proposed development and is purported to be supported by East Sussex County Council (ESCC), as the Local Highway Authority.
- 3.3 In addition to providing access to the existing farm, access is also provided to two residential properties. The relocated site access will serve the farm and existing properties.
- 3.4 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.

Junction Form

- 3.5 The TA states in section 5.10 that ESCC identified in their pre-application comments that a right-turn lane (ghost island) would be appropriate to serve the scheme given the number of residential dwellings proposed.
- 3.6 CD 123 of the Standards for Highways (previously TD42/95 of the Design Manual for Roads and Bridges ĩ 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 3.1** below reproduces Figure 2.3.1 of CD 123.

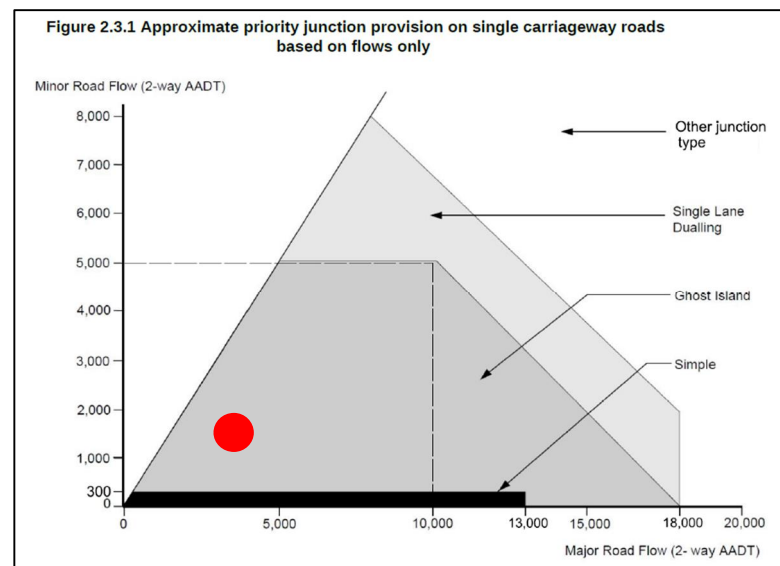


Figure 3.1: Approximate Capacity of Priority Junctions

- 3.7 The daily traffic volumes contained in the TA (Table 1) and the likely number of trips generated by the proposed development identified in the TA (Table 7) means that the traffic volumes associated with the proposed access junction lie well outside the typical operational capacity of a simple priority junction as shown by the red dot in **Figure 3.1**.
- 3.8 **Figure 3.1** shows that a ghost island priority junction, i.e. with a separate right turning lane to avoid vehicles waiting to turn right into the site obstructing eastbound through traffic, is required in traffic flow terms and thus supports ESCC's position that such a junction should be provided to access the site.

Junction Capacity

- 3.9 As well as requesting a right turn lane, ESCC stated further in their pre-application comments that the stack capacity should be determined based on the results of capacity modelling of the proposed site access junction.
- 3.10 The TA contains a PICADY assessment of the site access for a design year of 2027 with the addition of the traffic generated by the development of up to 290 units as well as the two existing residential properties and Bird in Eye Farm that are accessed from the existing access junction.
- 3.11 The TA states in section 7.12 that the PICADY model contains an *assumption of the number of movements associated with the existing dwellings* but does not specify this further. Thus, it is unclear whether the traffic levels assessed are realistic for the existing and proposed development that will use the proposed site access junction.
- 3.12 The PICADY assessment in the TA shows that the proposed layout (i.e. a simple priority junction without a right-turn lane) operates with minimal queuing on the major arm (the B2102 Bird in Eye Hill).
- 3.13 The TA then concludes that the provision of a right-turn facility is not required to serve the proposal (from a capacity perspective).
- 3.14 However, the TA does not address the road safety aspects associated with not providing a right turning lane at the site access junction even though such an arrangement was requested by ESCC and is required based upon traffic flows using guidance from the DMRB.
- 3.15 Given this, it is surprising that the TA does not specifically demonstrate that adequate forward visibility is available for vehicles approaching the site from the west on the B2102 in order to prevent accidents occurring when vehicles are waiting in the road to turn into the site and obstructing through traffic.

Visibility Splay

- 3.16 The TA states in section 5.7 that ESCC *recommended and support extending the existing 30mph speed limit on Bird in Eye Hill beyond the proposed site access*. However, the speed limit will only change to 30mph if a Traffic Regulation Order (TRO) is published and approved.
- 3.17 It is noted that the visibility splay to the west is measured to the centreline of the road rather than the nearside kerb as usually required.

- 3.18 Whilst Manual for Streets does allow the visibility splay to be measured to the centre of the major road carriageway where *“circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm”* this is usually as a result of existing overtaking restrictions such as double white lines or when opposing flows are physically segregated.
- 3.19 The proposed site access junction is not located on a stretch of the B2102 where overtaking is restricted or prohibited and so the visibility splay would normally be required to be measured to the nearside kerb.
- 3.20 However, the TA notes in section 5.8 that the scheme *“incorporated (sic) a traffic island to the west of the access, allowing the visibility splay to be taken to the carriageway centreline, in accordance with MfS guidance (ref. paragraph 7.75)”*.
- 3.21 The provision of a traffic island in this location appears to be a contrived measure added simply to enable the visibility to be measured in a way that means that the splay avoids third party land if vehicle speeds remain at present levels and a 30mph speed limit is not introduced via a TRO. **Figure 3.2** below provides an extract of the site access drawing and shows the location of the proposed traffic island and the site access junction.

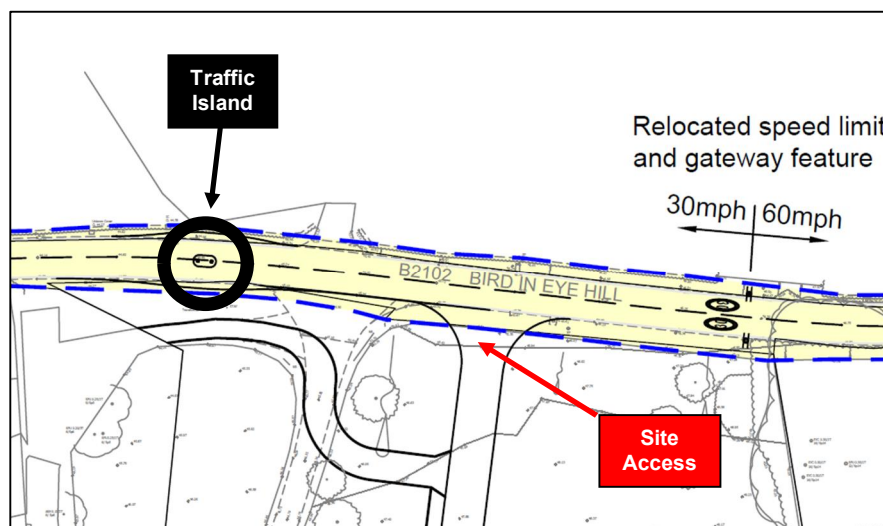


Figure 3.2: Proposed Traffic Island west of Site Access Junction

- 3.22 It is important to note that the visibility spay (sight line) to the west just manages to avoid the northeast corner of the garden of number 18 (Bird in Eye Hill) as shown overleaf in **Figure 3.3** by the green circle, which just so happens to be outside the red line/site area. If the visibility splay had been drawn to the nearside kerb, then part of the garden of number 18 would be required to achieve the visibility splay based on the surveyed speeds on this part of the B2102.
- 3.23 Given there are no footways in the vicinity of the proposed traffic island and as there are proposed roundels advising of the 30mph speed either side of the island, it is unclear precisely what function this proposed feature will have other than to enable the visibility splay to be measured in a way that suits the applicant.

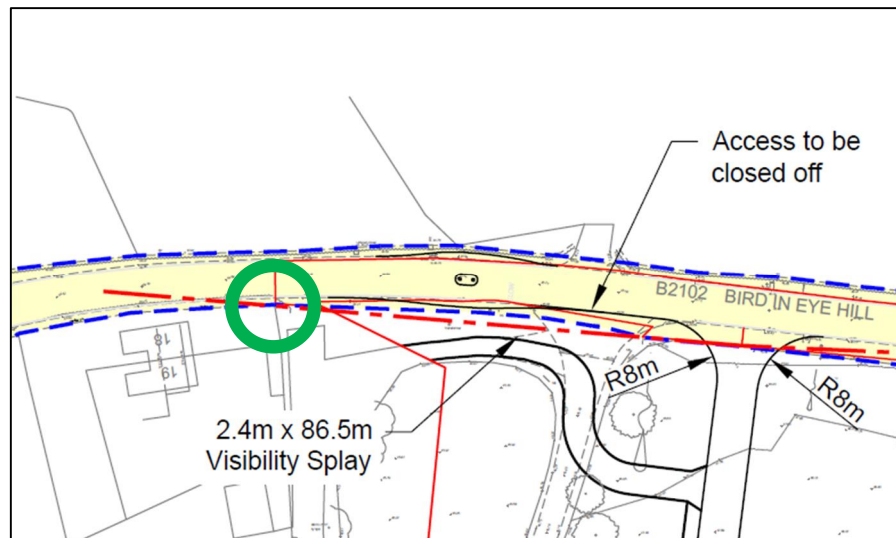


Figure 3.3: Visibility Splay and Number 18 Bird in Eye Hill

Swept Paths

- 3.24 The TA contains swept path analysis showing a refuse vehicle entering and exiting the site via the proposed access junction.
- 3.25 **Figure 3.4** below provides an extract of the exit manoeuvres and shows that the left and right turns out of the site are problematic in that they involve the vehicle encroaching across all of the B2102.

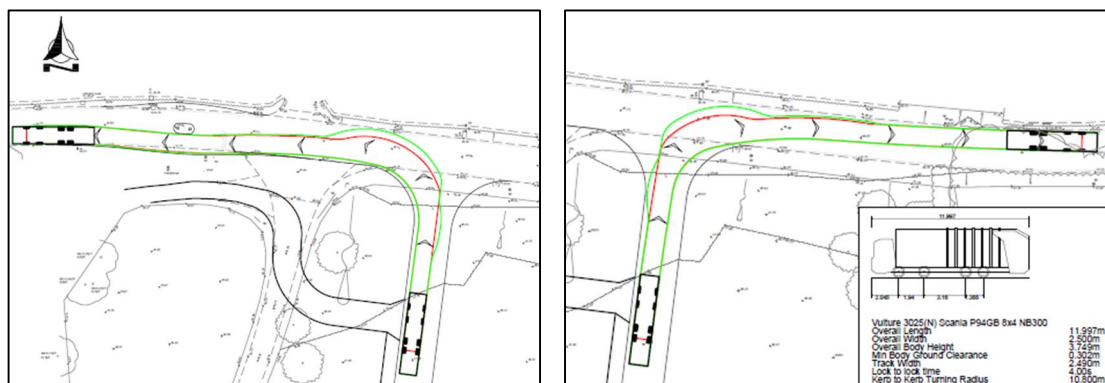


Figure 3.4: Visibility Splay and Number 18 Bird in Eye Hill

- 3.26 Whilst the TA states in section 5.14 that such vehicles can 'conveniently and safely' leave the site in a forward gear, this is questionable based upon the images shown in **Figure 3.4**.

Farm Access

- 3.27 The TA states that the proposed site access will serve the farm and existing properties as well as the proposed residential development yet does not demonstrate how this will work given the distance between the access junction (on the B2102) and the proposed turning into the farm is only 25m.

- 3.28 It is our view that there is a potential for conflict between different users of the access road, particularly if larger vehicles are visiting the farm at peak times when there could be queuing at the site access junction.
- 3.29 Appendix 14 of the TA contains a swept path analysis for a large car entering and exiting the farm access from the proposed residential access road but does not show any larger vehicles undertaking these manoeuvres. It is our view that there will be an abundance of larger vehicles visiting the farm on a regular basis given the nature of activities at the farm (vehicle body repairs, building material supplier etc) and that this should have been assessed in the TA.

Road Safety Audit

- 3.30 A Stage 1 Road Safety Audit (RSA) was undertaken by Fenley and included within the TA as Appendix 12. This document also includes the designer's response (Bellamy Roberts) to the various problems and recommendations identified in the RSA.
- 3.31 Eight problems were identified at, or in the vicinity of, the proposed vehicular access as shown below in **Figure 3.5**.

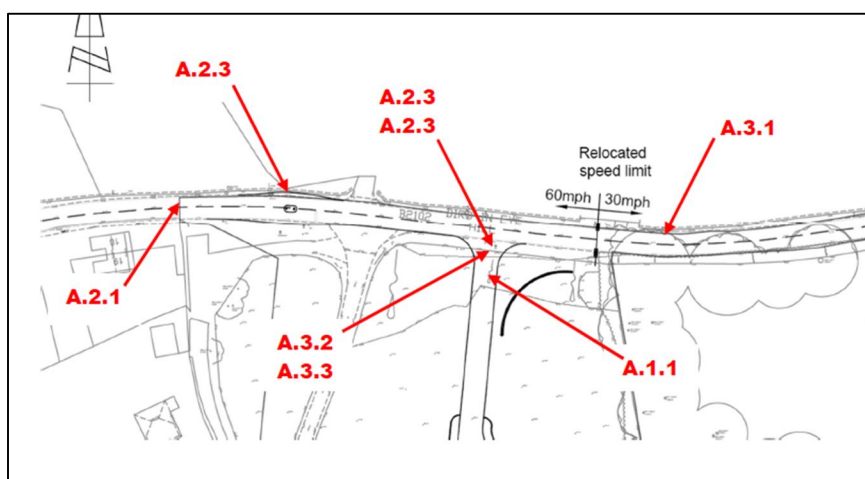


Figure 3.5: Location of Problems identified in RSA at Vehicular Access

- 3.32 One of these problems (A.2.1) relates to the traffic island discussed above in section 3.21, which enables the visibility to be measured in a way that avoids third party land. An alternative approach to this issue would be to locate the site access junction in a position where it could provide the required visibility (for the surveyed speeds) rather than introduce traffic islands where they do not appear to be needed for any other reasons.
- 3.33 Problem A.3.1 relates to forward visibility between westbound vehicles and vehicles waiting to turn right into the site. The RSA identifies that 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.
- 3.34 Problem A.3.3 relates to the swept path analysis mentioned in section 3.25 above and the fact that larger vehicles are likely to encroach into opposing lanes (the RSA was written without the benefit of seeing the swept path analysis included in the TA as

Appendix 14). The designer's response states that the swept path analysis shows that these manoeuvres are adequate but this is not accepted as stated in section 3.26 above.

Relevant Planning Policy

- 3.35 A number of policies in the Adopted Wealden Local Plan (1998) were saved by approval of the Secretary of State. Saved policy TR3 states the following (our 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".

- 3.36 The proposed access junction is not appropriate to serve a development of 290 residential dwellings (as well as a farm) and so, in our professional view, fails to meet the underlined parts of the policy above.

4 PROPOSED PEDESTRIAN AND CYCLE ACCESS

- 4.1 The TA notes 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.
- 4.2 It is proposed that the main 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.
- 4.3 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 is unclear what happens to cyclists when the shared footway/cycleway terminates at the westbound bus stop just before the access to Uckfield Community Hospital as shown below in **Figure 4.1**.

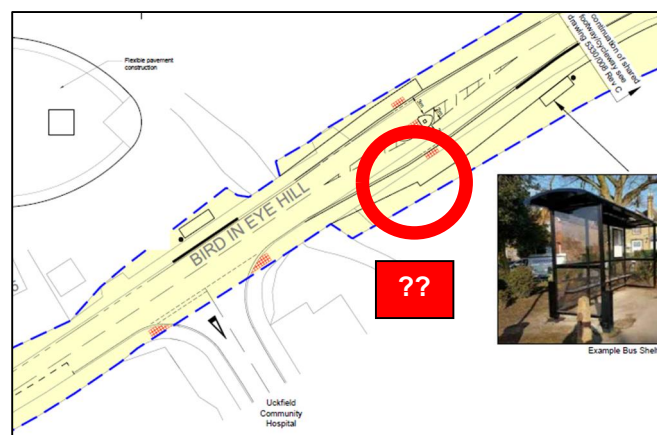


Figure 4.1: Termination of Shared Footway/Cycleway

- 4.4 The quality of the pedestrian and cycle routes into the town centre is dealt with in Section 6 of this Technical Note.

5 **TRAFFIC IMPACT**

Traffic Data

- 5.1 To assist with discussions at the pre-application stage, Bellamy Roberts undertook initial traffic surveys of the local highway network in July 2019, which included the following:
- Two Automatic Traffic Counters (ATC) on Bird in Eye Hill either side of the proposed site access (9th to 15th July 2019).
 - Turning count and queue length surveys at the Framfield Road/High Street/Bridge Farm Road signalised crossroads (9th July 2019).
 - Turning count and queue length surveys at the High Street/Bell Lane signalised T-junction within the centre of Uckfield (9th July 2019).
- 5.2 It is unusual to undertake traffic surveys in July as is not a neutral month because some of the schools will already have closed for the summer, particularly the private ones, and so the surveys are not representative of normal traffic conditions in these locations.
- 5.3 This view is supported by the request from ESCC in their pre-application comments for a 7-day survey of the town centre junctions being required before they could comment on the suitability of the traffic modelling undertaken to consider the impact of the proposed development.
- 5.4 As requested, Bellamy Roberts commissioned additional turning count/queue length surveys at the two town centre junctions over a 7-day period, between 14th to 19th October and again on the 3rd November 2020, which was required as the equipment was damaged on the 20th October thus meaning 7 days' worth of data had not been collected.
- 5.5 The TA states that the flows recorded during the October/November 2020 surveys were comparable to those from July 2019.
- 5.6 Restrictions associated with the COVID-19 pandemic were in place in October/November 2020 and so these surveys are also not realistic.
- 5.7 Indeed, the UK Government has been publishing 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 shows 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 as shown overleaf in **Table 5.1**.
- 5.8 It can be seen that the average weekday traffic volumes would 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.
- 5.9 Thus, it is our 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 at the two town centre junctions of interest.

Day	Normal	Covid-19	Conversion Factor
Wednesday 14 th October 2020	100%	88%	X 1.14
Thursday 15 th October 2020	100%	88%	X 1.14
Friday 16 th October 2020	100%	91%	X 1.10
Saturday 17 th October 2020	100%	92%	X 1.09
Sunday 18 th October 2020	100%	93%	X 1.08
Monday 19 th October 2020	100%	89%	X 1.12
Tuesday 3 rd November 2020	100%	92%	X 1.09
Average Weekday	100%	90.4%	X 1.11

Table 5.1: Motor Traffic Levels during Survey Week (Covid-19 versus Normal)

Capacity Assessment of Traffic Signal Junctions

- 5.10 Notwithstanding the concerns regarding the traffic data used in the junction assessments in the TA, the junction modelling undertaken has been critically reviewed as part of our work.
- 5.11 The Wealden Core Strategy Local Plan (February 2013) 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”*
- 5.12 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.
- 5.13 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 SCOOT type system.
- 5.14 The LINSIG modelling in the TA 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).
- 5.15 Table 9 in the TA identifies the Practical Reserve Capacity (PRC) for the existing junction in 2020. The TA 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”* Table 9 is reproduced overleaf as **Figure 5.1**.

Table 9: Summary of PRC Values – 2020 Base Year		
Junction	AM	PM
	PRC (%)	PRC (%)
High Street/Framfield Road/Bridge Farm Road	11.5%	5.1%
High Street/Bell Lane	12.1%	8.0%

Figure 5.1: Summary of LINSIG Assessment of Traffic Signal Junctions (2020)

- 5.16 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 as being 'close' to their theoretical capacities.
- 5.17 Therefore, the TA proposes to improve the existing situation by linking the two signalised junctions via a SCOOT (Split Cycle Offset Optimisation Technique) type system. In summary, such a system will coordinate the two town centre junctions which currently operate independently of one-another.
- 5.18 Table 12 and 13 in the TA 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. These tables are reproduced below as **Figure 5.1**.

Table 12: Summary of Junction Modelling – 2027 Design Year + Committed Development + Proposed Development (290 units)						
Road Name	AM			PM		
	Deg. Sat.	Average Delay per PCU (s/PCU)	Mean Max Queue (PCU)	Deg. Sat.	Average Delay per PCU (s/PCU)	Mean Max Queue (PCU)
Signalised Cross-Roads						
High Street (Northbound)	67.3%	45.5	12.4	45.5%	24.7	9.6
Framfield Road	78.3%	51.1	15.6	78.8%	78.1	8.7
Bridge Farm Road	63.0%	91.6	3.4	44.0%	78.8	2.2
High Street (Southbound)	62.6%	42.7	10.6	78.8%	30.4	17.5
Signalised T-Junction						
Bell Lane	88.8%	73.9	16.6	61.7%	13.4	7.2
High Street (Southbound)	55.6%	14.0	5.5	64.8%	27.8	11.5
High Street (Northbound)	90.8%	50.0	24.5	25.7%	1.2	0.2

Table 13: Summary of PRC Values – 2027 Design Year + Committed Development + Proposed Development (290 units)		
Junction	AM	PM
	PRC (%)	PRC (%)
High Street/Framfield Road/Bridge Farm Road	14.9%	14.2%
High Street/Bell Lane	-0.9%	24.0%

Figure 5.2: Summary of LINSIG Assessment of Traffic Signal Junctions (2027)

- 5.19 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%.
- 5.20 The TA 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.
- 5.21 At this point is important to recall that the TA itself states in section 7.4 that *“a negative PRC value indicates that the junction is over capacity”*
- 5.22 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 conclusion in relation to the severity of the residual traffic impact (in NPPF terms) is unproven.

Road Safety

- 5.23 Personal injury collision data was obtained in the TA for the most recent 3-year period (2018-2020) from the CrashMap website. It is worth noting that a 5-year period is normally selected for such an assessment. The data collected is summarised in Figure 4 in the TA, which is reproduced below as **Figure 5.3**.

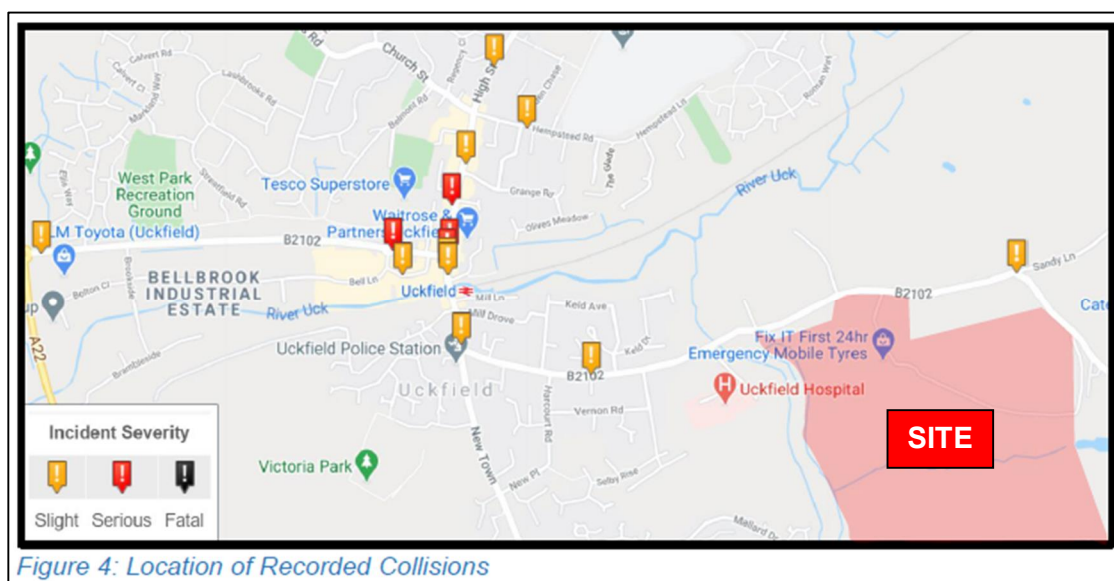


Figure 5.3: CrashMap Data from the TA

- 5.24 This shows that there were no accidents close to the proposed site access (and the existing 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.
- 5.25 However, an interrogation of the CrashMap website identifies that two further accidents occurred in the vicinity of the site as shown overleaf in **Figure 5.4**. The CrashMap reports for these accidents are contained as **Appendix A** of this Technical Note.

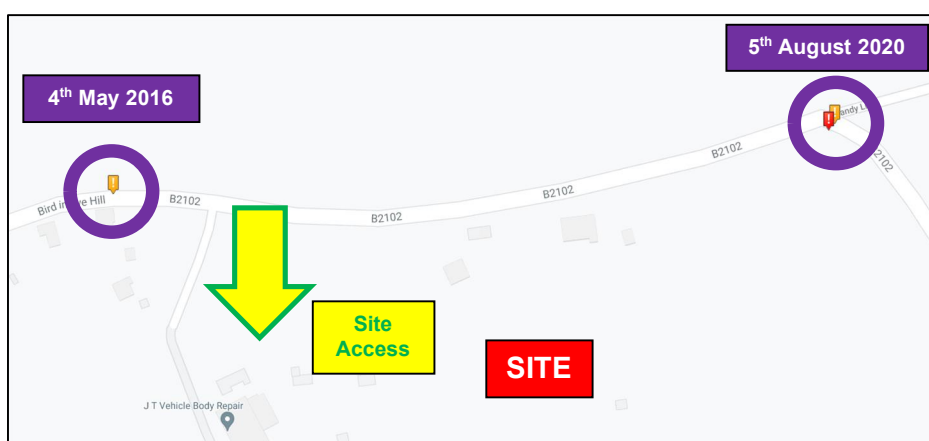


Figure 5.4: Additional CrashMap Data

- 5.26 The accident to the west of the site access occurred in 2016 and so would have been identified in the TA if a 5-year period had been selected as is usual. This accident involved a van and a cyclist and resulted in slight injuries being sustained by the cyclist. The location of the accident close to the proposed site access, where forward visibility has been raised as an issue in the RSA, adds to the concerns over the safety of the proposed access junction.
- 5.27 The other additional accident occurred at the junction of Bird in Eye Hill and Sandy Lane to the east of the site. Whilst this accident is likely to have been added to the CrashMap database since the TA was completed, it is important to note its occurrence. This accident involved two cars and resulted in slight and serious injuries being sustained by the occupants of the two cars.
- 5.28 The emergence of these additional accidents suggests that the stretch of the B2102 in the vicinity of the proposed site access junction is not as safe as concluded in the TA and this will be exacerbated by the increase in traffic volumes associated with the proposed development and the provision of a substandard access junction.

6 **ACCESSIBILITY BY SUSTAINABLE MODES**

Quality of Walking Route

- 6.1 The TA states that the existing footway network varies in width but is generally in excess of 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 6.1** below.

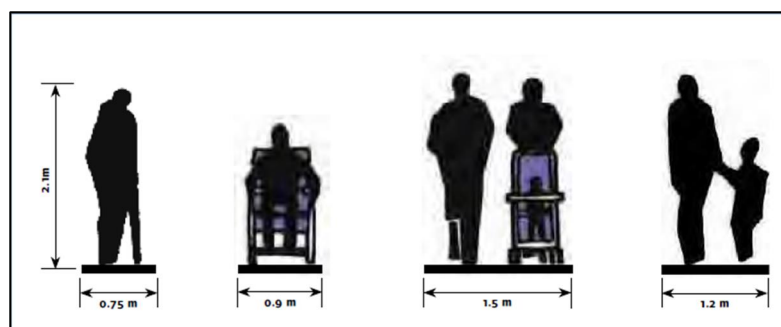


Figure 6.1: Footway Widths from Manual for Streets

- 6.2 **Figure 6.1** 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. Whilst the TA states that pedestrians can cross Framfield Road at this point (and proposes to provide tactile crossing at this location) this is not ideal and will do little to maximise sustainable travel to/from the site.
- 6.3 Such width restrictions 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.

Cycling

- 6.4 There are no dedicated on-carriageway cycle facilities on the local highway network, such as shared footway/cycleways or on-carriageway cycle lanes etc.
- 6.5 The TA states that the proposed extension to the 30mph speed limit to include this area will reduce speeds along Bird in Eye Hill and help to encourage safer cycle use. Whilst this may be true, the introduction of a 30mph speed limit will need a TRO and, as such, is not guaranteed.
- 6.6 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, which it is noted are not part of the mitigation package identified in the TA.

Distance to facilities

- 6.7 The TA identifies various facilities that are all allegedly within an acceptable walking distance of the site.
- 6.8 Acceptable walking distances will vary considerably depending on various factors such as fitness and land topography; however, the Providing for Journeys on Foot guidelines produced by the Chartered Institution of Highways and Transportation (CIHT) identifies suggested acceptable walking distances for different types of journey as shown below in **Figure 6.2**.

Table 3.2: Suggested Acceptable Walking Distance.			
	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 6.2: Suggested Acceptable Walking Distances (CIHT)

- 6.9 **Table 6.1** below identifies the walking distances (and times) from the notional centre of the developed site to various local facilities in comparison to the acceptable distances suggested by the CIHT.

Facility	Distance	Walking Time	CIHT Maximum Guidance
Bus Stops B2102	600m	7 mins	400m
Primary Schools	2,000m	24 mins	2,000m
Town Centre	2,000m	18 mins	1,200m

Table 5.1: Walking Distances and Times versus CIHT Guidance

- 6.10 **Table 6.1** shows that none of the key local facilities are within the maximum distances in the CIHT Guidelines despite the TA stating in section 4.12 that numerous facilities are *located within easy walking distance of the site*.
- 6.11 Therefore, it is our 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. Thus, the proposed residential development is not located so as 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.

7 SUMMARY AND CONCLUSIONS

Summary

- 7.1 In summary, this report demonstrates that:

- The likely number of trips generated by the proposed development lies well outside the typical operational capacity of a simple priority junction and thus a ghost island priority junction, i.e. with a separate right turning lane to avoid vehicles waiting to turn right into the site obstructing eastbound through traffic, is required in traffic flow terms, which supports ESCC's position that such a junction should be provided to access the site.
- Whilst the PICADY assessment in the TA shows that the proposed layout operates with minimal queuing on the major arm and concludes that the provision of a right-turn facility is not required to serve the proposal, it fails to address the road safety aspects associated with not providing a right turning lane at the site access junction even though such an arrangement was requested by ESCC.
- The provision of a traffic island to the west of the proposed site access junction appears to be a contrived measure added simply to enable the visibility to be measured in a way that means that the splay avoids third party land if vehicle speeds remain at present levels and a 30mph speed limit is not introduced via a TRO.
- Given there are no footways in the vicinity of the proposed traffic island and as there are proposed roundels advising of the 30mph speed either side of the island, it is unclear precisely what function this proposed feature will have other than to enable the visibility splay to be measured in a way that suits the applicant.

- Several of the proposed vehicle movements to/from the site will introduce conflict between different users, such as refuse vehicles exiting the site and larger vehicles visiting the farm at peak times, and create a road safety hazard.
- The RSA identifies design deficiencies at the proposed site access that are not satisfactorily resolved in the designers response and so the safety of the proposed access junction is unproven.
- The proposed access junction is not appropriate to serve a development of 290 residential dwellings (as well as a farm) and fails to meet the relevant Local Plan policy requirements in this regard.
- 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 is unclear what happens to cyclists when the shared footway/cycleway terminates at the westbound bus stop just before the access to Uckfield Community Hospital.
- The average weekday traffic volumes would be approximately 11% higher during normal conditions than those collected when COVID-19 restrictions were in place. Therefore, the traffic data collected and used in the assessment of the traffic impact of the proposed development is not representative of normal traffic volumes at the town centre junctions of interest.
- If the results of the town centre junction capacity assessments are considered in parallel with the questions over the accuracy of the traffic data, then the validity of the TA's conclusion in relation to the severity of the residual traffic impact (in NPPF terms) is unproven.
- An interrogation of the CrashMap website identifies that two further accidents occurred in the vicinity of the site. The emergence of these additional accidents suggests that the stretch of the B2102 in the vicinity of the proposed site access junction is not as safe as concluded in the TA and this will be exacerbated by the increase in traffic volumes associated with the proposed development and the provision of a substandard access junction.
- Parts of Framfield Road have a footway width below 1.5m, which will not allow a buggy and pedestrian to safely pass. Whilst the TA states that pedestrians can cross Framfield Road at this point (and proposes to provide tactile crossing at this location) this is not ideal and will do little to maximise sustainable travel to/from the site.
- Such width restrictions 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.
- 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.

- None of the key local facilities are within the maximum distances in the CIHT Guidelines and so it is very unlikely that future residents will walk to/from local facilities and will instead use their private car to access these facilities. Thus, the proposed residential development is not located so as 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.

Conclusions

- 7.2 In conclusion, it is clear that the proposed development proposes a substandard access arrangement, is not in a sufficiently accessible location and would be a significantly car borne development causing increased traffic congestion and road safety hazards, which cannot be appropriately mitigated.
- 7.3 Given this, we respectfully request that the application be refused

APPENDIX A

Additional CrashMap Data

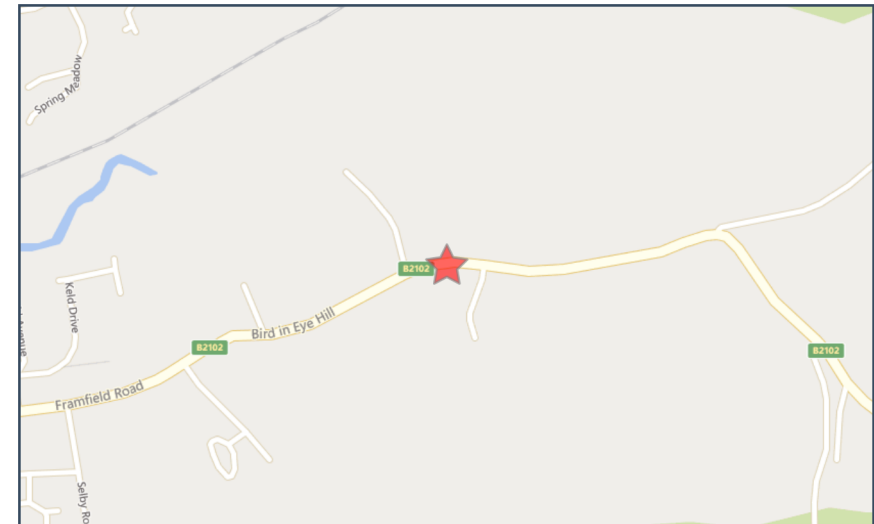


crashmap.co.uk

Validated Data

Crash Date: Wednesday, May 04, 2016 **Time of Crash:** 6:55:00 AM **Crash Reference:** 2016471602592

Highest Injury Severity:	Slight	Road Number:	B2102	Number of Casualties:	1
Highway Authority:	East Sussex			Number of Vehicles:	2
Local Authority:	Wealden District			OS Grid Reference:	548327 120935
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	40				
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Control:	Not Applicable				



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Validated Data

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Van or goods vehicle 3.5 tonnes mgw and under		1 Male	26 - 35	Vehicle proceeding normally along the carriageway, not on a bend	Front	Journey as part of work	None	None
2	Pedal cycle		-1 Male	26 - 35	Vehicle proceeding normally along the carriageway, not on a bend	Back	Other	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
2	1	Slight	Driver or rider	Male	26 - 35	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Validated Data

Crash Date: Wednesday, August 05, 2020 **Time of Crash:** 11:12:00 AM **Crash Reference:** 2020470969998

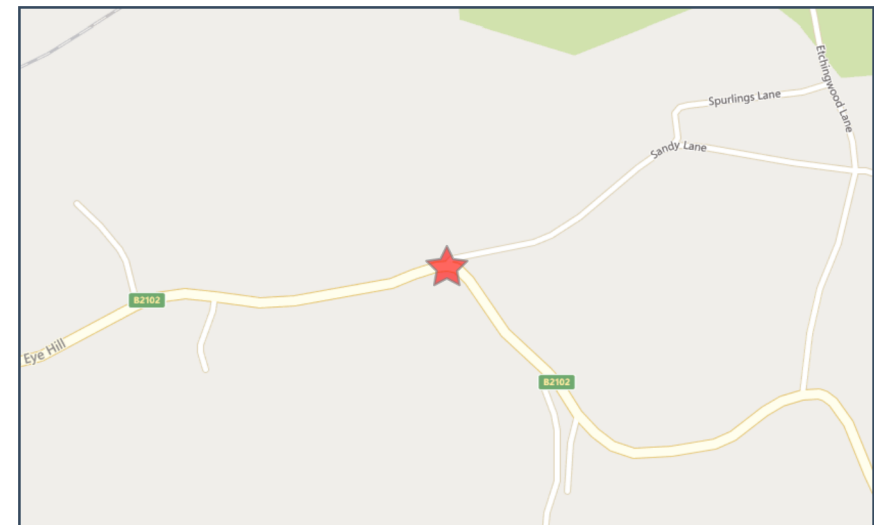
Highest Injury Severity: Serious
Highway Authority: East Sussex
Local Authority: Wealden District
Weather Description: Fine without high winds
Road Surface Description: Dry
Speed Limit: 60
Light Conditions: Daylight: regardless of presence of streetlights
Carriageway Hazards: None
Junction Detail: T or staggered junction
Junction Pedestrian Crossing: No physical crossing facility within 50 metres
Road Type: Single carriageway
Junction Control: Give way or uncontrolled

Road Number: B2102

Number of Casualties: 2

Number of Vehicles: 2

OS Grid Reference: 548722 120982



For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Validated Data

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	5	Male	46 - 55	Vehicle is in the act of turning right	Front	Other	None	None
2	Car (excluding private hire)	8	Female	56 - 65	Vehicle proceeding normally along the carriageway, on a right hand bend	Front	Other	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Male	46 - 55	Unknown or other	Unknown or other
2	2	Serious	Driver or rider	Female	56 - 65	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services

APPENDIX B: MILES WHITE TRANSPORT TECHNICAL NOTE 2 DATED 31 MAY 2022

LAND AT BIRD IN EYE FARM, UCKFIELD, EAST SUSSEX

TECHNICAL NOTE 2 – ADDITIONAL TRANSPORT OBSERVATIONS

1 INTRODUCTION

- 1.1 Miles White Transport (MWT) have been appointed by Kassie Smith QC to provide highway engineering and transport planning advice in relation to an outline planning application that was submitted to Wealden District Council (planning reference WD/2021/2198/MAO) by Croudace Homes Ltd and Mr & Mrs Berry in August 2021 for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG.
- 1.2 The planning application was supported by a Transport Assessment (TA) and Framework Travel Plan (FTP) prepared by Bellamy Roberts LLP.
- 1.3 MWT prepared Technical Note 1 in December 2021 to provide a critical assessment of the proposed scheme (and the information submitted with the planning application) from a highways and transport perspective.
- 1.4 A Transport Assessment Addendum (TAA) was prepared by Bellamy Roberts LLP in March 2022 following receipt of the Local Highway Authority's (LHA's) comments on the planning application in early December 2021.
- 1.5 This Technical Note 2 has been prepared to provide further observations on the highways and transport aspects of the proposed development following the LHA's response and the submission of the TAA.
- 1.6 The content of Technical Note remains valid unless specifically superseded by observations included in this Technical Note 2.
- 1.7 The issues covered in this Technical Note are as follows:
 - Site Access
 - Road Safety Audit
 - Pedestrian and Cycle Access
 - Highway Impact

2 SITE ACCESS

Existing Access

- 2.1 The existing site is accessed via a simple priority T-junction on the southern side of Bird in Eye Hill. The proposal will relocate this access approximately 30m to the east to serve the proposed development.
- 2.2 In addition to providing access to the existing farm, access is also provided to two residential properties. The relocated site access will serve the farm and existing properties.

-
- 2.3 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.

Proposed Access

- 2.4 Vehicle access to the site is proposed to be achieved directly from Bird in Eye Hill via a simple priority T-junction arrangement. A separate shared footway/cycleway will connect to the existing network at the northwest corner of the application site.
- 2.5 The TA stated that a 30mph speed limit would be introduced on Bird in Eye Hill and that this was supported by the LHA (East Sussex County Council - ESCC).

Visibility Requirements

- 2.6 However, the LHA's response to the planning application in December 2021 clearly states that they do not support the provision of a 30mph speed limit in this location as shown below:

"It is repeatedly mentioned that a 30mph limit extension is supported by the highway authority. This is not the case, and this is not explicitly stated in the pre-application response as this notion is reliant on the view of ESCC Road Safety Team and Sussex Police and as mentioned earlier is reliant on visual characteristics for an urban area to enable self-enforced lower speeds."

- 2.7 The LHA response states, in relation to the sightlines (visibility splay) required at the proposed access, that:

"Driver sightlines at the access should reflect either posted speed limit, or where speeds are lower, the 85th percentile recorded speeds over a period of 7 days. The emerging 85th percentile speeds of 42.4mph EB and 45.9mph WB would require sightlines to be imposed in accordance with Manual for Streets 2"

- 2.8 Given that the recorded speeds were much higher than the aspirational 30mph speed limit, the LHA commented that:

"The actual speeds would need to be much lower for consideration for 30 mph speed limit reduction as the speed limit should be self-enforcing. As 30mph limit is suited to urban areas, the extension of an urban zone would need to display the visual character [frontage development, street lighting, built form, footways - as examples] to provide visual guidance for road users that they are within a restricted area. Speed limit signage alone is not acceptable for self-enforcement in this case."

- 2.9 The LHA concluded that:

"The required driver sightlines based on actual speeds are 113m looking west and 127m looking east, from a set back point of 2.4m (desirable minimum distances). The distances stated in the transport assessment are not accepted, nor is there a plan to demonstrate what is achievable."

- 2.10 Thus, the design of the site proposed access junction needs to be based upon the existing speed limit (60 mph) and/or recorded speeds.

- 2.11 The TAA states that the visibility requirements for the recorded speeds can be achieved but this is questionable given the comments made in Technical Note 1 and the view of the LHA.
-

Form of Junction

- 2.12 In pre-application discussions, the LHA identified that a ghost island priority junction, i.e. with a separate right turning lane to avoid vehicles waiting to turn right into the site obstructing eastbound through traffic, would be required as shown below.

“The type of junction shown is a simple priority arrangement, and at pre-application stage, when 175 dwellings were proposed, the site proponent was requested to consider a right-turn stack lane and given the uplift to the quantum of housing proposed within this application with daily trips on the minor access road exceeding 1400 movements, a right turn lane is recommended, bearing in mind the anticipated distribution of traffic being predominantly weighted to and from Framfield Road junction.”

- 2.13 This is compounded by the fact that the planning application is for 290 residential dwellings and so the access junction will be significantly busier than for the development scenario considered at the pre-application stage. The LHA comments on this as follows:

“Furthermore, the assessment at the site access has been based on 2020 observed trips which are not acceptable and does not account for trips that are derived from the existing dwellings and businesses served by the site access. The TA indicates in 5330/405D the proposal will generate 80 trips turning right into the site in the PM peak hour which is likely to be greater as a result of the businesses and visitors to the proposed SANG (the existing Horsted Green Park SANG should be considered as an example in terms of trip generation).”

- 2.14 Thus, it is clear that the LHA still believe that a ghost island junction is appropriate for this level of development. Indeed, Technical Note 1 prepared by MWT provided further evidence on why a simple priority junction is not appropriate for a development of the magnitude proposed.
- 2.15 Whilst the TA (and the TAA) concludes that the provision of a right-turn facility is not required to serve the proposal (from a capacity perspective). It does not address the road safety aspects associated with not providing a right turning lane at the site access junction even though such an arrangement was requested by ESCC and is required based upon traffic flows using guidance from the DMRB.

Forward Visibility

- 2.16 Given this, it was surprising that the TA did not specifically demonstrate that adequate forward visibility is available for vehicles approaching the site from the west on the B2102 in order to prevent accidents occurring when vehicles are waiting in the road to turn into the site and obstructing through traffic.
- 2.17 The TAA (as a comment in the RSA) proposes to introduce double white line markings as it is acknowledged that eastbound vehicles may not see the central island, which appears only to be provided to enable the visibility to be measured in a way that means that the splay avoids third party land if vehicle speeds remain at present levels and a 30mph speed limit is not introduced via a TRO.
- 2.18 Given there are no footways in the vicinity of the proposed traffic island and as there are proposed roundels advising of the 30mph speed either side of the island, it is unclear precisely what function this proposed feature will have other than to enable the visibility splay to be measured in a way that suits the applicant.
-

3 ROAD SAFETY AUDIT

- 3.1 A Stage 1 Road Safety Audit (RSA) was undertaken by Fenley and included within the TAA as Appendix 8. This document also includes the designer's response (Bellamy Roberts) to the various problems and recommendations identified in the RSA.
- 3.2 Numerous (20) problems were identified at, or in the vicinity of, the proposed vehicular access or the pedestrian route towards the town centre.
- 3.3 Of these 20 problems, the following matters are not believed to have been adequately addressed in the revised designs submitted and are likely to result in a roads safety hazard should the development be permitted as proposed.
- A.2.1 - Double white centreline introduced to overcome the lack of forward visibility to the central island, which is only proved to enable the visibility at the site access to be measured in a way that avoids third party land.
 - A.2.3 ĩ The location of the bus stop should be agreed at this stage (and not at the detailed design stage) given that the applicant purports that the site is accessible by public transport.
 - A.2.5 to A.2.7 ĩ The RSA has picked up several problems associated with the proposed parking arrangement that are individually addressed by revisions to the designs but suggests a more fundamental underlying problem, i.e. that the width of Framfield Road is not suitable for the parking scheme put forward by the applicant.
 - A.3.1 ĩ The RSA correctly identifies that the level of forward visibility for the proposed access junction for eastbound vehicles is a problem. The designer's responds by again referring to the aspirational 30mph speed limit and to suggest that drivers *řwould approach cautiously in the knowledge that a vehicle may attempt to turn right*
 - A.3.2 ĩ The RSA correctly identifies that larger vehicles (such as those associated with the existing uses) will have difficulty entering and existing the site without encroaching into opposing lanes of traffic and suggests that suitable tapers are introduced. The designer's response is to dismiss this as a matter to *řbe addressed at the detailed design stage*. The access is in outline but access is not a reserved matter and so a fundamental issue like this should be addressed now to avoid creating a road safety hazard.
 - A.4.1 ĩ The ability to relocate existing signage and utility poles should be demonstrate at this stage given that access is not a reserved matter. If suitable pedestrian access cannot be achieved then the site cannot claim to be accessible by sustainable modes of travel and thus must be wholly dependent upon the private motor vehicle, which is contrary to current planning policy.
 - A.4.2 and A.4.3 ĩ The ability of cyclists and pedestrians to utilise the proposed infrastructure safely is another issue to be resolved now and not at the detailed design stage.
 - A.4.4 ĩ The designer accepts that the existing uncontrolled pedestrian crossing point needs to be upgraded in line with the RSA but fails to demonstrate how this can be satisfactorily delivered.
-

- A.4.6 ĩ The RSA identifies that the surfacing along Framfield Road is uneven and could lead to pedestrians falling and injuring themselves. The designer's response is somewhat disingenuous as it states that it is the LHA's responsibility to maintain the footways to a suitable standard, and thus acknowledges the problem, but at the same time advocates this is a safe and attractive route for people to walk between the site and local facilities.

3.4 Given the number of problems identified in the RSA that are not satisfactorily resolved, it is our professional view that the proposed development will have an adverse effect upon road safety in the local area, if permitted.

4 **PROPOSED PEDESTRIAN AND CYCLE ACCESS**

4.1 The LHA state in their response that Framfield Road is not an attractive route for pedestrians as follows:

"The junction here is very much vehicle dominant and the current pedestrian experience between the site and the Framfield Road signalised junction is not convivial nor would it encourage travel on foot."

4.2 Technical Note 1 identified that 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.

4.3 Such width restrictions 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.

Cycling

4.4 There are no dedicated on-carriageway cycle facilities on the local highway network, such as shared footway/cycleways or on-carriageway cycle lanes etc.

4.5 Indeed, the LHA commented that:

"The availability of permeable residential streets to serve a suitable cycle route is a convoluted route through Keld Avenue which avoids a potential wait at the signals but this location has uncontrolled connection between the B2102 (New Town) and Mill Drove."

4.6 The TA states that the proposed extension to the 30mph speed limit to include this area will reduce speeds along Bird in Eye Hill and help to encourage safer cycle use. Whilst this may be true, the introduction of a 30mph speed limit will need a TRO and, as such, is not guaranteed, particularly as it is not supported by the LHA.

4.7 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, which it is noted are not part of the mitigation package identified in the TA.

Distance to Facilities

- 4.8 The TA identifies various facilities that are all allegedly within an acceptable walking distance of the site.
- 4.9 Acceptable walking distances will vary considerably depending on various factors such as fitness and land topography; however, the Providing for Journeys on Foot guidelines produced by the Chartered Institution of Highways and Transportation (CIHT) identifies suggested acceptable walking distances for different types of journey.
- 4.10 Technical Note 1 identified that none of the key local facilities are within the maximum distances in the CIHT Guidelines despite the TA stating in section 4.12 that numerous facilities are *located within easy walking distance of the site*.
- 4.11 Therefore, it is our 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. Thus, the proposed residential development is not located so as 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.

5 HIGHWAY IMPACT

- 5.1 The LHA states at the outset of their response that:

“This application can only be considered on the access arrangements proposed. The impact of the development cannot yet be considered as the applicant has agreed to jointly work together with other development proponents to consider wider highway impact on the network in Uckfield and surrounding areas. As this work is being carried out currently with purpose to study the existing network and identify the opportunities, constraints and potential mitigation required for future growth that has not been possible through the local plan process, the impact on the network and principle of the development is not yet accepted or understood. Until this joint working group has completed the transport modelling the formal highway response cannot be provided in full. As such a highway objection is presented based on insufficient information that the applicant is fully aware of.”

- 5.2 The TAA acknowledges that this *work is ongoing and that confirmation from ESCC of the individual junctions to be assessed in detail is awaited*.
- 5.3 Thus, it is impossible to say whether the proposed development will be able to be accommodated by the existing (mitigated) highway network at this stage. Given this, the severity of the residual traffic impact (in NPPF terms) is unproven and therefore the planning applicant should not be approved.

6 CONCLUSIONS

- 6.1 In conclusion, it is clear that the proposed development proposes a substandard access arrangement, is not in a sufficiently accessible location and would be a significantly car borne development causing increased traffic congestion and road safety hazards, which cannot be appropriately mitigated.
- 6.2 Given this, we respectfully request that the application be refused

**APPENDIX C: MILES WHITE TRANSPORT TECHNICAL NOTE 3 DATED 14 OCTOBER
2022**

LAND AT BIRD IN EYE FARM, UCKFIELD, EAST SUSSEX

TECHNICAL NOTE 3 – FURTHER TRANSPORT OBSERVATIONS

1 INTRODUCTION

- 1.1 Miles White Transport (MWT) have been appointed by Kassie Smith KC to provide highway engineering and transport planning advice in relation to an outline planning application that was submitted to Wealden District Council (planning reference WD/2021/2198/MAO) by Croudace Homes Ltd and Mr & Mrs Berry in August 2021 for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG.
- 1.2 The planning application was supported by a Transport Assessment (TA) and Framework Travel Plan (FTP) prepared by Bellamy Roberts LLP.
- 1.3 MWT prepared Technical Note 1 in December 2021 to provide a critical assessment of the proposed scheme (and the information submitted with the planning application) from a highways and transport perspective.
- 1.4 A Transport Assessment Addendum (TAA) was prepared by Bellamy Roberts LLP in March 2022 following receipt of the Local Highway Authority's (LHA's) comments on the planning application in early December 2021.
- 1.5 Technical Note 2 was prepared in May 2022 to provide further observations on the highways and transport aspects of the proposed development following the LHA's response and the submission of the TAA.
- 1.6 A Transport Assessment Second Addendum (TASA) was prepared by Bellamy Roberts LLP in September 2022 following receipt of the Local Highway Authority's (LHA's) comments on the planning application in May 2022.
- 1.7 The content of Technical Notes 1 and 2 remain valid unless specifically superseded by observations included in this Technical Note 3.
- 1.8 The issues covered in this Technical Note are as follows:
 - Site Access
 - Framfield Road Improvements
 - Road Safety Audit

2 SITE ACCESS

Right Turn Lane

- 2.1 Despite continuing to argue that a right turn lane is not required or necessary at the proposed site access junction, the applicant has now agreed to provide such an arrangement.
- 2.2 The design of the right turn lane junction, which is confirmed as being the access arrangement that the applicant proposes, appears to meet current design standards and so, in that respect, is acceptable.

Access Visibility

- 2.3 East Sussex County Council (ESCC) have identified that a visibility splay of 2.4m x 113m to the west and 127m to the east is required to be provided at the site access junction.
- 2.4 The TASA states in section 2.23 that the allowance for bonnet length *“is not a requirement of the y-dimension”*. However, this is not correct as the y-dimension is based on the Stopping Sight Distance (SSD) for vehicles travelling along the major road at a junction. Manual for Streets clarifies that the SSD figure *“relates to the position of the driver”* and that the *“distance between the driver and the front of the vehicle is typically up to 2.4m”* and it is *“therefore recommended that an allowance is made by adding 2.4m to the SSD”*.
- 2.5 Section 2.25 of the TASA appears to have some text missing at the end of the sentence. This section confirms that the visibility to the east has been measured to the nearside kerb, which is acceptable.
- 2.6 However, the visibility to the west has been measured to the centre of the eastbound lane (it is worth noting that this was previously measured to the centreline of the road) rather than the nearside kerb as is required unless overtaking movements are restricted.
- 2.7 Technical Note 1 identified that whilst Manual for Streets does allow the visibility splay to be measured to the centre of the major road carriageway where *“circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm”* this is usually because of existing overtaking restrictions such as double white lines or when opposing flows are physically segregated.
- 2.8 The provision of a traffic island in this location will not prevent overtaking manoeuvres and so the visibility splay to the west should be measured to the nearside kerb. If this is the case, then the visibility splay will pass through the northeast corner of the garden of number 18 (Bird in Eye Hill) as shown overleaf in **Figure 2.1**.
- 2.9 Given that there are no footways in the vicinity of the proposed traffic island, it is unclear precisely what function this proposed feature will have other than to enable the visibility splay to be measured in a way that avoids third party land.
- 2.10 The proposed provision of a 30mph speed limit in this location will require a TRO and the TASA states in section 2.28 that ESCC have advised that any such proposal *“will require a highway related scheme that would effectively reduce speeds and be self-enforcing”*.

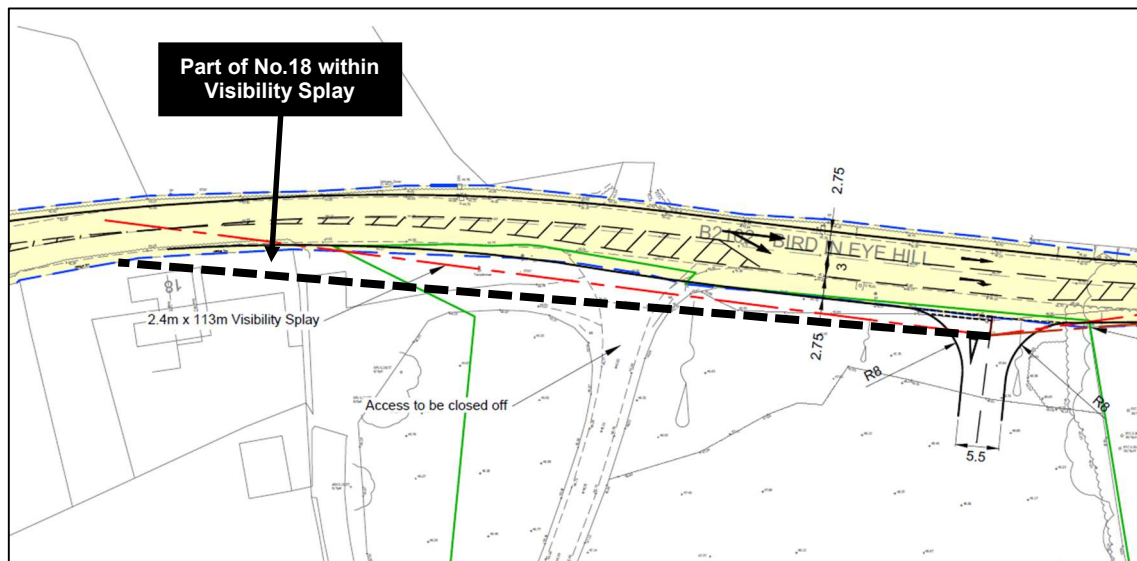


Figure 2.1: Visibility Splay to the West

- 2.11 Given that the introduction of a 30mph speed limit is by no means guaranteed, the level of visibility afforded at the site access junction must accord with actual speeds on the B2102 and be measured in the correct manner.
- 2.12 Clearly this is not the case at present so it is maintained that the site access will not be safe due to a lack of visibility to the west.

3 FRAMFIELD ROAD IMPROVEMENTS

- 3.1 It is noted that the applicant is yet to agree a suitable improvement scheme along Framfield Road with ESCC.
- 3.2 Therefore, comments previously made in Technical Notes 1 and 2 regarding pedestrian safety and potential conflict on this stretch of road remain a concern.

4 ROAD SAFETY AUDIT

- 4.1 A Stage 1 Road Safety Audit (RSA) has been commissioned for the right turn lane access arrangement and improvements along the B2102 but the results are not yet available.
- 4.2 Therefore, until an independent RSA is available the safety credentials of the proposed access junction arrangement cannot be verified.

5 SUMMARY AND CONCLUSIONS

- 5.1 In summary, several transport related issues or problems (as identified in Technical Notes 1 to 3 prepared by MWT) will result from the development as proposed. These are summarised below and overleaf:
- Insufficient visibility at the proposed site access junction and the safety credentials of the access are unproven until an independent RSA is available for review.

-
- Potential conflict between different users, such as refuse vehicles exiting the site and larger vehicles visiting the farm at peak times, which will create a road safety hazard.
 - The traffic data collected and used in the assessment of the traffic impact of the proposed development is not representative of normal traffic volumes at the town centre junctions of interest.
 - If the results of the town centre junction capacity assessments are considered in parallel with the questions over the accuracy of the traffic data, then the validity of the TA's conclusion in relation to the severity of the residual traffic impact (in NPPF terms) is unproven.
 - Parts of Framfield Road have a footway width below 1.5m, which will not allow a buggy and pedestrian to safely pass and will do little to maximise sustainable travel to/from the site.
 - Such width restrictions 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.
 - None of the key local facilities are within the maximum distances in the CIHT Guidelines and so it is very unlikely that future residents will walk to/from local facilities and will instead use their private car to access these facilities.
- 5.2 In conclusion, it is clear that the proposed development proposes a substandard access arrangement, is not in a sufficiently accessible location and would be a significantly car borne development causing increased traffic congestion and road safety hazards, which cannot be appropriately mitigated.
- 5.3 Given this, we respectfully request that the application be refused

APPENDIX D: PHOTOGRAPHS OF RECENT FLOODING









