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# Whyburn, Hucknall

## Hearing Statement

Client:	The Whyburn Consortium	Job No	J327191
Date:	09 December 2024	Approved by:	BDF
Prepared by:	BDF		

### 1.1 Introduction

- 1.1.1 Mode transport planning is operating on behalf of Respondent ID: 63, Whyburn Consortium, in making representations to the emerging Ashfield Local Plan (2023-2040), with representations having previously been made at the Regulation 19 consultation stage.
- 1.1.2 Our previous representations are not repeated here but should be read in conjunction with this Hearing Statement to the Inspector's Matters, Issues and Questions for Week 3, Matter 11.
- 1.1.3 Our statement represents our views based upon the information currently available before the Examination; however, we politely reserve a position to comment further during the Hearing Session and following a review of the Council's responses or representations submitted by others in response to the Inspector's questions.

### 1.2 Inspector's Questions

#### 11.1 How will key infrastructure be delivered and funded?

- 1.2.1 Whilst this is principally a question for the council to respond to we note that in transport terms the Infrastructure Delivery Plan (SEV.36.1) identifies various transport mitigation measures ranging from junction capacity improvement schemes to enhancements to sustainable transport infrastructure.
- 1.2.2 The IDP (paragraph 1.5) describes:

*"With regards to transport infrastructure costs, the funding sources identified in the IDP schedule are notional and have been established in order to inform bids to East Midlands Combined County Authority (EMCCA) and Department for Transport (DfT), and to assist planning officers to negotiate appropriate developer contributions at the planning application stage. No funding has been agreed towards any of these schemes to date and therefore the splits in the IDP are indicative only and should not be misconstrued as being a commitment from EMCAA or DfT to fund the schemes."*

1.2.3 Given the indicative nature of the funding splits identified in the IDP and current lack of secured funding, the onus for the mitigation delivery must therefore fall on alternative stakeholders (i.e. development) in the event that EMCCA and DfT bids fail or deliver less funding than anticipated. To provide context a number of transport related infrastructure items carry a weighting of 85% funding achieved via DfT/EMCCA bids. We therefore question whether a contingency assessment of viability has been completed assuming alternative funding sources are not realised?

**11.2 Do the Plan's Strategic Policies clearly identify and make provision for infrastructure including, but not limited to, transport, telecommunications, security, waste management, water supply, flood risk and community facilities as required by paragraph 20 of the Framework?**

1.2.4 This is considered to be a question for the council to respond to and whilst we have no further comments at this stage, we may wish to comment further during the Examination Hearing session following a review of the Council's response to this question.

**11.3 Does the Plan's spatial strategy rely on any critical infrastructure which is subject to phasing?**

1.2.5 We consider that this is a question for the council to respond to but do note that the IDP (SEV.36.1) includes various transport infrastructure which has been allocated a priority of high, medium or low.

1.2.6 It is therefore possible to infer that the council and stakeholders have a view on the order and critical importance of required mitigation; albeit how this relates to phased delivery of the Plan is unclear. The modelling described in the Strategic Transport Modelling Assessment (STMA) (SEV.39.1) covers only an end state situation and accordingly it is unclear as to how the council has arrived at the priority position presented in the IDP?

1.2.7 All junction capacity mitigation locations specifically identified in the IDP are assigned either high or medium priority and therefore requiring delivery in years 0-5 or 5-10 of the Plan.

1.2.8 Assuming this trajectory, this places the financial onus on development funding of infrastructure in the first two thirds of the Plan when the development delivery trajectory may not necessarily align with this. This also presents a potential viability issue as receipts are unlikely to align with infrastructure spend. This in combination with our comments in relation to Inspector's question 11.1 raises questions as to the viability of the Plan as submitted.

#### 11.4 How have the potential impacts of the development proposed in the Plan been tested, and how will the necessary highways mitigation be delivered?

1.2.9 ADC's Regulation 19 Plan (SD.01) policy SD10: Transport Infrastructure requires:

*"New development, singularly or combined with other proposed development, should demonstrate that a sufficient package of measures are proposed as part of the development to ensure that the wider transport system, in terms of effective operation, is not compromised. Where development places additional demands on transport infrastructure appropriate mitigation will be required."*

1.2.10 Whereas bullet F of Policy S9: Aligning Growth and Infrastructure identifies the requirement for *"Major highway capacity enhancements to deal with residual car demand."*

1.2.11 The Regulation 19 Plan was supported by the STMA (SEV.39), dated 28 September 2023 and appendices (SEV.39a and SEV.39b). This has now been superseded by an amended STMA (SEV.39.1), dated 8 August 2024.

1.2.12 Both STMA, at paragraph 7.3.1, describe how the Plan includes a large number of residential and employment developments scattered over a very broad area, totalling 7,068 planned residential properties and 97.11ha employment. Paragraph 3.1.7 of both STMA describes how the modelling includes 5,468 of the planned houses and the full 97.11ha employment.

1.2.13 Table 2 of both STMA summarises the sites included in the Local Plan assessments as well as their relative scale. The table clearly includes 1,600 dwellings and 11ha employment at Whyburn. It is also clear that other discrepancies manifest in terms of the headline development quantum assessed and the development quantum subdivided across various sites in the assessment when cross referenced to policies S6, EM2 and H1 (SD.01).

1.2.14 This is despite paragraph 3.1.2 of both STMA describing how the report is based on the Regulation 19 Draft Local Plan. Given the above discrepancies this cannot be the case.

1.2.15 Paragraph 3.3.6 of both STMA describes how: *"The overall flow change on the network is a combination of traffic directly generated by the site and traffic which is reassigned as a consequence of the additional development traffic."*

1.2.16 The forecast flow changes on the highway network and specifically the locations where flows are forecast to change therefore directly inform the identified mitigation package for the Plan.

1.2.17 Both STMA also refer to the inclusion of committed developments in the assessment and specifically in deriving conditions on the highway network in the horizon year pre-assessment of Plan demands. The STMA, Appendix A (SEV.39b) provides detail of such inclusions but extends only to cover highway infrastructure, rather than specific developments. It is therefore unclear as to exactly what has been assessed which is particularly pertinent when considering the list of proposed Housing Allocations at Policy H1 (SD.01). A number of the sites listed at Policy H1 are described as having planning permission at least in part and it is unclear how these sites have been considered in the STMA.

1.2.18 Furthermore, the STMA (Sev.39b) refers to assumed infrastructure associated with HS2 Toton. We understand that this proposal was scrapped in favour of East Midlands Parkway in 2021 and with central government announcing a rescoping exercise for HS2 generally in 2024, that removed phase 2 of the scheme, the Toton proposals (and associated infrastructure) are unlikely to occur in the plan period. It is unclear exactly what has been assumed in the STMA for the HS2 proposals; however, it is likely that any infrastructure is no longer relevant to the assessment and could affect the reported outcome.

1.2.19 The resultant IDP (SEV.36.1) identifies multiple junctions across the area of influence for which mitigation measures are required referencing them back to SEV.39.

1.2.20 The serious discrepancies in assessed development inclusions undermine the validity of the Plan and we therefore cannot have confidence that the resultant mitigation package aligns with the proposed strategy approach. It is impossible to determine with confidence:

- Whether mitigation has been identified in the right locations and of the correct scale and form;
- Whether the now proposed spatial strategy can be delivered without a severe detrimental effect on the operation or safety of the highway network;
- Where mitigation is required whether this can be delivered and funded in a cost efficient manner; and,
- Whether the now proposed spatial strategy results in an improved outcome in traffic terms than the strategy promoted at Regulation 18.

**11.5 Does the Plan clearly identify necessary transport mitigation measures that arise from the overall spatial strategy, but also from specific site allocations?**

1.2.21 Whilst the plan clearly identifies a range of transport mitigation measures as described in the IDP, we have raised a number of pertinent concerns in our representations in response to question 11.4 as to the validity of the mitigation measures.

- 1.2.22 If the development demands in the STMA do not properly align with the Regulation 19 Plan in both development quantum and locational terms it is impossible to determine forecast traffic conditions and potential mitigation requirements with confidence. The issue is only exacerbated when viewed through the lens of an individual site allocation vs. the overall cumulative plan demands.
- 1.2.23 The IDP (SEV.36.1) at paragraph 8.6 describes: *“Mitigation measures required to which contributions will be sought from developers have been included in the Infrastructure Delivery Schedule attached at the end of this report, these are provisional and are subject to change. Mitigation could also include the use of developer led schemes under section 278”*
- 1.2.24 We anticipate that the intention is for the funding and delivery mechanism for transport related mitigation to be resolved through planning applications for individual sites. This is considered to be a reasonable approach but does have the potential to stall delivery of development as there appears to be no specific assessment of what individual sites are required to mitigate. In the eventuality that a trip or roof tax is applied to all sites to cover the total IDP infrastructure bill there can be a degree of surety as to expectations. However, the area over which infrastructure is required and location of sites relative to this potentially places more of an onus on the delivery of some mitigation schemes through S278 as a Transport Assessment will inevitably show a weighted individual development impact on a given location.
- 1.2.25 Para 4.5.6 (SEV 39.1) also confirms that more local junction mitigation, over and above the IDP, is likely to be required to mitigate the local impacts of the schemes which are not specifically addressed through the STMA. These additional local measures and their costs are envisaged to be the responsibility of individual developers albeit are not quantified at this stage.
- 1.2.26 Furthermore, there are a number of sites identified as draft allocations in the Regulation 19 Plan that have consent (or partial consent). The IDP suggests that no funding from developers has been secured to date towards highways (junction) mitigation. It could be inferred that those sites that do not yet have consent weather the burden of the mitigation package for all the proposed allocations.
- 1.2.27 In summary, the methodology followed in the STMA assesses the cumulative impact of the total draft Regulation 19 Plan demands only with no specific assessments completed for individual sites. We have identified various concerns regarding the validity of the cumulative assessment, irrespective of any individual site assessment.

**11.6 What effect does the Plan's strategy and site allocations have on the Strategic Road Network? What evidence is there that the mitigation measures proposed in the Strategic Transport Modelling Assessment Report (SEV.39.1) will be effective? Is this evidence sufficiently clear?**

- 1.2.28 The effect of the Plan's strategy and site allocations is described SEV 39.1 and covers impacts on the Strategic Road Network (SRN). Our responses to questions 11.4 and 11.5 raise various concerns as to the validity of the assessment that are pertinent to the answer to this question also.
- 1.2.29 ADC and National Highways (NH) have entered into a Statement of Common Ground (SoCG) (SCG.05) that identifies (para 3.4) how: *"Transport modelling has not identified any insurmountable constraints in Ashfield District and along the Strategic Road Network, in particular Junctions 27 and 28 of the M1 Motorway, arising from the policies and proposals in the Ashfield Local Plan."*
- 1.2.30 Importantly the SoCG references the findings and conclusions of the Ashfield Strategic Transport Study, October 2023 and the Ashfield Infrastructure Delivery Plan, November 2023. We assume that the October 2023 STMA is an error as the evidence base document is dated September 2023.
- 1.2.31 The SoCG at paragraph 3.1 describes how NH identified in their response to the Draft Local Plan Consultation 2021 that the combination of the proposed strategic employment sites adjacent to M1 J27 and the Whyburn Farm development north would be expected to result in a combined significant traffic impact on the M1 J27.
- 1.2.32 NH identify that the Regulation 19 Local Plan does not include Whyburn Farm however, two planning applications have since been submitted on the majority of the land proposed to be allocated under Policy S8. NH has commented on both applications and we understand that additional work is being undertaken in relation to the SRN.
- 1.2.33 In considering the above statement it is clear that NH identified a potential issue on their network given cumulative development demands at M1 J27. Ultimately the new settlement at Whyburn has been removed from the Plan; however, the STMA does not reflect the revised Plan demands and hence resultant impacts on the SRN are unclear. We also note that further work is being completed in relation to the two planning applications for the policy S8 employment sites but this is being completed to inform planning applications and does not form part of the evidence base before this Examination.
- 1.2.34 Given the discrepancies between the STMA and the Plan already described we do not consider that there is sufficient clarity on impacts on the SRN.

## 11.7 What effect does the Plan's strategy and site allocations have on the Local Highway Network?

- 1.2.35 The effect of the Plan's strategy and site allocations is described in the STMA and covers impacts on the Local Highway Network. Our responses to questions 11.4 and 11.5 raise various concerns as to the validity of the assessment that are pertinent to the answer to this question also.
- 1.2.36 ADC and Nottinghamshire County Council (NCC) have entered into a SoCG (SCG.07) that identifies (para 3.3) how: *"Ashfield Council have cooperated with Nottinghamshire County Council and National Highways, and no 'show-stopping' transport constraints have been identified by these organisations."*
- 1.2.37 Importantly this position has been reached using a number of evidence base documents of which the STMA (SEV.39) is specifically referenced. Whilst ADC and NCC present a positive agreed position in their SoCG it is unclear whether this has since been revisited to reflect the Plan now under examination.
- 1.2.38 Given the discrepancies between the STMA and the Plan already described we do not consider that there is sufficient clarity on impacts on the local road network.

## 11.8 Is there clear evidence that the proposed highway interventions in the full mitigation scenario have been suitably assessed and any critical transport improvements identified and costed?

- 1.2.39 The proposed junction mitigation schemes are summarised in (SEV.39.1) at tables 6, 7, 8. The schemes summarised in tables 6 and 7 were identified in the STMA and those in table 8 were identified in an earlier study of the A611 and A38.
- 1.2.40 There are no drawings illustrating the required works in the STMA and it is unclear whether they can be accommodated in highway land or to an acceptable standard of design/geometry. The level and detail of junction modelling to evidence the individual mitigation proposals is also unclear.
- 1.2.41 The costs for these schemes are detailed in the respective tables albeit:
- Costs exclude land acquisition (SEV.39.1 – paragraph 4.5.2);
  - Costs exclude service diversions (SEV.39.1 – paragraph 4.5.2);
  - It is unclear whether allowances have been made for design fees, traffic management and other contingencies in the costs; and,
  - A number of the mitigation proposals involve signalisation and it is unclear whether the costs identified in the STMA allow for commuted sums.



- 1.2.42 The STMA describes how costs are based on average costs for similar schemes elsewhere (SEV.39.1 – paragraph 4.5.2) and using the Spon's 2019 Price Book (SEV.39.1 – paragraph 4.5.3).
- 1.2.43 It is also clear that further works are anticipated to be required (SEV.39.1, paragraphs 4.5.6 and 4.5.7) that have not yet been identified and hence have not been costed.
- 1.2.44 This in combination with our responses on earlier questions brings us to a conclusion that a suitable assessment of both mitigation requirements, and their resultant costs, has not been evidenced.

**11.9 What does 'large scale development' mean in the context of requirement in Policy SD10 for a Transport Assessment? Is there a threshold? If so, what is it and is it justified by evidence?**

- 1.2.45 We believe that this is a matter for the authority to respond on, albeit we consider that there should be a reasoned position in terms of the assessment threshold requiring submission of a Transport Assessment. We are also of the view that this should cover various land uses as the thresholds for each will differ.
- 1.2.46 Finally, we consider that the assessment threshold for a Transport Assessment need not be specified within the Plan and could be addressed through directing the reader to the necessary highway authority adopted guidance.

**11.10 Has Policy SD10 been shaped by engagement with all stakeholders, including infrastructure providers and statutory consultees in seeking to address the impacts of development on transport infrastructure and potential mitigation strategies?**

- 1.2.47 We believe that this is a matter for the authority to respond on we note that the Examination library includes SoCG with both NCC (SCG.07) and NH (SGC.05), however, both pre-date the latest transport evidence base submission (SEV.39.1).