



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Andy Jinks (Regional Director)
Operations Directorate
Midlands Region
National Highways
planningm@highwaysengland.co.uk

To: **Hinckley & Bosworth Borough Council**

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: **22/01190/OUT**

Location: **Land East Of Kennel Lane Witherley Leicestershire**

Proposal: **Outline planning application for up to 50 residential dwellinghouses with access**

Referring to the consultation dated **20th December 2022** referenced above, in the vicinity of the **A5** that form parts of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A — National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹

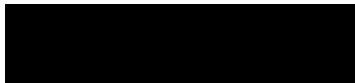
¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature:

Date: 09 January 2023



Name: Sammantha Leung

Position: Assistant Spatial Planner

National Highways

The Cube | 199 Wharfside Street | Birmingham | B1 1RN

sam.leung@highwaysengland.co.uk

Annex A **National Highway's assessment of the proposed development**

This response represents our formal recommendations and has been prepared by Sammantha Leung, Assistant Spatial Planner for National Highways.

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A5 (Watling Street).

This Outline planning application is for the development of up to 50 residential dwellings (all matters reserved except for access).

The application site is adjacent to Kennel Road, which is local highway, and is around 350 metres north of the junction of Kennel Lane with the A5. The vehicular access to the site is proposed via a new priority-controlled junction off Kennel Lane.

Traffic Impact

After reviewing the Transport Assessment prepared by the Eddisons in October 2022, we have the following comments:

- The traffic survey at the A5 / Kennel Lane junction was undertaken on 12th July 2022 (Tuesday) which was very close to the end of the school term. We require survey data during a neutral month which could reflect normal operating conditions and covers the full flow distribution from the existing population off Witherley;
- In paragraph 5.4.4, the resultant growth factors from 2022 to 2027 AM peak and PM peak are 1.0370 and 1.0408 respectively. We require the clarification on how the figures have been derived;
- The numbers of two-way trips generated by the proposal during AM peak and PM peak are 24 and 24 respectively (Table 5.1). Although we are unable to replicate the same figures, the difference in trip rates is not material. The trip rates are considered to be acceptable;

- We note the assumption that all development trips will travel south to access the A45 / Kennel Lane junction. However, the trip distribution should be based on the Census Journey To Work data;
- We acknowledge the assessment of the traffic impact on the SRN has only included year 2027 (five years after the application registration). According to the new DfT Circular 01/2022, an assessment at the opening year is required. The assessment year is therefore acceptable; and
- In the Junctions 9 model of the A5 / Kennel Lane junction, the major road width has been set at 10.40 meter, which would include the right turn lane rather than just the ahead lanes. the user guide for Junctions 9 clearly states that “the width of any central reserve or turning bay is NOT included” (Junctions 9 user guide Issue E para 23.4.1). We require this to be rectified.

Safety

Based on the same TA, we have made the following remarks regarding safety and accident analysis:

- It is unclear what the extents have been used for the PIC review. In Chapter 6 Accident Analysis, Paragraph 6.1.1 of the TA states ‘in the vicinity of the development site’ which isn’t specific enough;
- Paragraph 6.1.2 states that there have been ten recorded accidents from CrashMap during the period between 2017 and 2021 (eight slight accidents and two serious accidents, as tabulated in Table 6.1 Accident Summary). However, in our own search on CrashMap, there appears to be one more ‘serious PIC’ dated 30/11/2021. We require clarification on this discrepancy;
- Moreover, the extent of the applicant’s search excludes some additional PICs at Atherstone Roundabout (which is to the west of the application site) and a PIC cluster (which is to the north of the site). To establish a robust basis for analysis, it is recommended to include these PICs; and
- The existing footpath south of the A5 immediately opposite to Kennel Lane does not have suitable crossing facilities. This route could be appealing to residents to access the southern parts of Atherstone and for leisure use. As there is already a hatched central area in the vicinity, there is ample space to provide an attractive pedestrian and cycle crossing refuge to enable users to cross each lane of the A5 in turn, rather than having to cross both directions at the same time or wait in the middle of the road with no protection. We recommend the applicant to consider conditioned highway works to respond to this safety concern.

Sustainable Transport

We have the following comments on the suitability of access by other sustainable modes:

- For cycling, the national cycle route is on the boundary of typical cycling distances. We do not think it could be considered accessible. Also, there is no evidence provided to demonstrate that there are safe and suitable cycling routes to access the national route from the application site;
- Similarly, no evidence is provided to demonstrate safe and suitable cycling routes into Atherstone which is the only significant settlement within a 5km radius of the development;
- While existing bus services will provide some opportunities for access to facilities and services, the combination of long travel times and the long walk to the nearest bus stops means it is to contribute to any modal shift away from car use. The applicant should consider opportunities to enhance the attractiveness of bus services to promote sustainable transport;
- Rail may offer an attractive option for longer journeys. However, we note there is very limited car parking at Atherstone Station (17 spaces according to West Midlands Railway), limited and low-quality cycle parking (12 uncovered spaces for cycles, same source) and no evidence of safe and suitable cycle routes to access the station. Furthermore, we note the route that links the opposing platforms is via Old Watling Street which passes under the railway. This route has a posted headroom of just 2m whereas the absolute minimum recommended for a cycle route is 2.2m (CD 195 table E/4.35). Facilitating cycle access to the westbound platform requires cyclists to store the bikes in the vicinity of the eastbound platform or to dismount when passing under the railway.

Considering the above, we note that the proposed site only offers limited opportunities for travel by alternative modes (other than car) and further work is required by the applicant to demonstrate that existing provisions, particularly for cycling and access to Atherstone train station, are in place or identify further mitigation to enable such access.

Although we acknowledge this is a relatively small development and mitigation requirements should be proportionate and affordable, we cannot accept an unsustainable proposal just because the work required to provide sustainable access opportunities would be disproportionate or would make the site unviable. We recommend the applicant to engage with the Local Planning Authority to identify if there are alternative funding streams or grants that may be obtainable to meet the costs of providing the necessary sustainable infrastructure.

Travel Plan

The Travel Plan largely covers the basic elements that would be expected.

We note that paragraph 4.3.5 is unclear. It seems to imply that the deed of sale will place an obligation on the purchaser to provide a travel pack to any subsequent purchaser if they then sell the property again. We are unsure whether such a condition is achievable on a sale contract or whether it is enforceable.

There is no mentioning of funding for the Travel Plan, or how this will be governed. It is good practice for the developer to provide a small annual budget for a period, typically 5 years post occupation, over and above the basic costs for the Travel Plan Coordinator and their duties, to cover reactive interventions that would assist with achieving the aims of the travel plan. We would therefore require further clarification on this.

Considering the above, National Highways recommends that planning permission not be granted for a further period of three months, from the date of this notice (expiring 9 April 2023), to allow the applicant time to submit additional supporting information.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

From: Jeff Brown <JeffBrown@NorthWarks.gov.uk>
Sent: 23 December 2022 11:27
To: Planning Folder
Subject: FW: 22/01190/OUT - Kennel Lane, Witherley

Thank you for consulting us on this outline application.

On behalf of the Council I object to this proposal

The reason for this is due to the potential impact on the A5.

It is understood that the response from National Highways will be a significant consideration here, given the nature of the Kennel Lane access onto the A5 and the additional traffic generated from the development.

However, the Council's concern is very much based on the wider issue of the capacity of the A5.

Our up to date Local Plan allocations comprise substantial land for both residential and employment purposes, all of which are wholly dependent on the delivery of improvement works to the A5 throughout its route in North Warwickshire.

If this proposed new development is on unallocated land in your Development Plan, then if approved, it will take up capacity on the A5 and thus prejudice both the A5 improvements and then particularly the delivery of our allocated sites.

This is a strategic issue for the Council as any prejudice to the delivery of our Local Plan will be substantial

Additionally, I'm sure that you will be exploring the heritage – underground – impacts, as well as the potential flooding issues in your consideration of the proposal.

Many thanks

Jeff Brown
Head of DC
NWBC.

Website - www.northwarks.gov.uk
Follow us on Twitter - [North Warks BC](#)
Like us on Facebook - [northwarksbc](#)

Any opinions expressed in the E-mail are those of the individual and not necessarily those of North Warwickshire Borough Council. Promotional content is in support of Council priorities or current initiatives. This E-mail and any files with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the intended recipient, please be advised that you have received this E-mail in error and that any use is strictly prohibited.