Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission

From: Regional Director, South West Operations Division, Highways England
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To: Wiltshire Council
FAO Becky Jones

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

Council's Reference: 20/01200/FUL

Referring to the planning application referenced above, dated 4 March, in connection with the A36 trunk road and the erection of 19 new houses to create a new retirement estate and community, incorporating existing scheme of 4 dwellings, convert existing dutch barn to form guest accommodation and estate manager's flat, erect club house, bin store and associated parking and turning areas, install sewage pumping station and upgrade access track to tarmac surface on land at Petersfinger Farm, Southampton Road, Salisbury, notice is hereby given that Highways England's formal recommendation is that we:

~~a) offer no objection;~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~

~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is relevant to this application.[1]

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

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

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Signature: G Gallacher **Date:** 27 July 2020

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Annex A Highways England recommended planning conditions

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as 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.

This response represents our formal recommendations with regards to planning application reference 20/01200/FUL and has been prepared by the planning manager for the A36 in Wiltshire.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "*The Strategic Road Network and the Delivery of Sustainable Development*" and the MHCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application is seeking consent for 19 assisted living/close care units with associated facilities and works. The development will be in addition to 4 dwellings currently on site for which permission has already been granted and implemented, but which will be incorporated within the wider development proposal. The dwellings will only be available to residents aged over 55 years, and where at least one occupant has a care package in place. We would expect the planning authority to secure this restriction on occupancy via planning condition or through a s106 agreement as appropriate. The development site benefits from an existing direct vehicular access from the south side of the A36 Southampton Road and it is proposed to continue to use this access for the development.

The site has extant consent for agricultural use which could generate an unrestricted number of vehicle movements, typically of a slow-moving and heavy nature. We are therefore satisfied that the vehicle trips associated with the proposed development, particularly in the peak hours, is unlikely to be of a scale or nature that would support an objection on grounds of intensification of use. However, at both the pre-application stage, and in our initial response to the submitted application (dated 27 March), we expressed concern as to the suitability of the site for the development proposed. Our initial response therefore requested additional information from the applicant regarding accessibility alongside a number of other comments. Our recommendation below should therefore be read in conjunction with our earlier comments.

Accessibility and Travel Planning

The application site is in close proximity to bus services, the Petersfinger Park and Ride (P&R) and a range of retail and other facilities which are all located to the north of the A36. This proximity is frequently referenced within the application supporting documents to demonstrate site accessibility and sustainability. However, this is wholly

dependent on pedestrians and non-vehicular modes being able to safely travel along and across the A36 which in this location is heavily trafficked, subject to a 40mph speed limit, with visibility constraints and no footpath on the southern side to safely connect the site with any existing footway or crossing provision.

Subsequent discussions between the applicant and Highways England have confirmed our view that suitable shared-use footway and crossing provision cannot be cost-effectively provided for all users, to the necessary standard, within the existing highway boundary. Initial developer proposals to include a short section of footway to the west of the development site and south of the A36 have therefore been removed from the proposed highways works. It is therefore essential that the planning authority secure robust travel plan measures to include a detailed accessibility strategy with personal travel planning proposals. This should discourage inappropriate use and crossing of the A36 and reduce the use of the SRN for short vehicular journeys. The applicant has provided a framework travel plan (dated 19 June 2020) proposing a number of measures which should assist safer connectivity to services and facilities for future residents. We are therefore recommending a travel plan condition, although the planning authority may prefer to secure the travel plan measures through a s106 agreement.

Development Access

The development will utilise the existing direct access onto the A36 but with improvements provided primarily to the access road within the development site. We are satisfied that the applicant has now provided a preliminary design for the proposed junction layout and access road improvements which has been subject to an acceptable Stage 1 Road Safety Audit process and WCHAR. A planning condition is therefore recommended to secure the implementation of these works before the development is brought into use. The proposed improvements will involve works within the highway boundary, which is land outside of the applicant's control, and we will therefore require the applicant to enter into a suitable legal agreement with us. This will enable us to agree the detailed design of any works, further stages of the Road Safety Audit process, construction methods and materials, and any associated traffic management requirements. All costs shall be met by the applicant.

A36 Boundary Treatments

Given the development site's proximity to the A36, and to a noise important area as identified by Defra, the proposals are supported by a noise assessment. The planning authority will need to be satisfied as to the adequacy of the assessment provided and the mitigation measures proposed. Highways England has noted that the site layout plan indicates a 1.8m high close boarded fence will be erected along the boundary with the A36 and we would draw the applicant's attention to the requirements of DfT Circular 02/2013 Annex A.

Highways England has a minimal verge width along the westbound carriageway, which we believe excludes all the trees along the highway boundary to the north of the proposed development site. It is therefore essential that, prior to any works being undertaken along this boundary, an Arboricultural Tree Survey is undertaken which should identify all trees affected or potentially affected by the development, and

provide justification for removal of trees with a Tree Protection Plan for those to be retained in accordance with BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction – Recommendations**.** The survey should provide clarification of tree ownership. Should it be necessary to undertake any work on retained trees to facilitate the development, it is important that such works are done in accordance with BS 3998-2010 Tree work – Recommendations so as to prevent poor work or damage that may cause future decay and early death to the trees. It will be necessary for the applicant to consult with Highways England's Soft Estate Officer should any works be required on trees that are considered to be the property of Highways England.

In 2019 we commissioned a Tree Condition Inspection along the full length of the A36 that is within Highways England's network. This identified a number of dead elm trees alongside the westbound carriageway on the boundary of the proposed site, all of which need to be felled. A notification letter with Tree Inspection Sheets for the trees/ tree groups requiring action was sent to the registered landowner on 27 February 2020, requiring a response within 28 days. As yet no response has been received. It is therefore necessary to resolve the status of the tree ownership and responsibility for necessary works along the development's boundary with the A36. This is particularly important prior to the erection of any fencing that may prevent works being undertaken in a safe manner to the detriment of the highways asset and operations.

The site plan also provides for planting along the trunk road boundary but no landscape plan or planting schedule has been provided. It must be emphasised that the Highways England soft estate should not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to provide this all year round.

We are therefore recommending conditions to agree an A36 boundary treatment plan, method statement and maintenance schedule to cover both the proposed fencing and landscaping works. Details will need to be agreed with regards to fencing location, type, construction method and maintenance. An Arboricultural Tree Survey and Tree Protection Plan will be needed to address the removal, retention and management of existing trees along this boundary, and a Landscape Plan and Planting Schedule should provide details for any additional planting in proximity to the A36 boundary. We should advise that the following species must not planted within 10m of Highways England's estate:

- Blackthorn (*Prunus spinosa*)
- Goat willow (*Salix caprea*)
- Crack willow (*Salix fragilis*)
- Dogwood (*Cornus sanguinea*)
- Italian alder (*Alnus cordata*)
- Bird cherry (*Prunus avium*)
- Quaking Aspen (*Poplus tremulans*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway, or any Highways England asset:

- Silver Birch (*Betula pendula*)
- Austrian Pine (*Pinus nigra*)
- Poplar (*Poplus alba, Poplus hybrid, Poplus Lombardii*).

Recommendation

Highways England recommends that planning conditions should be attached to any permission Wiltshire Council is minded to grant in respect of application reference 20/01200/FUL to the effect that:

1. Prior to the development hereby permitted being brought into use, the scheme of works to improve the highways access shall be implemented in full to the written satisfaction of the local planning authority (in consultation with Highways England). These works shall be generally in accordance with the proposed site access preliminary design drawing PHL-101 Rev B, subject to any necessary changes identified during the detailed design and Road Safety Audit process. Reason: in the interest of the safe and efficient operation of the trunk road.

2. Prior to any works being undertaken along the boundary with the A36 trunk road, a boundary treatment plan shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The plan shall include as a minimum:

    a) details of the fencing location, type, construction method and maintenance;

    b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a method statement for any works required to address the removal, retention and management of trees along this boundary.

    All works shall be undertaken in accordance with the agreed plan and maintained as such thereafter. Reason: in the interest of the safe and efficient operation of the trunk road and to protect the trunk road soft estate.

3. Prior to any planting being undertaken in proximity to the A36 boundary a Landscape Plan and Planting Schedule shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). Planting shall be undertaken and maintained thereafter in accordance with the agreed plan and schedule. Reason: in the interest of the safe and efficient operation of the trunk road and to protect the trunk road soft estate.

4. The development hereby permitted shall not be brought into use unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

    - the identification of targets for trip reduction and modal shift;

- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures and its operation thereafter;
- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;
- mechanisms to secure variations to the Travel Plan following monitoring and reviews.

Reason: in the interest of the safe and efficient operation of the A36 trunk road.

Informative

The highways scheme associated with this consent involves works within the public highway, which is land over which you have no control. Highways England will therefore require you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact ThirdpartyworksSWarea@highwaysengland.co.uk at an early stage to discuss the details of the highways agreement.

You should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety.

Please be advised that Highways England may charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.