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Ms Tina Gozra
Planning Inspectorate Case Officer
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Dear Ms Gozra

Planning Inspectorate Reference: APP/B3438/W/22/3299330

Please accept my sincere thanks for your arbitration and management of the appeal, reference APP/B3438/W/22/3299330, related to "The Land at Blythe Park" and more specifically the provision of highway infrastructure as required by condition 4 of the decision notice, reference SMD/2014/0576, later amended to condition 5 of the decision notice, reference SMD/2018/0789.

I fully support, and endorse, the decision made by the Staffordshire Moorlands District Council (SMDC) to refuse the appellants variation at the application stage, through the democratic process of the Planning Application Committee (PAC) who debated the case, at length and in great detail, and came to the unanimous decision of refusal.

Please accept this letter as my, personal, written representation as an Interested Party to the appeal. Herein, I have provided additional context and clarified comments which have been made by the appellant in their "Statement of Case" which I hope is able to benefit your decision making. To provide this clarification I have drawn upon sources that are available within the public domain, comments from fellow residents, and from reports which were not attached to the original variation application although provided to the Development Services department and to members of the Planning Application Committee.

It is noted that, in the "Statement of Case" section 4, the appellant attempts to claim that the grounds upon which permission was refused, for their modified highway scheme, cannot be justified; in their argument they have split their response into sections which broadly align with the decision notice, determined on 12/04/2022, for the refused variation, reference SMD/2021/0829, namely for the reasons of the scheme being detrimental to highway safety and detrimental to residential amenity.

Most importantly, the council provides a comment on page 2 of the same notice, point 1 which summarises that the Local Planning Authority (LPA) had followed guidance from the National Planning Policy Framework (NPPF) paragraph 38, “They should ... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.”, and that a suitable alternative scheme has not only been identified but currently enjoys extant permission as granted with the decision notice for application SMD/2014/0576.

The definition provided, by the council, in the refusal on the basis of highway safety states that the proposal would fail to achieve a safe and suitable access to the new development, this being contrary to the requirements of the NPPF and Local Plan policy T1 and policy DC1 which states a requirement, in point 7 of the policy, for a development to “provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use”.

The appellant, rightly, asserts that the test is as to whether “safe and satisfactory” access to the development can be achieved by the merits of the application. In their defence, section titled “First Reason for Refusal” the appellant attempts to argue that the proposal, that is the subject of this appeal, is able to satisfy that aforementioned test.

Addressing the statutory consultees, the context surrounding their comments is conspicuous by its absence; both the referenced Highway Authority (HA) comment and the referenced Network Rail comment carry additional caveats that the appellant has neglected to include. The HA, through consultation with the Senior Highway Engineer Mr. Hawe, identified that other details of condition 4 as presented at the application stage, must be included, namely the delivery of “Localised Highway Widening” on the road which ascends the bank besides the former Izaak Walton public house. Network Rail also provided additional background to their consultation and informed the appellant that a roundabout is their preference, quoting their experience that their preferred infrastructure would “help break up the of vehicles approaching the [level] crossing, which in turn may help in the safer operation of the level crossing”.

The HA consultee has recently confirmed to residents that the appellant approached him requesting additional comments; the senior engineer confirmed that the only comment he would provide was that in the Form X which is attached to the appendices of the appellants “Statement of Case”. The same consultee stated that the appellant had sought additional data from the HA, which the HA had not got, and that the appellant may be responsible for the recently noted traffic counting apparatus which was installed in Cresswell and Draycott-in-the-Moors.

In observing that no new data has been offered by the appellant to support their case, it may be the case that the conclusions that were drawn could not support their objectives in this appeal process; perhaps no conclusion could be presented that would confirm the stance of the appellant that their proposal can satisfy the policies of the Local Plan and NPPF.

It is understandable that the appellant may have sought new data, as this was a significant factor in the course of the debate held by the SMDC PAC on the 7th of April 2022.

Committee members and objectors vocalised the issues that were present with the data set that was provided, due to its age and notably short forecast window; the extent of the projections stretching only as far as 2024.

Regrettably, the flaws in the data which has been submitted as part of this appeal expand far beyond the brief forecast window. An independent report, which I am under the impression has been provided by the local working group, was conducted by JMP Consulting Limited (JMP) which assessed the original Traffic Assessment (TA) upon which the appellant based their Addendum to the Traffic Assessment (ATA), conducted by IPaD, and subsequently the evidence presented for this appeal.

(IPD-21-555 R001 TRANSPORT ASSESSMENT ADDENDUM 30.11.2021) it is stated, in point 2.13, that the modelling analysis that was conducted used data from the original 2014 Transport Assessment (TA).

JMP, in 2014, stated that the information submitted within the TA “cannot be considered sound”. Specific issues identified with the original TA and Framework Travel Plan (FTP) include concerns regarding the suitability of traffic data collected in January, noted as a non-neutral month under the guidelines of Highways Agency Design Manual for Roads and Bridges Interim Advice Note 39/01; further inaccuracies in the TA relate to the accessibility to amenities and reliance on cars with JMP stating that there is not an obvious local catchment for the employment development and due to the extremely limited public transport options would result in non-policy compliant implications. Traffic growth assumptions faced similar criticism, with the independent technical review recommending that “it is considered that SCC is not in a position to accept the assumptions presented”.

Specifically of note is that the inaccuracies in the TA would result in non-policy compliant implications which is, of course, the subject of this appeal.

The comments provided by the appellant, attempting to justify their proposed highway scheme, are informed by the derided TA. This considered, it does not seem possible for their stance to acceptably satisfy any of the policies which serve as the test to pass for the appellants proposal.

Additionally, the disparity between vehicle counting conducted in the original assessment and that led by residents further suggests flawed and/or inaccurate data collection. The review conducted by JMP condemned the junction assessments and inappropriate consideration of existing queue lengths, as shown in figure 1.



Fig. 1 Junction Queue Length (JMP)

The appellant claims, in Section 4.7. that the roundabout design does not comply with relevant guidance; the consultee from the HA refuted this with a comment that a responsible highway engineer would be expected to make decisions informed by said industry guidance and that the design was perfectly safe, reliable, and necessary. IPaD acknowledge, in the executive summary of their late representation to the variation at application stage, that the roundabout junction at Uttoxeter Road/Cresswell Lane had been approved technically.

Further to their previous comment, the appellant remarks that there could be an increased risk of side-swipe type conflicts at the original proposed junction; it appears that the appellant has neglected to conform to the test of the new proposal on its own merits. If this were the case, it would be expected that the Highway Authority would have objected however quite to the contrary the consultee from HA is quoted as having no objection to the proposals.

Throughout the remainder of the section titled “First Reason for Refusal”, the appellant makes a series of comments which do not align with statistics nor data which has been carefully researched in the preparation of this document.

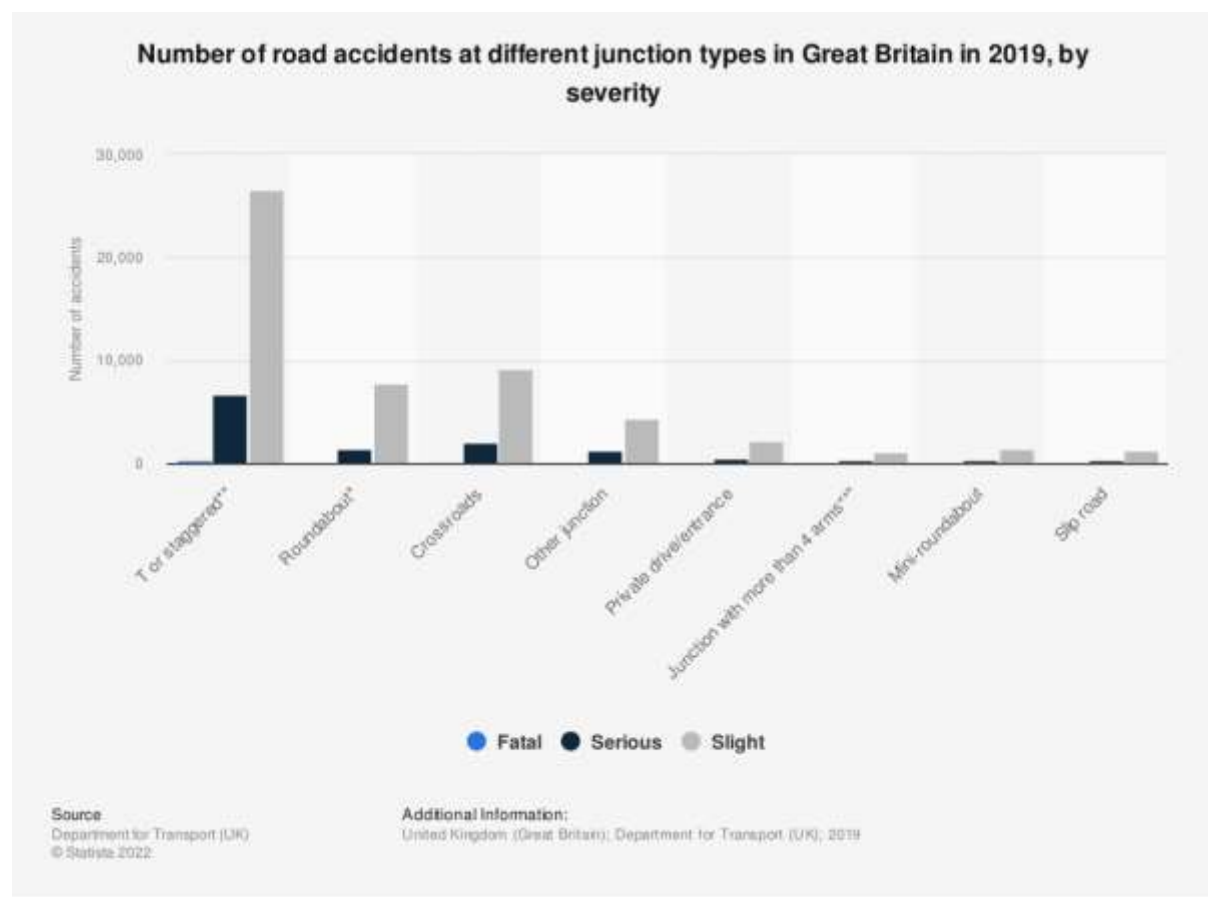


Fig. 2 Number of road accidents at different junction types in Great Britain in 2019, by severity (Statista, Department for Transport)

Contrary to the appellants stance that, “statistically the rate of road traffic incidents is greater at roundabout junctions than at T-junctions.”, the above graph, Fig. 2, clearly demonstrates that this is not the case and that not only is the rate of incidents higher at a T-junction but also the severity.

The appellants argument that the safety of T-junctions validates their stance that it will suitably conform to Local Plan policies is undermined by the inaccuracy of their comment and the data displayed within Fig. 2.

It is by the appellants own admission, that no suitable comparison can be made for the performance of a junction at the proposed site entrance in Cresswell, by virtue of there being no extant junction with which to compare; in this event modelling does not offer the best reflection of the proposals ability to acceptably address the requirements of local policy.

References made, by the appellant, to an audit of their design do not appear to carry any weight in the decision as it is explicitly noted that it “should not be construed as implying that a technical audit has been undertaken in any respect.”, and that it “has not been examined or verified for compliance with any other standards or criteria”, Section 1.5. of “Stage 2 Road Safety Audit”. The appellants audit further states that no injury accident data nor traffic flow data was provided. The results of the audit cannot confirm compliance with any of the Local Plan policies nor the NPPF.

With regards to a lack of data, residents have commented that it is insulting that the appellant refers to “no accidents [occurring] along this stretch of carriageway.”, as in 2004 a young child was killed in a road traffic accident less than 180 meters from the proposed site entrance (<http://news.bbc.co.uk/1/hi/england/staffordshire/3782349.stm>).

A common theme noted in the objections submitted to the committee is that of vehicles travelling in excess of the demarcated speed limit, which with increased traffic volume and a less comprehensive safety measure seems likely to be exacerbated.

The road has seen no less than five fatal incidents and there is a strongly held belief, which appears to be supposed by studies from RoSPA who explain that “In a Safe System, human behaviour is informed and guided by the design, layout and operation of the road network. Road designs that provide feedback to road users or that are self-explaining can help to create an environment that promotes safe road use.”, and by “20’s the limit: How to encourage speed reductions” by the Wales Centre for Public Policy it is identified that speeding is found on roads “which have visual cues that encourage faster speeds (e.g. long, straight or wide roads with few obstructions such as trees or parked cars)”, that safety is not afforded by the straight design of the appellants proposal which does little to address to a nil detriment standard, nor improve (as per DC1 and T1) the safety of the highway.

Addressing the air pollution, the results do not align with studies conducted by the Insurance Institute for Highway Safety (IIHS) , an independent, non-profit scientific and educational organisation, which references multiple studies that report significant improvements in traffic flow with comparisons where junctions had been converted to roundabouts from traditional intersections. It is also noted by this organisation that because roundabouts improve the efficiency of traffic flow they also reduce vehicle emissions and fuel consumption. These studies are particularly valuable as they demonstrate a conversion scenario, which applies to the junction which is proposed at the intersection of Uttoxeter Road and Cresswell Lane, for which projection modelling has been provided, although grounded in data which has been contested by an independent assessment of the TA. The same institute reports that “installing roundabouts in place of traffic signals or stop signs has been found to reduce carbon monoxide emissions by 15-45 percent, nitrous oxide emissions by 21-44 percent, carbon dioxide emissions by 23-34 percent and hydrocarbon emissions by 0-40 percent (Hu et al., 2014; Várhelyi, 2002).”.

The appellant demonstrates a misunderstanding of the issue facing residents with regards to light pollution and incorrectly identifies street furniture as the issue which local homeowners were concerned about; it is in fact, the proposal to site the junction opposite dwellings on Sandon Road at a close proximity. It is expected that these dwellings will suffer from light spillage into their properties by the headlights of vehicles negotiating the junction, a point which will be most exacerbated by vehicles stationary, giving way to traffic on the carriageway, prior to departing the mouth of the junction.

It is clear that the proposal for removing the service road in Cresswell will result in residential amenity being eroded; the only way to satisfactorily maintain the current level of amenity would be the provision of the service road. In the scenario that it is kept, residents continue to only deal with traffic from two direction and are not expected to manage a third variable in performing necessary manoeuvres to access their properties.

In summary, the hamlet of Cresswell and village of Draycott now face the prospect of road infrastructure amendments that are derived from contested and disproven data, data that at eight years old cannot have been expected to reasonably predict external factors that have significantly changed the landscape of traffic volume in the area including large scale enterprise centres and highway improvement schemes. Policies used to justify the recommendation for this variation have been rebutted in the past, Ruth Jackson Planning recommending in a letter dated 24th November 2014 that the National Planning Policy Framework (NPPF) did not provide justification for the proposal; the arguments presented through the presentation of policy T1 have been contested and no sound evidence has been provided to meet the target of the desire to “promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic”. In the apparent absence of accurate data, it is difficult to argue that that the proposal will not have an unacceptable impact on highway safety and residual cumulative impacts on the road network will be severe.

Our community is looking to the future and how development in our area can work with our environment, our landscape, and our residents and not only how a development may gain from what our hamlet has to offer but how our hamlet too can gain and be enhanced by what any prospective

development has to offer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Luke'.

Luke Emery