

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) ENGLAND RULES 2000

Appeal by Gladman Developments Ltd relating to an outline planning application for the erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

Land at Fryatts Way, Bexhill, TN39 4LW.

Planning Application No: RR/2021/1656/P

Planning Inspectorate Reference: APP/U1430/W/22/3304805

PUBLIC LOCAL INQUIRY COMMENCEMENT: 29 November 2022

**PROOF OF EVIDENCE OF NICK RICHARDSON
BA(Hons) MA CTPP CGeog FCILT FCIHT FRGS MTPS
ON BEHALF OF EAST SUSSEX COUNTY COUNCIL
(THE HIGHWAY AUTHORITY)**

Summary

1. I am submitting this Proof of Evidence on behalf of East Sussex County Council (ESCC) as local highway authority regarding transport and access arrangements for the proposed development site. I deal specifically with Main Issue 2 – whether the appeal site is an appropriate location for the proposed development, with reference to the accessibility of services and facilities. National Highways is the highway authority responsible for the A259 as part of its network of major roads, all other roads being in the local road network administered by ESCC.
2. The appeal is for non-determination following numerous exchanges of information between the parties which have not resolved the outstanding transport issues.
3. The proposed vehicle access is via the existing road network including a number of narrow residential roads, some of which have no or inadequate footways. The analysis presented with the application indicates that traffic generated by the development can be accommodated without difficulty on the local highway network although National Highways has indicated in its Statement of Case that the Little Common Roundabout on the A259 requires further consideration and that some junctions that might be affected have not been assessed¹
4. The main thrust of the objection is that there is no practical solution to the lack of access to the site by non-car modes i.e. walking, cycling and bus services. This represents a conflict with NPPF and local requirements.
5. Walking routes are difficult given the established road and footpath network; cycle routes are also limited. The proposed walking and cycling link between the road network near the site and Little Common, proposed by the Local Cycling and Walking Infrastructure Plan (LCWIP), to the nearest local shops, faces substantial problems in securing access rights and creating appropriate infrastructure. A longer alternative route would also require

¹ National Highways (26 October 2022) *Statement of Case*.

measures. It is not considered that the distance between the site and this location is within easy walking distance.

6. There are no bus stops in the immediate vicinity of the site, requiring bus users to walk to the appropriate bus stop. In any event, services are very limited and the most regular service is from Little Common, some distance from the site. The number of new residents that will use trains is over-estimated given that the nearest station is 2km away but for a wider range of trains, users would need to get to Bexhill station (at least 35 minutes' walk).
7. The misrepresentation of potential mode share means that car journeys will be more numerous than presented with a negligible contribution to sustainable transport principles.
8. Various mitigation measures have been proposed including car sharing and a contribution towards a demand-responsive travel service or a car club. None of these are considered to have any more than a very marginal impact but significantly, a DRT scheme or car club are inappropriate as they cannot be financially self-sustaining due to the very limited demand base.
9. In the absence of any evidence to the contrary, the highway authority remains of the view that the application should be refused on highway and transport grounds.

1. Introduction

1.1 This Proof of Evidence

- 1.1.1 I am submitting this Proof of Evidence to support East Sussex County Council (ESCC) in its capacity as local highway authority and the local planning authority's case in respect of the forthcoming Public Inquiry into the appeal by Gladman Developments Ltd against the Council's non-determination of the proposed development of up to 210 dwellings (including up to 30% affordable housing), together with informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works on land at Fryatts Way, Bexhill, TN39 4LW.
- 1.1.2 This Statement sets out the basis of the case to be presented at the Public Inquiry regarding Main Issue 2 – whether the appeal site is an appropriate location for the proposed development with reference to the accessibility of services and facilities.

1.2 Qualifications

- 1.2.1 I, Nick Richardson, am representing ESCC as the local highway authority. I have been involved in transport planning for 32 years. My qualifications include an Honours Degree in Geography and a Master's Degree in Regional Planning. I am a Chartered Transport Planning Professional and a Chartered Geographer. I am a Chartered Fellow of the Chartered Institute of Logistics and Transport, a Fellow of the Chartered Institution of Highways and Transportation, a Fellow of the Royal Geographical Society and a Registered Member of the Transport Planning Society. I was previously a Director and Trustee of the Chartered Institute of Logistics and Transport and I currently chair the Institute's Bus and Coach Policy Group. I am also a former Chair of the Transport Planning Society.
- 1.2.2 In this Proof of Evidence, I comment on the transport requirements for the site based on the supporting information available. I will then set out why the application for planning permission should not be granted.

1.3 The application

- 1.3.1 The proposals comprise up to 210 residential units for which all matters are reserved except for access and therefore the housing mix, internal layout and parking provision are yet to be finalised.
- 1.3.2 Access to the site is via Fryatts Way, a cul-de-sac running from a priority junction on Ellerslie Lane, with another cul-de-sac, Concorde Close, running off Fryatts Way comprising detached houses with off-street parking.
- 1.3.3 On 26 October 2021 the highway authority made its initial formal refusal response to the consultation from RDC on the outline planning application RR/2021/1656/P received on 01 September 2009. Prior to this an interim response was sent to RDC whilst further consideration was given to the accessibility of the site. Following discussions within ESCC, a refusal recommendation was made because concerns remained. Gladman submitted Technical Note 2 on 25 February 2022 which responded to ESCC's comments.
- 1.3.4 Following a further highway response, Gladman offered a financial contribution towards a Demand Responsive Transport (DRT) scheme or an on-site car club that could be used by new residents as well as existing occupiers in the area and a financial contribution towards footpath and cycleway improvements along the Local Cycling and Walking Implementation Plan (LCWIP) routes 296.2 and 296.3.²
- 1.3.6 ESCC raised concerns that these proposed mitigation measures would not provide adequate travel options and residents of the site would therefore be forced to rely on car use. Accordingly, ESCC confirmed that the highway objection was to be maintained.³
- 1.3.7 The concerns raised by National Highways and ESCC have resulted in a delay in the determination of this planning application and this appeal. The original statutory 13-week period for determining the Appellant's application proposals expired on 30 September 2021, after which several extensions of

² Email from Gladman 30 May 2022 following written correspondence of 08 April 2022.

³ Email from ESCC to RDC 14 September 2022 with written correspondence of 29 September 2022.

time were agreed for the determination of the application, the most recent expiring on 30 May 2022.

1.4 Case for the Highway Authority

- 1.4.1 The development plan context is covered by RDC but for clarity I identify here the key transport-related policies. The emerging Local Plan 2019-2039 will update the plan adopted in 2014 and is expected to conform with NPPF.
- 1.4.2 The outstanding highway objection is on the grounds of sustainable transport – the proposed development is poorly located due to the lack of non-car travel choices for residents and would therefore be contrary to NPPF. A separate objection has been made by National Highways regarding the impacts of traffic on the A259.
- 1.4.3 At the time of considering the application, appropriate mitigation measures had not been agreed to address the above concerns and requirements. This relates to the inability to present an appropriate package to promote sustainable travel modes.

2. Vehicular access arrangements

2.1 Site access

- 2.1.1 Vehicle access from the established local highway network has been agreed to be satisfactory, noting that the proposed junction with Fryatts Way would require large vehicles to occupy the full width of the road when turning. However, many of the local roads are of sub-standard width.
- 2.1.2 It is noted that Eilerslie Lane has a Traffic Regulation Order dating from 1968 precluding its use by any vehicle wider than 6'6" except for access.

2.2 Local road network

- 2.2.1 ESCC considers that although many of the residential roads are narrow, it is satisfied that the local road network can accommodate the additional traffic generated by the development proposal.⁴

⁴ Letter from ESCC to RDC (26 October 2021).

2.3 Site accessibility by sustainable means

- 2.3.1 The lack of connectivity by non-car modes is sufficient to conclude that the site is not sustainable from an access point of view, contrary to paragraphs 104 to 106 and 112 of NPPF.
- 2.3.2 The consultation draft of the non-statutory Regional Transport Strategy expresses a similar position.⁵ RDC's Core Strategy (paragraph 18.30 and Policy TR3) further emphasises this point.⁶ The site does not form an allocated site within RDC's DaSA (Development and Site Allocations) Local Plan.⁷
- 2.3.3 ESCC's objection is that due to its location, there are limited opportunities to improve access to the site and hence the application is unacceptable.⁸

3. Access by non-car modes

3.1 Walking

- 3.2.1 Walking to local schools involves indirect routes, some using footpaths rather than roads (Table 3.1). The ESCC Road Safety team has expressed concern about routes where footways are absent and where high traffic speeds occur and recommend that better routes should be made available to reduce car dependency.⁹

Table 3.1: Schools in the vicinity of the site

School	Walk distance from Fryatts Way	Route
Glenleigh Park Primary Academy	1.4 km	As Bexhill Academy or Ellerslie Lane (limited width and unlit, no footway for ½ mile), Turkey Road

⁵ Transport for the South East (June 2022) *Transport strategy for the South East* (consultation draft), paragraph 1.25 refers to 'planning for places'.

⁶ Rother DC (29 September 2014) *Rother Local Plan: Core Strategy*.

⁷ Email from National Highways (14 February 2020) to WYG [Tera Tech] included in Transport Assessment.

⁸ Letter from ESCC to RDC (26 October 2021).

⁹ ESCC (26 October 2021) letter of objection to RDC.

All Saints C of E Primary	2.1km	Ellerslie Lane (limited width and unlit, no footway for 0.8km), Turkey Road
King Offa Primary Academy	1.5km	Primrose Hill, Broadoak Lane (footway on one side only, some short sections without footway), Down Road
Chantry Community Primary School	2.0km	Primrose Hill, Broadoak Lane (footway on one side only, some short sections without footway), Woodsgate Park, St George's Road
Little Common Primary School	2.5km	Broadoak Lane (no footway), Deerswood Lane, A259 Little Common Road, Church Hill Avenue. Footpath between school and Church Hill Avenue shortens route.
Bexhill Academy (secondary)	1.4 km	Roselands, footpath to Broad View, Glenleigh Avenue, Gunters Lane

3.2.2 Infilling missing sections of footway on nearby roads such as Ellerslie Lane is impractical due to the limited highway space available. The quality of routes is also a consideration – crossing roads needs to be safe, footways need to be wide enough to walk alongside a child and street lighting is needed for much of the year; routes from the site do not meet these criteria. There have been no significant pedestrian-related collisions in the vicinity of the site but this does not mean that there will be none in future with the supposed increased proportion of people (including children) walking from the development site.

3.2.3 Fundamentally, the proposed development site is not close to any amenities. The nearest agglomeration of local shops is at Little Common, 1.8km away; even the most committed pedestrian would find this difficult if undertaken on a regular basis and carrying shopping. This contrasts with the view presented that the route, being less than 2km, is acceptable. It is unlikely that new residents would be inclined to walk anywhere on a regular basis and instead they will be habitual car users.

- 3.2.4 Footway improvements with dropped kerbs at junctions is accepted as a useful contribution although minor in scale. A sum to be agreed has been offered by the developer towards footpath improvements included in the LCWIP.

3.3 Cycling

- 3.3.1 A funding contribution towards implementation of the proposed LCWIP cycle routes is welcomed. The Travel Plan indicates that cycling will be a realistic option for 2.6% of journeys after five years, a 1.0% increase on the 2011 proportion of total journeys, noting that the figures are 'indicative only'.
- 3.3.2 New cycle infrastructure is proposed in the LCWIP¹⁰ from Little Common to Recreation Ground (alignment 296.2), re-joining the road network at Foxhill (296.3) to the south of the proposed site¹¹ (see Appendix A). This notes the need to secure permissions in addition to infrastructure works. The implementation cost could exceed any contribution from the development by a substantial margin. Crossing the playing fields offers little personal security but an alternative on-road route would require a segregated facility along and across a section of the A259 Little Common Road. Also, it is accepted practice that primary school children should not be cycling on public roads.

3.4 Bus use

- 3.4.1 The availability of bus services in the vicinity of the site as presented in the Transport Assessment is misleading; it is assumed that new residents will be willing to walk some distance to an established bus stop. However, the existence of a bus stop by no means implies that there is a reasonable service. In fact, regular bus services are notable by their scarcity in the area. With a handful of journeys operated per day and none during the evenings or on Sundays, the existing service is of virtually no use to anyone making regular journeys to work.

¹⁰ ESCC (October 2020) 'Let's get walking and cycling'. *East Sussex's local walking and cycling implementation plan 2020-2030*.

¹¹ Sustrans (June 2018) *East Sussex cycling and walking strategy: Bexhill on Sea LCWIP* [Local cycling and walking implementation plan]) Appendix 5G, routes 296.2 Little Common Roundabout to Recreation Ground and 296.3 Recreation Ground to Foxhill.

3.4.2 This difficulty has been endorsed by ESCC. The very limited number of bus services have been stated to be ‘wholly inadequate in terms of being a sustainable transport option without significant intervention.’¹² Table 3.2 sets out all relevant bus services – regular services are longer walks away from the site and other services, although requiring shorter walks to bus stops, are very infrequent.

Table 3.2: Location of bus stops in relation to the site

Bus service	Walk distance from Fryatts Way	Services available
Bexhill Community Bus 11 Bexhill town centre to Little Common	Kingswood Avenue 700m via Roselands footpaths and The Fairway or Courthope Drive 600m via Ellerslie Lane and Blackfields Avenue	Mondays to Saturdays from Kingswood Avenue at 1143 and 1613 and Courthope Drive at 1139 and 1609.
Bexhill Community Bus 11a Bexhill town centre to Little Common	Courthope Drive 600m via Ellerslie Lane and Blackfields Avenue	Mondays to Saturdays from Courthope Drive at 0913 1343
Bexhill Community Bus 13/13a Bexhill town centre to Cooden	Little Common 1.8km via Broadoak Lane and A259 Little Common Road	Mondays to Saturdays at 1103 and 1533 (service 13) and 0845 and 1315 (service 13a)
Stagecoach 95 Bexhill to Battle	Little Common 1.8km via Broadoak Lane and A259 Little Common Road	Departs 0730 to Battle returning at 1613
Stagecoach 96 Bexhill town centre to Little Common	Little Common 1.8km via Broadoak Lane and A259 Little Common Road	Three journeys on Mondays to Fridays and four on Saturdays

¹² Email from Neil Maguire, Senior Technical Officer, ESCC Passenger Transport, 12 September 2022.

Stagecoach 97 Bexhill town centre to Hooe (tendered by ESCC)	Gunters Lane 1.0km and Turkey Road 1.5km	Three outward (four on Saturdays) and four inward journeys Mondays to Saturdays
Stagecoach 98 Hastings to Eastbourne	Turkey Road near Hornbeam Avenue 1.6km via Ellerslie Lane (no footway or lighting) and Turkey Road**	Hourly every day
Stagecoach 99 Bexhill town centre to Eastbourne	Little Common 1.8km via Broadoak Lane and A259 Little Common Road	Every 20 minutes each way Mondays to Saturdays, hourly on Sundays and public holidays
Rambler Coaches 356 Little Common to Hooe and Battle	Little Common 1.8km via Broadoak Lane and A259 Little Common Road	One service each way on schooldays only

* ESCC has suggested diverting this to include Blackfield Road and Summer Hill Road (approximately 400m from the site) with new bus stops on the latter but notes the inadequate level of service.¹³

** Transport Assessment Table 4.1 indicates that the service is more frequent.

Source: operator web sites.

3.4.3 Appendix B shows the location of bus stops with walking distances to the site access. The Appellant states that 'It is agreed that a walking distance to a bus stop of 2km (i.e. a 24-minute walk) would be significantly in excess of the recommended walking distance to a bus stop. That is not to say that no one would undertake that journey'¹⁴ but a 24 minute walk is unattractive or even impossible for some people so uptake of the bus option will be applicable only to the most determined new residents. In reality, residents of the proposed site would barely use bus services.

¹³ ESCC (26 October 2021) letter of objection to RDC.

¹⁴ Tetra Tech (25 February 2022) *Technical Note 2: Response to East Sussex County Council*. Paragraph 3.13.

- 3.4.4 The suggestion that ‘The services combine to provide at least 9 services per hour during the main travel demand periods’¹⁵ is misleading because this includes all services in the area from a variety of bus stop locations. The best offer is from Little Common with a bus every 20 minutes supplemented by various irregular services, at best combining to provide four or five buses per hour. Little Common itself is an inconvenient distance from the proposed development via either the on-road route or the proposed off-road route via the Recreation Ground and Foxhill.

3.5 Train use

- 3.5.1 The Travel Plan presents aspirational mode share figures for proposed development although the applicability of 2011 data is questionable. Overall, this indicates that the site will achieve a reduction in car use of only 1%.
- 3.5.2 Train mode share of 7.4% is quoted.¹⁶ This is entirely inappropriate because the site is distant from a rail station and 2011 data does not represent current travel to work patterns or other journey purposes. It is likely that there will be more home working and fewer shopping journeys due to increased online transactions which may contribute to less trip-making overall but certainly less use of trains. The data is taken from an area that includes a rail station and therefore misrepresents the scope for journeys distant from a station.
- 3.5.3 The nearest station to the site at Collington is 2.3km, some 25 minutes’ walk which is served by local trains to Eastbourne/Brighton and Hastings/Ashford International; a change of train would be required to access the other destinations suggested including faster trains to Lewes/Eastbourne/Brighton, London Victoria via Gatwick Airport and East Croydon. Instead, walking to Bexhill station for direct services takes at least 35 minutes and for residents with any mobility impairment this is less likely and would need routes that are safe in terms of road crossings and personal security.

¹⁵ Transport Assessment paragraph 4.4.6.

¹⁶ Tera Tech (June 2021) *Proposed residential development, Bexhill, Fryatts Way Travel Plan* (revision draft) Table 3.1.

4. Travel Plan

4.1 Mode share

- 4.1.1 The mode share assumed is misleading: the proportion of car drivers would be much higher than stated. No evidence is provided of how a 5% reduction in car driver mode share would be achieved or the basis for the suggested modest increases in public transport, walking and cycling.
- 4.1.2 The Travel Plan is thin on detail in contrast to its 'robust' description. A Travel Plan Coordinator would be tasked with providing information about travel options to residents, undertaking surveys and other activities to promote sustainable travel. The incentives to avoid car use do not appear to extend beyond this and while further proposals are presented, they too lack substance.

4.2 Demand-responsive travel

- 4.2.1 A contribution is proposed towards an extended DRT service for three years to include the proposed site although no scheme is in place currently. Despite numerous schemes being introduced around the UK, none has been provided commercially; most have been withdrawn because the costs of providing them far exceed the revenue they generate.¹⁷ The developer has offered a s106 contribution towards the cost of DRT¹⁸; ESCC was asked for an indication of cost which was estimated to be £300,000 for three years including six months' discounted use for new residents.¹⁹ The contention that funding a DRT extension for a limited period would 'further improve public transport connectivity' is baseless because it can be expected that uptake will be small and the scheme would not last long enough to change travel habits.

¹⁷ Unsuccessful schemes include 'Pick Me Up' (Oxford Bus Company), Arriva Click (in Ebbsfleet, Kent) and Sherwood Forest Hospitals NHS Trust (a trial scheme provided by Stagecoach in Mansfield and Sutton in Nottinghamshire).

¹⁸ Gladman (28 June 2022) letter to RDC, paragraph 2.1.

¹⁹ ESCC (26 October 2021) letter of objection to RDC.

4.3 Car sharing

- 4.3.1 Experience of formal car sharing schemes suggests a negligible reduction in the number of sole-occupancy car journeys. There are already established schemes²⁰ so a limited site-specific scheme may not be appropriate.

Evidence shows that uptake is dependent on having shared destinations but is constrained by a number of factors including the variance of working times (particularly post-pandemic) and a preference to travel alone.²¹ Given the scale of the development proposed, a car share scheme is unlikely to have minimal impact, even if nearby residents are included. The fact that residents have chosen to live in an area with very limited non-car options indicates that they will be dedicated car users.

4.4 Car club

- 4.4.1 A car club is suggested instead of a contribution to DRT. This involves using dedicated vehicles available by pre-booking and payment 'for the use of new and existing residents'. While this reduces car ownership in some circumstances, it is not appropriate for communities where car ownership is high and the catchment market is limited. A car club would also exclude any residents without a driving licence or who are unable to drive.
- 4.4.2 The scheme would use electric vehicles although this cannot be regarded as 'sustainable' – they contribute to traffic volumes (and to some extent emissions). Car clubs are most effective in dense urban areas where there are severe restraints on car parking and other travel options. The developer has offered £80,640 to cover an initial three-year period. Subsequently, it is assumed that it will become self-funding which is misleading as demand would be wholly inadequate to sustain a commercial operation. This is because it can be assumed that new residents will own cars and wish to use those instead.

²⁰ Examples include Liftshare, BlaBlaCar, GoCarShare, Jambusters and Scoot with more specific local schemes including Carshare Devon and Carshare Warwickshire.

²¹ Ipsos (November 2019) *Shared mobility. Ipsos MORI report for the Department of Transport*. [Shared Mobility - Ipsos MORI report for the Department for Transport - November 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828219/Shared_Mobility_-_Ipsos_MORI_report_for_the_Department_for_Transport_-_November_2019.pdf)

4.7 Proposed Travel Plan measures

- 4.7.1 This leaves the Travel Plan with little credible response to the requirement for sustainable journeys with the consequence that, because of the location of the site and the lack of amenities in the local area, the proposed site is poorly located.
- 4.7.2 The Appellant raises the issue of a current development of 26 dwellings on land adjacent to the proposed site²² to which the highway authority indicated that it had no objections subject to the imposition of conditions because of the negligible effects on traffic and public transport use. From this, the Appellant concludes that the highway authority's position can be replicated for other sites. The subject of this appeal is considerably larger – thereby having a greater impact – but not at a scale sufficient to create a culture of sustainable travel options. Also, the smaller site is a redevelopment of a horseriding and stables establishment for which traffic generation may have been higher.
- 4.7.3 A Transport Statement was produced for this smaller site.²³ This states that
- ‘... good public transport and many travel objectives within Bexhill would involve a longer walk than many would be likely to consider acceptable. It is therefore to be expected that many if not all households in the development will be heavily reliant on private car and/or taxi travel. This however equally applies to much of the existing and longstanding residential development in this northwestern part of Bexhill.’
- 4.7.4 In the event that permission is granted, the Travel Plan should include specific targets/outcomes, identify specific measures and identify viable remedies and/or sanctions applicable to the targets²⁴ if there is to be any significant impact on the travel behaviour of residents.²⁵ A satisfactory

²² Land between Fryatts Way and Ellerslie Lane cited in Tetra Tech *Technical Note 2: Response to East Sussex County Council*. Paragraph 321. Rother DC planning application RR/2022/1921/P.

²³ John Elliott Consultancy and Traffic and Transport Consultancy (February 2020) *Proposed residential development Moleynes Mead, 11 Ellerslie Lane, Bexhill-on-Sea, East Sussex, Transport Statement*. Paragraph 4.2.

²⁴ *Technical Note 2*.

²⁵ Letter from ESCC to RDC, 29 September 2021.

Travel Plan should be agreed by RDC and ESCC prior to the first occupation.

5 Conclusion

- 5.1 In my view, the current proposal cannot ensure that sustainable transport modes are available to residents. This is contrary to national and local policies. Also, the tabled mitigation measures are insufficient to deal with the associated sustainable transport concerns for the site and the surrounding area.

Appendix A – Proposed Little Common Recreation Ground to Foxhill cycle route

Map of proposed route – annotations correspond with photograph locations

(Source: Bing Maps)



a. Recreation Ground



b. Bridleway from Recreation Ground to Broad Oak Park car park



c. Broad Oak Park car park



d. Path from car park north



e. Stile at field boundary



f. Path across field



g. Path towards Foxhill



h. Stile at Foxhill alley



i. Foxhill alley

Beyond Foxhill, the route uses the highway network via Broadoak Lane, Ellerslie Lane and Fryatt Way to access the development site. Further measures will be required to provide cycle facilities between the Recreation Ground and Little Common via Peartree Lane and/or Green Lane to access local amenities.

Appendix B – Site location in relation to amenities and bus stops

Annotations refer to walk distances from the site

