

Local Highway Authority views on SSDC Report 07/05341/OUT (Bunford Park)

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Summary

The item being challenged by the developer is that of the requirement for a bonded sum, to be drawn down and utilised by the local highway authority (Somerset County Council) to put in place remedial measures should agreed targets on car-use at the site not be met.

For the avoidance of doubt, this is not a 'fine' as suggested by the developer, indeed the most satisfactory outcome would be for the entire sum to be returned to the developer after 5 years, as this would indicate that car trips have been kept within the targets set out within the travel plan (no more than 50% of all journeys to work being made by car).

Without such a mechanism, the failure of the development to sufficiently manage its own modal split going forward will fall either as a burden to the public sector requiring public funds to address the resultant traffic problems caused, or as a burden to the economic and environmental wellbeing of Yeovil as congestion caused by this development impacts on the local area.

This approach is in line with government guidance, and to release the developer from this obligation is unnecessary and unacceptable. It is therefore the firm recommendation of the county council in its role as local highway authority, that the committee go against the recommendation made by SSDC Case Officer Andrew Collins.

Background and Detail

Discussions have been ongoing regarding the Bunford Park office development in the south west corner of Yeovil, Somerset for some years. The acceptability of this development is balanced across a range of factors which include impacts on the highway and environmental sustainability.

A travel plan has been required for this development as it exceeds Department for Transport criteria which sets out the need for travel plans. For 'B1' office development, PPG13 sets this requirement at 2,500m²; Bunford Park is 55,742m². It is therefore a significant and substantial development within Yeovil, with commensurate transport impact and implications.

When assessing travel plans for their acceptability, the Local Highway Authority is required to give due heed to Government guidance on travel plans and the planning process. The relevant guidance when the application was submitted in 2006 was 'Using the Planning Process to Secure Travel Plans'. This has since been superseded, prior to the determination of the application, by 'Delivering Travel Plans through the Planning Process'. Both of these documents strongly recommend the use of failsafe measures to ensure that impacts on highways and the environment are minimised.

The 2006 guidance states regarding the use of failsafe measures: "Sanctions ensure that any failure to deliver agreed measures and/or outcomes can be remedied; but they should not be seen as a penalty." It also advocated the use of s106 planning obligations as being "most suitable" in all but the most simplest of cases.

The 2009 guidance again recommends the use of sanctions related to the level of car traffic and the use of planning obligations: "The aim of any default mechanism should be to secure long-term sustainable access to developments." It follows with, "The complexity of most travel plans will mean that a planning obligation [s106] is the most effective means of securing its delivery". The guidance suggests a range of initiatives which can be implemented should the development overshoot the desired level of car borne traffic; the purpose of any travel plan and related obligations is to keep such levels of car use at the minimum.

We would draw Members' attention to the fact that the SSDC Officer's report fails to draw upon this guidance, and does not present the background to the Highway's Authority's involvement in the travel plan for this development. This is presented below, for your consideration.

As with all developments, early discussions are welcomed and proactively encouraged; Somerset County Council offered to restart such discussions in October 2008. The transport consultant working for the applicant wrote that, "It is common practice for Travel Plans to be conditioned or included as a S106 obligation at which time the Draft Travel Plan submitted with this planning application can be developed in line with comments and recommendations from the SCC Travel Plan Co-ordinator." (23/10/08); we are now at this stage, one year later.

In correspondence that followed (to which the case officer was included), Reggie Tricker, Travel Plan Coordinator for Somerset County Council, raised with the applicant's transport consultants the prospect of travel plan targets for car use and related sanctions: "The agreement will need to include an overall modal share target for the development which will need to be made enforceable through the s106." (24/10/08).

In its formal response on the planning application, the local highway authority (LHA) recommended that the travel plan issues were still to be dealt with through s106 agreement. The Highways Agency (HA) in its separate response also directed a condition related to the preparation and implementation of the travel plan. This condition included under a subtitle 'Enforcement' that, "A list of potential mitigation

and remedial measures to be included in the travel plan including the potential for **further contributions to sustainable transport measures, should targets not be met.**" (emphasis added).

This is important as it highlights the shared concern that both the local and strategic highway authorities have regarding the need for a suitable mechanism to ensure the long-term sustainability of the site. To date, there has been no suitable justification presented to the LHA or the HA as to why these requirements, previously accepted by the planning committee, should be waived.

Following a prolonged period of inactivity on the travel plan, the LHA was invited to a meeting to discuss highways and travel plan issues on 6th November 2009. At this meeting, the LHA and LPA discussed with the applicant means of ensuring that levels of car borne traffic to and from the development could be managed over time. The LHA reiterated the need for a list of potential sanctions to be developed and included in the travel plan, and a mechanism for ensuring that any sanctions were balanced between developer contributions and actions carried out by the end occupiers; such discussions are not accurately reflected in the letter from Mr Mills as contained within Appendix A of the officer's report.

As a starting negotiating position, the LHA suggested that a total sanction of £200,000 be applied which would be linked to a formula, and applied should car trips for single occupancy vehicles increase above 50% of all trips to work (that being the target level for all travel to work trips in Somerset by 2011). This could be drawn down at a maximum of £40,000 pa over five years in the worst case scenario, but only if targets were breached and under normal circumstances the level of payment would be much reduced – providing an incentive on securing a robust travel plan at this stage which could deliver and not lead to sanctions being applied. This would be accompanied by end users delivering their own actions and/or using these monies for in-house initiatives.

50% of all trips by non-car modes is considered to be justifiable given Local Transport Plan targets, current modal shares, and that the employment site as a whole is likely to generate 3,529 employees (1 employee per 170sqft using RICS data for employment densities). Given that the level of car parking spaces is nearer 1,800, it is fair to assume that managing levels of car commuting through the travel plan will be an operational necessity and not just a component of ensuring the development's overall sustainability. In the current environment, both ecologically and economically, ensuring that the development does not come to rely on car borne employment will ensure that it is able to compete, market itself and prosper in the longer term. The travel plan is intended to compliment and to support the need to access employment opportunities by giving additional focus to alternatives to the car; this cannot be realistically achieved through the planning process should further actions/remedies and financial resources not be negotiated at this stage.

It is for the reasons outlined above that the LHA would strongly recommend committee members to go against their officer's recommendation and consider the strategic impacts on Yeovil that failure to manage car use in this area could bring.

This is a large development and of a significant and substantial scale, and does not warrant, in our opinion, setting a precedent that is against government guidance and places the wishes of the developer above those of wider planning policy considerations.

We are, and remain, extremely eager to work with the developer in negotiating a set of meaningful sanctions and a list of initiatives to implement should modal share targets be exceeded, based on government guidance and what is thought to work best in the local area.