

Mid Sussex District Plan Review Examination

Our ref 65901/01/MS/HBe
Date 27 September 2024
From Lichfields obo Berkeley Latimer

Subject Matter 4: Transport

This hearing statement has been submitted by Berkeley Latimer (BL). BL is promoting the 'Land South of Reeds Lane' (DPSC3) 'Significant Site' for 2,000 homes in Sayers Common.

1.0 Issue 1: Whether the Plan is justified, effective and consistent with national policy in relation to transport?

Q44. Is the Plan consistent with Circular 01/2022 Strategic Road Network and the Delivery of Sustainable Development and paragraphs 104-109 of the Framework? How has the Council considered transport issues from the earliest stages of plan making and development proposals particularly given that opportunities to maximise sustainable transport solutions may vary between urban and rural areas?

- 1.1 BL supports the local plan and considers it consistent with both Circular 01/2022 as well Paragraphs 104-109 of the NPPF (Sep 2023). In particular, the plan's strategy is, *inter alia*, to:
- 1 Expand existing smaller settlements at a scale to provide a new critical mass of people to support infrastructure (i.e. Sayers Common – Policy DPSC3, in accordance with the preferred spatial Option 2 assessed in the SA [DP7]¹);
 - 2 To design developments based on a 20-minute neighbourhood concept (where active travel is the natural choice) (through wider policies DPB1 and specifically through site policies such as DPSC3); and then
 - 3 Implement a 'monitor and manage' approach to reduce private car use (as per proposed modifications to the plan – for example M52² – as discussed further below).
- 1.2 In taking this approach, the plan's strategy seeks to focus growth on places that can be made sustainable – such as the development allocated at Sayers Common – as well as other allocations in places that are already sustainable such as Burgess Hill.

¹ See Appendix A to the SA (DP7). Specifically pages A7-A8.

² Page 16 (DP2)

Q 45. Following the Regulation 19 consultation on the Plan which is the subject of the examination, National Highways determined that due to potential severe impacts on the Strategic Road Network (the M23 and the A23) the Council would either have to a) consider a different pattern of growth; b) commit to significant highway improvements to the M23 and A23; or c) commit to a more ambitious package of sustainable transport, travel demand management and behaviour change measures and interventions accompanied by a robust ‘monitor and manage’ strategy and approach. What has been the Council’s response to this? Are any consequential main modifications required to the spatial strategy, policies, and timing of delivery of development over the lifetime of the development plan?

- 1.3 While this is considered a question primarily for the Council, we observe that the Council has committed to a robust ‘monitor and manage’ approach – that BL supports – in light of the highway’s constraints (principally funding). The approach to be implemented in policy terms via proposed modifications that BL consider are needed to make the plan sound. These are proposed modifications M52 to M54³ and M128⁴.
- 1.4 As written, the plan is not effective in this regard (NPPF [Sep 2023] Paragraph 35b) and **BL objects** to it. Notwithstanding, implementing the supported modifications listed above would resolve our soundness concerns.

Q46. Is the transport evidence which supports the submission plan including any assumptions, such as home working rates, robust, justified, and is it consistent with national policy?

- 1.5 Yes. BL considers the transport evidence submitted can be concluded as robust, justified, and consistent with national policy. However, in that context, BL also considers the evidence could be regarded as ‘overly pessimistic’ – as noted in our earlier Regulation 19 representations (IDs: 1190757 & 1190760⁵) – and presents what should be considered as an excessively negative ‘worst case’ scenario, rather than what should reasonably be seen as more realistic. In our view, the Council can therefore take comfort that the transport evidence is robust.
- 1.6 In this context, the following could have been incorporated to arrive at what BL considers would be a more realistic scenario of the transport impacts:
- 1 The Council’s evidence currently uses 2019 based traffic levels (including the latest Scenario 6 report – T9⁶). These are likely to be greater than if the model was updated to a 2023 (post pandemic) baseline; as evidenced by DfT counters⁷. The trend of decreased movements is not just visible in the ‘Annual Average Daily Traffic’ flows but is also visible in the peak hour trends⁸)

³ Pages 16-17 (DP2)

⁴ Page 30 (DP2)

⁵ ‘Chapter 12’ section of the supporting representations, prepared by Kember Loudon Williams

⁶ Paragraph 1.3.1 (page 5, T9).

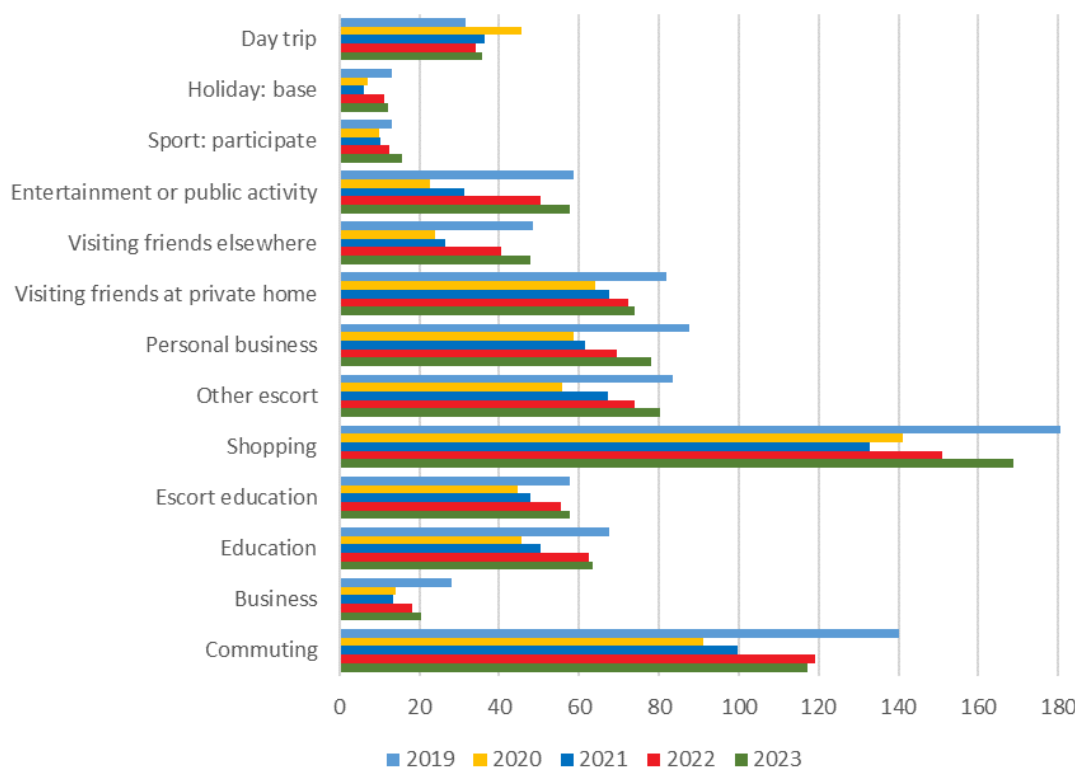
⁷ For example, counter 38774 along the A23 - <https://roadtraffic.dft.gov.uk/manualcountpoints/38774>

⁸ Including at count 90153 (<https://roadtraffic.dft.gov.uk/manualcountpoints/90153>) as also shown within the Sayers Common

Mobility Strategy Figure 2.6 (available here: <https://berkeley-group.sharefile.eu/d-s8deeo808bd3f43448316316b38582b8d>. Document due to be submitted to the examination).

- 2 In Scenario 6 (T9), Systra has acknowledged that all local plan sites should include a home-working allowance, not just the significant sites. However, this new scenario does not go as far as to apply a home-working rate to the existing population who invariably will be working-from-home more than in 2019⁹. Additionally, the model is based on 2011 Journey to work Census data, rather than considering places of work at present, which would substantiate this point further¹⁰.
- 3 The recently published National Travel Survey (NTS) (2023)¹¹ has shown a reduction in commuting trips in 2023 when compared with 2022 (as shown in Figure 1 below). The graph below provides an update on Figure 2.2 of our Mobility Strategy¹².

Figure 1 National Travel Survey – Average number of trips (trip rates) per person per year by trip purpose in England – Including Short Walks



Source: Table NTS0403 of the National Travel Survey

- 4 No allowance has been made for school trips shifting to schools closer to their origin from existing homes, which is clearly a potential benefit of the ‘Significant Sites’ – including development proposed at Sayers Common – allocated in this plan¹³.

⁹ See section 3.3. Specifically, paragraph 3.3.3 (pages 17-18, T9)

¹⁰ See paragraph 3.2.7 (page 17, T9)

¹¹ <https://www.gov.uk/government/statistics/national-travel-survey-2023>

¹² Figure 1 also provides an update to ‘Figure 2.2’ (page 11) in the Sayers Common Mobility Strategy following the release of the National Travel Survey results for 2023 (available here: <https://berkeley-group.sharefile.eu/d-s8deeo808bd3f43448316316b38582b8d>. Document due to be submitted to the examination).

¹³ Paragraph 3.3.4 (page 18, T9)

5 In the opinion of Transport Planning Associate – BL’s transport consultant – there is a lack of peak spreading and mode shift as it is a pure highway model: noting that greater peak spreading has been witnessed since 2019¹⁴. People’s behaviour must be considered when dealing with a more congested transport system noting greater work flexibility. In general, minor mode shift assumptions has been applied in consideration of active travel or sustainable transport improvements in the Council’s updated evidence¹⁵.

1.7 From the above, the Inspector can be satisfied that the highways evidence is robust and sound insofar as it presents what must be considered as a theoretical ‘worst case’ scenario. The Inspector can therefore also be satisfied that were the above measures accounted for in the transport evidence – and which we consider would come to a more realistic view of transport outcomes – a more positive picture would be presented. Moreover, our own Sayers Common Mobility Strategy¹⁶ – due to be submitted to this examination by the Council – demonstrates the ‘Land South of Reeds Lane’ (DPSC3) allocation is justified.

Q47. Specifically, to what extent is the central tenet of the Plan, of 20-minute neighbourhoods and local living, justified, and effective in the context of a predominantly rural district and a development strategy which is to identify sites in areas which are to improve the sustainability of existing settlements including those falling within lower tier categories? Is there a tension between substantial low-density development as referenced in the Local Plan Viability Study (VA) (IV2) and a successful 20-minute neighbourhood?

1.8 The tenet of implementing 20-minute neighbourhoods and designing schemes at scale with their own infrastructure to promote local living is a justified approach: with the Town and Country Planning Association supporting the introduction of the 20-minute neighbourhood concept¹⁷. BL wants to deliver a scheme at ‘Land South of Reeds Lane’ (DPSC3) designing in their principles to create a better living environment, reduce private vehicle trips, and strengthen the future community. Specifically, the allocation will – alongside housing – deliver or provide land and/or contributions for: retail and employment floorspace (5,000 – 9,000 sqm), an all through school (2FE expandable to 3FE primary school; 4FE expandable to 6FE secondary school; potentially with a sixth form and early years and special support), health care, nursery, self-serve library, community building, play spaces and sports provision, and informal outdoor space. Provision of such uses will make Sayers Common become a sustainable place.

1.9 Regarding densities, it is noted that the Viability Study (IV2) assumes that, for example, the Sayers Common significant site (that BL is promoting) will have a density of 30 dph¹⁸. However, this is an average density across the red-line and densities across the actual site will differ. The submitted ‘Vision Document’ for the site (dated 2022) assumed densities of

¹⁴ See Figure 2.4, Sayers Common Mobility Strategy (available here: <https://berkeley-group.sharefile.eu/d-s8deeo0808bd3f43448316316b38582b8d>. Document due to be submitted to the examination).

¹⁵ Document T9

¹⁶ Sayers Common Mobility Strategy (available here: <https://berkeley-group.sharefile.eu/d-s8deeo0808bd3f43448316316b38582b8d>. Document due to be submitted to the examination).

¹⁷ <https://www.tcpa.org.uk/collection/the-20-minute-neighbourhood/>

¹⁸ Table 9.1 (page 123, IV2)

between 30-40 dph¹⁹, with more up-to-date design work outputting an ‘average’ density of 40 dph: ranging across the site from 25 to 50 dph²⁰. This more up-to-date assessment is based on the latest ‘Framework Masterplan’ which itself is appended to an SoCG that is due to be submitted by the Council to this examination. Higher densities across the site in key areas of higher activity – where there will be a mix of uses and transport nodes – will support the successful integration of the 20-minute neighbourhood concept.

Q48. What mechanisms would be required to achieve the proposed improvements set out within the individual allocations and would they be enough to prevent the transport impacts identified? Would the delivery of the sites be viable so as to be able to support the required mitigation requirements over the long term? Is the cost of any mitigation requirements reflected in the VA.

- 1.10 Focusing on the specific allocation of ‘Land to the South of Reeds Lane’ (DPSC3) in Sayers Common, the mechanisms with the site policy itself, the general policy for Significant Sites (DPSC GEN), and wider transport policies (i.e. DPT1) would in combination provide a framework to deliver sufficient infrastructure and implement a ‘monitor and manage’ approach to suitably mitigate the schemes transport impacts (when accounting for proposed modifications suggested by the Council in DP2: required to make the plan sound).
- 1.11 BL also considers that its draft allocation at ‘Land South of Reeds Lane’ (DPSC3) can come forward viably with supporting infrastructure and further ongoing measures over the long term based off their own assessment (including the ‘monitor and manage’ approach as advocated in proposed amends to relevant policies in the plan – see DP2). While the costs of the ‘monitor and manage’ approach have not been accounted for in the current Viability Study (IV2) or the update note (IV3) we understand the Council will publish additional evidence accounting for this. We reserve the right to comment on this document once published.

Moreover, would these sites become genuinely sustainable, or given their locations, would they remain heavily reliant on the private car?

- 1.12 Yes, the plan and its strategy will ensure that through development, settlements like Sayers Common will become genuinely sustainable and would not remain heavily reliant on private car use.
- 1.13 Looking at the Sayers Common significant site in particular, a Mobility Strategy²¹ has been prepared. This sets out the active and sustainable transport improvements that would be delivered by the development which, together with the employment and community uses proposed, would (a) increase trip internalisation, (b) reduce reliance on the private car and (c) achieve a greater modal shift towards sustainable modes of travel than that assumed in the modelling. For example, the strategy includes:

¹⁹ See PDF page 8, document DPSC3 ‘Reeds Land, Sayers Common Vision Document’ (10/11/2022)

²⁰ Available here: <https://berkeley-group.sharefile.eu/d-sba4aeba3c5924f32ab6a44951b81bae>. Due to be submitted to the examination.

²¹ Available here: <https://berkeley-group.sharefile.eu/d-s8deeo808bd3f43448316316b38582b8d>. Due to be submitted to the examination.

- 1 **Cycle provision** – A new cycle route between Sayers Common and Burgess Hill will be provided²² and the site will also incorporate a cycle hire scheme²³.
- 2 **Bus strategy** – A strategy demonstrating the viability of the possible service (appended to the Mobility Strategy). This service would link the site directly to Burgess Hill station via a stop at the emerging allocation at ‘Land to the West of Burgess Hill / North of Hurstpierpoint’ (DPSC1)²⁴.
- 3 **Travel plan** – A travel plan with monitoring commitments and trip generation will be a key measure to ensure that future sustainable measures are effective; identifying what further intervention can be put in place if required²⁵. This will be secured via a future s106 agreement which can deal with uncertainties of scenario testing prior to build out. Implementing such a travel plan would ensure the development accords with the proposed amended version of Policy DPT1 (see modification M53-M54, DP2)²⁶.
- 4 **Personalised travel planning** – BL would implement – through the travel plan – personalised travel planning which could be extended to the existing community of Sayers Common²⁷. This will result in residual capacity for future development trips that has to be undertaken by the private car. There is a growing evidence base proving the success of this approach: with the Chartered Institution of Highways & Transportation suggesting it can achieve a modal shift of 11%²⁸.

For example, I note that the cycle routes within the identified Sustainable Communities sites would only lead to a reduction in highway traffic of 1-2%?

- 1.14 Linked to our response Q56, this is further example where the Council’s evidence base is ‘pessimistic’ in its assumptions. The Council’s own Transport Scenario 5 report (T7) notes cycle schemes delivered with ‘additional measures in more urban areas’ can achieve reductions in traffic of 5-6%²⁹. The growth of e-bikes and additional infrastructure will clearly have an impact and lead to reductions greater than the Council currently anticipate, as will the specific provision of a cycle link to Burgess Hill and an on-site bike hire scheme (see response above).

²² As required in policy DPSC3 (9) and as detailed at Appendices B and C of the ‘Sayers Common Mobility Strategy’ Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d>. Due to be submitted to the examination.

²³ See Appendix D, ‘Sayers Common Mobility Strategy’ Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d>. Due to be submitted to the examination.

²⁴ See Appendix F, ‘Sayers Common Mobility Strategy’. Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d>. Due to be submitted to the examination.

²⁵ As per Senecio 3 in the ‘Sayers Common Mobility Strategy’ (paragraph 7.5, bullet 6, page 61). Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d>. Due to be submitted to the examination.

²⁶ M53-M54 (page 16-17, DP2)

²⁷ As per Senecio 3 in the ‘Sayers Common Mobility Strategy’ (paragraph 7.5, bullet 6, page 61). Available here: <https://berkeley-group.sharefile.eu/d-s8deeo8o8bd3f43448316316b38582b8d>. Due to be submitted to the examination.

²⁸ M53-M54 (page 16-17, DP2)

²⁹ See PDF page 4, first paragraph (https://www.ciht.org.uk/media/4392/factsheet_2_-_personal_travel_planning.pdf)

³⁰ Paragraph 3.4.13 (page 23, T7)

Q49. National Highways is clear that Road Investment Strategy (RIS) funding would not be available. What certainty is there that sufficient mitigation would be capable of being achieved either through the reduction of private car journeys or funded highway improvements? How could the ‘monitor and manage’ approach be integrated into the Plan and how would it impact on its deliverability?

- 1.15 In the context of funding not being available to upgrade national highways infrastructure, the Council is proposing to integrate a ‘monitor and manage’ approach into the plan as suggested by proposed modifications to the plan (detailed in DP2³⁰). BL supports these modifications needed to make the plan sound.
- 1.16 This longer-term approach can achieve reductions in private car journeys. It is also supported in the latest draft NPPF as per draft Para 112a; which advocates a vision led approach to promoting sustainable transport modes. It would signal a shift from the current ‘rear view mirror’ or ‘business as usual’ approach which “*relies upon past experience of development and associated traffic levels to determine the future need for infrastructure, particularly transport infrastructure*”³¹. ‘Decide and Provide’ (or monitor and manage) is “*vision-led rather than forecast-led, recognising the importance of shaping the future*”³². Integrating this approach into the plan alongside funded infrastructure delivery – delivered by developments themselves via apportioned contributions – will provide the certainty that sufficient mitigation can be achieved: as is shown in the Council’s latest transport evidence (T9).
- 1.17 Proposed modification M54 (DP2)³³ to the plan proposes the addition of text to set out how the ‘monitor and manage’ approach will be integrated into the plan which can then be translated through policies into a planning permission. Building on the additional text proposed through M54 the approach would work as follows:
- 1 Initially, a package of potential highways improvements alongside enhanced walking, cycling and public transport schemes will be identified through the development management process. These enhancements then may be implemented following a monitoring process of actual demand (noting trip demand will be monitored as a Travel Plan is implemented);
 - 2 Monitoring commitment costs can be pooled into a ‘flexible fund’ via s106 contributions (in accordance with Policy DPI1 – as amended by M128 in addition to its supporting text via M129³⁴). Further interventions provided and funded as, if and when they are required. The costs of these should be included in the Infrastructure Delivery Plan;
 - 3 The flexible fund would contain a costed package of active travel and non-car measures, to be called upon at stages in the build out as a contingency should the modal share targets not be met (as identified through [1] above); and

³⁰ Modifications M52 to M54 (Pages 16-17 [DP2]) and M128 (Page 30 [DP2]).

³¹ Page 2 (https://www.trics.org/img/trics_dp_guidance_summary.pdf)

³² Page 3 (https://www.trics.org/img/trics_dp_guidance_summary.pdf)

³³ M53-M54 (page 16-17, DP2)

³⁴ M128-M129 (page 30-31, DP2)

- 4 This fund would then be administered by a nominally-titled ‘Transport Infrastructure Management Group’. This group would keep the effectiveness, deliverability, and phasing of the transport infrastructure projects required to deliver the District Plan Strategy under review³⁵. It would likely include representatives from the highway authority, planning authority and site promoters.

- 1.18 As per our response to Q48 BL is satisfied that a development at ‘Land to the South of Reeds Lane’ (DPSC3) can come forward viably including the costs for such measures. BL note that the cost of such measures – from previous experience – is lesser than overproviding highways infrastructure. BL understand such costs will be considered in the updated viability evidence due to be submitted to this examination (which we reserve the right to comment on at a later date).

Q50. Taken together, are the policies of the Plan including the site allocations and policies DPT1; Placemaking and Connectivity, DPT2: Rights of Way and Other Recreational Routes; DPT3: Active and Sustainable Travel together with DPI1: Infrastructure Provision; DPI2: Planning Obligation; DPI3: Major Infrastructure Projects and DP18: Viability justified, effective and consistent with national policy in relation to transport so as to avoid an unacceptable impact on highway safety? Would they ensure that the residual cumulative impacts on the road network would not be severe? How would the Infrastructure Delivery Plan be effective in supporting the above policy requirements?

- 1.19 No. **BL therefore objects** to the plan as these policies are not effective (Paragraph 35c, NPPF Sep 2023).
- 1.20 However, with the Council’s proposed modifications (as set out in DP2³⁶) these policies would, in combination, be sound. With said modifications, the plan would implement a ‘monitor and manage’ approach, reducing the need to travel. This approach would also support the new ‘vision-led’ approach to promoting sustainable transport proposed in the draft NPPF (2024) (Para 112a). It would also deliver infrastructure commensurate to its growth. The combination of these would avoid unacceptable impacts on the highway network.
- 1.21 In this context, implementing the proposed modification would overcome BLs soundness concerns with the submitted plan (DP1).

Q51. Are any main modifications necessary for soundness, if so, why?

- 1.22 Yes, as per our response to other questions in this matter modifications are required to various policies to make the plan sound (in particular, justified and effective). Notwithstanding, the Council has already proposed the necessary modifications in document DP2 – specifically modifications M52-M54, M58, M128-M120 – which BL endorses.

³⁵ See M54 (page 17, DP2)

³⁶ Specifically modifications: M52-M54 (pages 16-17), M58 (pages 17-18), M128-M120 (pages 30-31) (DP2)



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