



Peter Evans Partnership
Transport Planning & Highway Consultants

14th October 2024

Our Ref: 3305R/AJK/AN

New Forest District Council; and
Appletree Court.
Lyndhurst
Hampshire
SO43 7PA

New Forest NPA
Town Hall
Avenue Road
Lymington
SO41 9ZG

Dear Sirs

APPLICATION REF. 22/11424 – LAND EAST OF LOWER PENNINGTON LANE, LYMINGTON

We have been appointed by PALLS to review the transport and highway elements of the residential proposals for land east of Lower Pennington Lane, Lymington.

Notwithstanding that the site is allocated in the Local Plan the applicant has not demonstrated that a safe and suitable access and transport sustainable site can be developed with the current proposals in accordance with paras. 108, 109, 114, 115 and 116 of NPPF December 2023. The application should therefore be refused.

A key issue with the scheme being put forward is that as the scheme has evolved the proposed pedestrian and cycle accessibility of the site has worsened with the changes proposed rather than improved and moved further away from a satisfactory scheme. As discussions take place through an application process with the highway and planning authorities, schemes should improve to address matters and this has not been the case.

We have reviewed the Hampshire County Council (HCC) Highways consultation response dated 16th September 2024 in reference to the applicant's revised Transport Assessment. It is clear that HCC has understood that there are issues with land ownership and impact on trees, hedges and third parties and for this reason there are no proposed planning conditions relating to the proposed accesses or offsite approvals. It is also clear that HCC has not applied their own design guidance to the proposals on junction design, visibility splays and stopping site distance, use of speed readings and traffic calming. This then raises the issue as to what will actually be built if the scheme is consented because these matters have not been fully considered in this environmentally sensitive location.

We have raised a number of issues in regards to the scheme proposals and assessments undertaken to date. The issues noted in our submission dated August 2024 still stand, with a copy of this submission enclosed. This letter provides an update to these in reference to the HCC response.

Following previous objections raised with the scheme we confirm our objections on key matters as follows:

- Suitability of access for pedestrians and cyclists and ability to achieve these;
- Suitability of vehicle access;
- Off-site highway works and contributions;
- Traffic impact;
- Safety of future and existing residents which would be contrary to NPPF; and
- Environmental and ecological impact of the transport works not considered.

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Suitability of Pedestrian Access

Footway Provision on Lower Pennington Lane

HCC do not raise any concerns with the design of the proposed footway buildout along Lower Pennington Lane – the road becomes one-way along this section of the lane. HCC mention that a Road Safety Audit has been undertaken. However, this was not included in the resubmission material. This Road Safety Audit should be made available for public comment.

Even if the new footpath is provided on Lower Pennington Lane it will only take pedestrians to Fox Pond Lane. Pedestrians would then have a choice to either continue north where there is no footpath, no adequate lighting and ditches or progress along Fox Pond Lane which has limited lighting. This raises safe issues and again has not been considered.

No evidence has been put forward by the applicant to confirm that the adjacent properties would not be impacted on by the footway buildout proposals. It is not confirmed that delivery vehicles and emergency service vehicles are still able to gain access to the existing properties. These vehicles would otherwise park on Lower Pennington Lane in the future which raises road safety issues, especially given the one-way working proposal. Therefore, I am surprised that this is not required to be addressed at this stage. This is contrary to para. 114 of NPPF.

Whilst we welcome the request to provide a financial contribution towards the upgrade of public right of way FP83 this route, though, does not seem to be proposed to be lit and is likely to have no natural surveillance which given it would be the primary pedestrian route from the site to the north west is a safety issue and is contrary to para. 114 of NPPF. An upgrade to this route should also be required to be in place prior to first occupation of the site to enable pedestrian access to the north west. However, the issue remains as to the achievability of the route as a whole given matters raised with the proposals along Lower Pennington Lane beyond, as noted earlier.

Pedestrian Access to Ridgeway Lane and beyond

The proposed pedestrian routes from the site to the east/north east are convoluted, especially for less mobile residents, would not encourage walking and is contrary to paras. 109 and 114 of NPPF.

There are no proposals for pedestrian routes to the north with the routes to the east either involving steps or are convoluted and not on the desire line to any local facilities. This would in turn encourage residents to walk or wheel along the section of Ridgeway Lane with no footway north from Forest Gate Gardens to Rookes Lane where footways are then provided. There is no footway provision along this section, no street lighting and a ditch within the verge. This is a road safety issue contrary to para. 115 NPPF.

It has not been confirmed that the proposed footpath routes to Forest Gate Gardens and through Woodside Park are available in perpetuity, nor the maintenance of these routes considered, as HCC has confirmed that these would not be adopted/maintained by the County. Lighting has been requested by HCC, yet it is still not confirmed if this will be proposed on all new footpath routes. In any event lighting would raise environmental issues but without lighting the routes would raise personal and practical safety issues and would not be suitable to use for large parts of the year.

In the latest submission the applicant updated the design of the central pedestrian crossing point on Ridgeway Lane. HCC again refer to a new Road Safety Audit having been undertaken of this proposal, yet this is not in the public domain. Based on our review it is unlikely that suitable visibility splays could be achieved.

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Therefore, where infrastructure is proposed in order to improve pedestrian accessibility to the site these designs have not been assessed in terms of whether or not they meet the appropriate design and road safety criteria. The routes have also become more convoluted rather than less as the application has progressed. We therefore continue to object in terms of the deliverability and safety of the pedestrian routes proposed.

Suitability of Cycle Access

Based on the revised footpath route designs put forward in the latest resubmission there are now no traffic free cycle routes proposed to/from the site. This has not been raised as an issue by HCC, which is of concern. The applicant should be required to demonstrate that safe and suitable access for cyclists is achieved.

We therefore object on the lack of acceptable cycle accessibility to/from the site.

Suitability of Ridgeway Lane Vehicle Access

Unless a new redline boundary for the application has now been submitted, which we have not been able to find on the planning portal, the Ridgeway Lane/Poles Lane access still includes land outside of public highway or the formal boundary of the planning submission.

The HCC consultation response still raises issues with the access design on to Ridgeway Lane. However, the response then goes on to state that their concerns can be dealt with at the detailed design stage. Given that the application seeks the approval of access at this stage the approach of HCC as Highway Authority to leave these matters to the detailed design stage once permission is granted is not satisfactory. Land ownership issues have already been raised with this application. Therefore the designs put forward at this stage need to confirm that a safe and suitable access can indeed be achieved. This is not the case and therefore the scheme is contrary to para. 114 of NPPF.

Key issues with the vehicle access design remain including:

- visibility splays – whether appropriate splays are achievable, given that the splays proposed were calculated using data which is seven years old and from a different section of Ridgeway Lane, and whether these are within public highway or land controlled by the applicant. This approach is not consistent with Hampshire's own design guidance on junction design, visibility splays or speed readings;
- ditches are impacted by the proposals and there would be a significant loss of trees/hedgerows. Hampshire has confirmed that there is impact on trees and hedges but it is still not confirmed that this is acceptable;
- vehicle access design – HCC identify in their consultation response that in the design being put forward larger vehicles would overhang the footway. A highway authority would not normally accept this and require that the design is changed accordingly at the planning stage, i.e. now to ensure the impact of the change is known and that the design can be achieved;
- pedestrian crossing design at vehicle level – HCC note that '*depending on visibility requirements, the exact position of the crossing may need adjustment during the detailed design stage*'. Therefore, at this stage it is not confirmed whether a suitable crossing location is achievable. Given the significant impact of the junction design and visibility splays on hedgerows, trees and hence ecology the final design should be fully understood and considered at this stage and not after planning permission has been granted.

If this application is approved, given that HCC have only stated that they are '*satisfied with the access design in principle*' in their latest consultation response, the details of access must remain a reserved matter for later determination.

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Environmental/Ecological Impact

HCC has confirmed that the vehicle access junction on Ridgeway Lane and proposed footpath links to Forest Gate Gardens and Woodside Park could result in detrimental impact on trees, hedgerows and drainage provision. However, given this advice it does not appear that the impact has been properly assessed by the applicant nor that the appropriate consultees have been made aware of these issues.

Other Matters Still Not Addressed

I have enclosed our latest Transport Review of the application dated August 2024 which should be read in conjunction with this letter. In summary in addition to the matters raised in this letter we continue to object to the following:

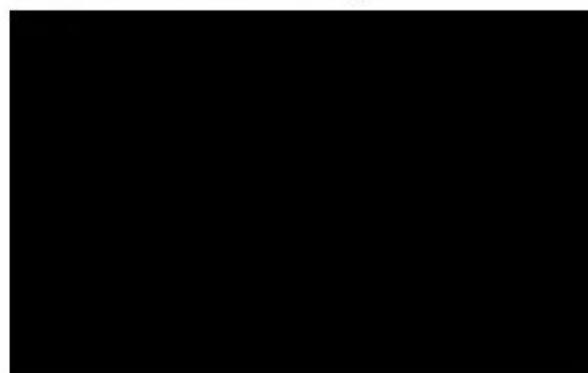
- whether or not the scheme can be built given errors with the application boundary and that many of the proposed pedestrian routes are not even included within the redline;
- whether the off-site works for both improvements to pedestrian accessibility and vehicle access can be achieved or whether other constraints prohibit these;
- issues with the internal road layout in terms of visibility, pedestrian permeability, vehicle manoeuvrability and provision for electric vehicle charging as these have not been resolved;
- the suitability of the pedestrian routes to the local area, including across the A337, in order for residents to access local facilities has not been demonstrated;
- traffic data used to both determine the traffic impact and also visibility at junctions/crossings is dated, with some surveys also carried out in incorrect locations or at inappropriate times of year. In turn this raises issues over the validity of the traffic assessment and designs put forward which have relied on this data. This was previously also raised by HCC and it is not clear why this issue is no longer a concern of HCC;
- traffic capacity testing has shown local junctions are not operating satisfactorily and additional traffic would exacerbate this. Methodologies used for the assessment are also not appropriate in some cases and downplay the traffic impact of the scheme; and
- rat running issues through the site have still not been addressed.

Conclusion

The proposals continue to fail to demonstrate that the scheme can satisfactorily achieve accessibility by sustainable travel modes and therefore is contrary to NPPF paras. 114 and 116. The proposals also fail to confirm that the scheme would not have a 'severe' impact in safety terms in line with NPPF para. 115. Therefore the application should be refused based on severe impact.

The applicant continues to not include all the access and footpath works within the planning redline and some works are outside public highway on third party land. It is therefore unclear how these works could be conditioned and/or implemented or form part of a S106. Therefore in any event the application should not be determined until all these matters are addressed.

Yours faithfully



ANDREW KENYON
Peter Evans Partnership Limited

Encl: PEP Transport Review of Planning Application Revised Submission, August 2024