

**Application Number:** S/2020/1644/EIA

**Location:** Land to the east of Tiffield Road and to the north west of the A43 Towcester

**Proposal:** Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1a, B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), Sui Generis (selling and/or displaying motor vehicles, showrooms and petrol filling station), and/or A1 and A3 uses, service yards and HGV parking, plant, vehicular and cycle parking, earthworks and landscaping. Full planning application for a new roundabout access from the A43, internal spine road, substation, lighting infrastructure, engineering operations including foul pumping station, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and strategic landscaping including drainage infrastructure. (Application accompanied by an Environmental Statement)

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**Applicant:** IM Properties PLC

**Agent:** Turleys

**Case Officer:** Andrew Longbottom

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**Ward:** Towcester Mill

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**Reason for Referral:** Major development and additional matters to be considered since the application was previously placed before members

**Committee Date:** 13/12/2021

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION: TO RATIFY THE PREVIOUS RECOMMENDATION TO PLANNING COMMITTEE (07.01.21), THAT BEING:**

**TO DELEGATE TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE AND REGENERATION TO GRANT PERMISSION, SUBJECT TO THE FOLLOWING MATTERS BEING SUBMITTED AND CONSIDERED ACCEPTABLE:**

- **The submission of a revised Sustainability Statement to address the outstanding matters**
- **The submission of a revised landscaping scheme to address the outstanding matters.**
- **The submission of a revised Lighting Statement to address the outstanding matters.**

- The submission of a revised Framework Travel Plan to address the outstanding matters.
- An addendum to the Transport Assessment to model HGV movements associated with the proposed 70% use of the site area for B8 use.
- The submission of additional plans and information to resolve Highway England's outstanding issues with the design of the roundabout and the proximity of the layby and any further representations they may make in relation to construction traffic.
- Further clarity regarding how 30% of the developable site area will be brought forward for B2 usage.

## **AND THE COMPLETION OF A PLANNING OBLIGATION AND PLANNING CONDITIONS**

### **Purpose of this report**

This application was reported to the former SNC Planning Committee in January 2021 where the Council formally resolved to grant planning permission subject to the resolution of a series of minor technical matters and the signing of a legal agreement as set out in the appended report.

As there has been a formal resolution from the Council, it is **not** the purpose of the report to return the application to the committee to reconsider the matters on which the Council has already passed a resolution, but to consider the additional matters of the cumulative impacts of traffic, traffic related noise and traffic related air quality for other sites coming forward in the town, in accordance with government guidance and policy.

### **Conclusion**

The additional matters have been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance listed in the report.

The key issues addressed in this report are:

- The previous report
- The purpose of this report
- how matters have moved forwards
- updates to planning policy, detailed policy considerations and guidance considerations
- the additional information and studies submitted
- the responses to publicity
- appraisal
- planning balance and conclusion.

The report looks into the key planning issues in detail, and concludes that the proposal is still acceptable as set out in the original report to committee and as such the original recommendation should be ratified.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all updated consultation responses, planning policies, the Officer's updated assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **1. PREVIOUS REPORT**

1.1 The previous report to the planning committee is appended to this report and covers:

1. Application Site and Locality
2. Constraints
3. Description of Proposed Development
4. Relevant Planning History
5. Pre application Discussions
6. Response to Publicity
7. Response to Consultation
8. Relevant Planning Policy and Guidance
9. Appraisal
10. Community Infrastructure Levy
11. Planning Balance and Conclusion

## **2. PURPOSE OF THIS REPORT**

2.1 This application was reported to the former SNC Planning Committee in January 2021 where the Council formally resolved to grant planning permission subject to the resolution of a series of minor technical matters and the signing of a legal agreement delegated to the Assistant Director for Growth, Climate and Regeneration (revised job title due to the creation of the West Northamptonshire Council) as set out in the appended report.

2.2 As there has been a formal resolution from the Council, it is not the purpose of the report to return the application to the committee to reconsider the matters on which the Council has already passed a resolution.

2.3 It is the purpose of the report to consider the additional matters of the cumulative impacts of traffic, traffic related noise and traffic related air quality for sites AL1, AL2, AL3 and AL4 (see below). These need to be considered, in accordance with government guidance and policy, now that the developments on sites AL1, AL2 and AL4 have started to come forward.

## **3. HOW MATTERS HAVE MOVED FORWARDS**

3.1 The employment sites in and around Towcester allocated in the adopted South Northamptonshire Local Plan Part 2 consist of four separate sites:

- AL1 – Land at Bell Plantation, Towcester
- AL2 – Land at Woolgrowers Field, Towcester
- AL3 – Land at Tiffield Lane, Towcester (which this application relates to)
- AL4 – Land at Shacks Barn, Whittlebury

*(For information the AL1 allocation is coming forward in two parts, one development by Bell Plantation and one by DHL.)*

3.2 The application for AL3 was submitted to the Council on 30 September 2020 and was presented to the South Northamptonshire Council Planning Committee on 7 January 2021 where there was a resolution to approve the application, subject to the above technical matters being satisfactorily addressed and the imposition of appropriate conditions. The subject areas for the conditions are set out in the appended original Committee Report in section 12.

- 3.3 In relation to the list of outstanding technical matters, good progress with the applicants has been made and it is clear from this progress that all the above matters can be resolved. However, if for whatever reason, it is considered by Officers that the above matters cannot be satisfactorily addressed and as such would impact on the principle of development or impact on the consideration of the planning balance then the application will be returned to the Strategic Planning Committee for its consideration.
- 3.4 At the time the application for AL3 was received, no other applications for the other AL sites had been received and officers considered the application on that basis.
- 3.5 At the time the application was reported to the 7th January 2021 former SNC Planning Committee no planning application had been received for AL1; an application had just been received for sites AL2 and AL4. An application for part of the AL1 site has now been received and was submitted at the beginning of November 2021.
- 3.6 It has been brought to the attention of Officers by the applicants for the AL1 site that Government guidance within National Planning Practice Guidance (ref 42-014-20140306) states:
- It is important to give appropriate consideration to the cumulative impacts arising from other committed development (ie development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval.*
- 3.7 Officers, having taken the necessary advice, consider that if the Council was to grant planning permission for the development (following receipt of acceptable revised information as detailed above), in order for that planning permission to be sound, then the advice within Planning Practice Guidance needs to be considered.
- 3.8 To address the issue IM Properties, who are the applicants for the AL3 site have produced 3 further studies for formal consideration as part of their planning application:
- A Cumulative Traffic Impact Assessment
  - A Cumulative Air Quality Technical Note
  - A Cumulative Traffic Noise Technical Note
- 3.9 As stated above, it is the purpose of this report to consider the additional information and assess it against Government guidance and policy and which needs to be read in conjunction with the report of the Planning Committee of 7th January 2021, which is appended. It is not the purpose of this report to reopen or reconsider other planning matters upon which the Council has already passed a resolution when the application was considered by Members of the former SNC Planning Committee on 7th January 2021.
- 3.10 The highway works and highway mitigation works are set out in the appended original Committee Report paragraphs 3.4 - 3.6 and paragraphs 9.132 - 9.133 and in the appended Committee Updates document pages 13-15.

#### 4. UPDATES TO PLANNING POLICY, DETAILED POLICY CONSIDERATIONS AND GUIDANCE CONSIDERATIONS

##### National Planning Policy Framework

4.1 A new National Planning Policy Framework was published 20 July 2021, the key changes relate to improving design standards, the inclusion of more trees within streets and an amendment to the definition of sustainable development.

4.2 Whilst the NPPF was considered as part of the determination of the application earlier this year Paragraph 111 of the NPPF states the following in relation to highway impacts:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

4.3 Paragraph 185 of the NPPF, states the following in relation to pollution:

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*

4.4 Paragraph 186 of the NPPF, states the following in relation to air quality:

*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.*

4.5 As set out above the National Planning Practice Guidance (ref 42-014-20140306) states:

*It is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport*

*network as well as other relevant local sites benefitting from as yet unimplemented planning approval.*

The Department for Transport Circular 02/2013

- 4.6 The Department for Transport Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development guides how National Highways will engage and deliver sustainable development whilst retaining highway safety and allowing strategic highways to function.
- 4.7 Paragraph 25 states:  
*The overall forecast demand should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater. This is known as the review period.*
- 4.8 Footnote 7 states:  
*The overall forecast demand will be the existing flow plus traffic likely to be generated by development already committed, plus traffic likely to be generated by the development under consideration, less any reduction arising from any travel plan or demand management measures that are being proposed.*
- 4.9 Paragraph 27 states:  
*Where the overall forecast demand at the time of opening of the Development can be accommodated by the existing infrastructure, further capacity mitigation will not be sought.*
- 4.10 Footnote 9 states:  
*The opening of the development shall be taken to be the date at which the development first becomes available for occupation, unless agreed otherwise.*

The Strategic Network- Planning for the Future – A guide to working with Highways England on Planning Matters.

- 4.11 Paragraph 108 states:  
*Where the overall forecast demand in the opening year of the development can be safely accommodated by the existing infrastructure, capacity enhancement will not be sought.*
- 4.12 Footnote 12 states:  
*The overall forecast demand will be the existing flow plus traffic likely to be generated by development already committed, plus traffic likely to be generated by the development under consideration, less any reduction arising from any travel plan or demand management measures that are being proposed.*
- 4.13 Paragraph 101 states  
*Assessments should be carried out for:*
- *the development and construction phase; and*
  - *the opening year, assuming full build out and occupation, and*

- *either a date ten years after the date of registration of the associated planning application or the end of the Local Plan period (whichever is the greater).*

*The assessment at opening will be used for the determination of impact mitigation needs whilst the latter is necessary to determine the risk which will transfer to us.*

## 5. THE ADDITIONAL INFORMATION AND STUDIES SUBMITTED

### The Cumulative Transport Assessment

- 5.1 The Cumulative Transport Assessment (CTA) has been produced to address the national guidance on cumulative transport impacts as set out above. It takes the transport impacts from AL3, which have already been modelled and agreed with the Council and adds the traffic growth from the other AL sites, AL1, AL2 and AL4. Actual figures obtained from the developers have been used for the DHL part of AL1, AL2 and AL4. For the Bell Plantation part of the AL1 allocation these figures are not available and estimated figures have been used based on the trip generation figures used in the transport assessment for AL3, this is to ensure that the CTA is as accurate as it can be at this point.
- 5.2 It should also be noted that the original Transport Assessment considered by the Planning Committee in January 2021 already included all known committed development, i.e that which already has planning permission.
- 5.3 The model looks at all the cumulative impacts of the developments and also includes projected network wide traffic growth from other sources over a 10-year period to 2031, the figures used to calculate this organic growth of traffic on the network are provided by the Department for Transport.
- 5.4 The CTA sets out the traffic impacts of the AL3 development (which have already been considered to be acceptable by the Council) and the traffic impacts when the highway movements from the other AL1, AL2 and AL4 developments are added. The impacts have calculated the peak hours of traffic flow, these being 07:00hrs to 09:00hrs and 16:00hrs to 18:00hrs. This report will pick out the larger impacts identified in the CTA however the full document is available to be viewed on the planning pages of the Council's website. The impacts are set in both time delays at junctions and length of queues, the figures given are the increases over and above those already identified for the AL3 application. For clarity, the figures assume the delivery of the Towcester Relief Road.
- 5.5 *Time delays:*
- 07:00 hrs-08:00 hrs**  
A5 southbound between Banbury Lane and Tove roundabout:- increased journey time of 2 minutes.
- 08:00 hrs – 09: 00 hrs**  
A5 southbound into Tove roundabout:- increased journey time of 9 minutes.  
Wappenham Road into Abthorpe roundabout:- decreased journey time of 4 minutes.

**16:00 hrs – 17:00 hrs**

A43 north east bound between the Abthorpe and Tove roundabout:- increased journey time of 1 minute.

**17:00 hrs – 18:00 hrs**

A43 north east bound between the Abthorpe and Tove roundabouts increased:- journey time of 1.5 minutes.

A43 north bound into the Abthorpe roundabout:- decreased journey time of 1 minute.

5.6 *Queue Lengths:*

**07:00 hrs-08:00 hrs**

A5 southbound into the Tove roundabout:- an increase of 574 metres.

**08:00 hrs – 09: 00 hrs**

A5 southbound into the Tove roundabout:- an increase of 743 metres.

A5 approaches to Brackley Road/Northampton Road crossroad:- an increase of 70 metres.

**16:00 hrs – 17:00 hrs**

A43 westbound approach to the Tove roundabout:- of an increase 86 metres.

A43 eastbound approach to the Tove roundabout:- an increase of 45 metres.

A5 southbound approach to the Tove roundabout:- a decrease of 66 metres.

**17:00 hrs – 18:00 hrs**

A43 westbound approach to the Tove roundabout:- an increase of 176 metres.

A43 eastbound approach to the Tove roundabout:- an increase of 64 metres.

A5 southbound approach to the Tove roundabout:- an increase of 51 metres.

*The Traffic Impact of the Developments Without AL3*

- 5.7 The CTA, for reasons of comparison, includes modelling which removes the AL3 site from the CTA to demonstrate how much of the overall contribution to the total impact can be attributed to the AL3 site. However, the CTA argues that if the site is removed from the calculations then the correct methodology is for an element of “blanket growth” to be added to the transport model.
- 5.8 To explain what is meant by “blanket growth”, the Department for Transport traffic growth rates takes into account projected changes in any given area and are informed by projected population growth and projected economic growth.
- 5.9 These rates can then be added to a transport model to model growth when it is not known where exactly the growth will take place. If it is known where the growth will take place the Department for Transport growth rates are removed from the model and the impact of the development are modelled instead. The use of “blanket growth” in traffic modelling is in accordance with Government guidance.



5.10 It is therefore assumed within the CTA, that if the economic development proposed at AL3 does not go ahead on that site, then that economic development will be taken up elsewhere within the economic region. In this event, this economic development is then allocated a “blanket growth” figure within the transport model. It should also be taken into account that if AL3 does not go ahead then the new roundabout on the A43 will not be constructed and this will impact how traffic will move through the study area and this is also included in the CTA modelling.

5.11 The CTA states that the impact of removing AL3 from the CTA and replacing it with “blanket growth” demonstrates that the delays and queuing on the roads in an around the development worsens compared to when all the AL sites are developed as set out below.

5.12 *Time Delays:*

**07:00hrs – 08:00hrs**

A5 south bound into the Tove roundabout:- increased journey time of 2.5 minutes.

**08:00hrs - 09:00hrs**

A5 south bound into the Tove roundabout:- increased journey time of 4 minutes

**16:00hrs – 17:00hrs**

A43 northbound approaching the Abthorpe roundabout:- increased journey time of approx. 2 minutes.

Northampton Road northbound approaching the junction with the A43:- increased journey time of 2 minutes.

**17:00hrs – 18:00hrs**

A5 southbound approaching the Tove roundabout:- increased in journey time of 80 seconds

Northampton Road northbound approaching the A43:- increased of journey time of 3 minutes.

Northampton Road southbound approaching the A5 junction:- increased of journey time of 3 minutes.

Brackley Road eastbound:- increased in journey time of 2 minutes.

A5 Northbound approaching the Tove roundabout:- increased journey time of over 1 minute.

5.13 *Queue Lengths:* There are also increased queue lengths where traffic delays are predicted. The CTA summarises the results of assessment as follows.

- The largest difference between the modelling for the traffic impacts of the AL3 application and the cumulative traffic impacts taking into account sites AL1, AL2, AL3 and AL4 is on the southbound approach on the A5 to the Tove roundabout where there would be a further delay of 9.5 minutes with an associated increased queuing into the roundabout.
- The other cumulative traffic impacts across the study area during the AM and PM peak are less noticeable.

- The removal of the AL3 site from the Cumulative Traffic Assessment model and adding the element of “blanket growth” to replace the development within the model further increases the delays experienced on the A5.

#### The Cumulative Air Quality Technical Note

- 5.14 If considering the cumulative traffic impacts of all the allocated AL employment sites, then it is also necessary to consider the cumulative air quality impacts of the additional traffic movements. To address this the applicants have submitted a further Air Quality Technical Note which looks at the cumulative impacts of traffic movements associated with sites AL1, AL2, AL3 and AL4. This considers the impact on air quality upon Towcester town given its history as an Air Quality Management Area (AQMA) along the A5 through the Town Centre, which is due to the higher levels of nitrogen dioxide. The assessment is carried out based upon the traffic data submitted in the CTA. The figures assume the Towcester bypass is completed and operational for the purposes of assessing the total impacts of the cumulative development.
- 5.15 The original Air Quality Assessment for Towcester included the traffic figures for AL3 and the requisite level of “blanket growth” (using the calculation method provided by the Department for Transport) for sites AL1, AL2 and AL4. The air quality impact of AL3 (including the “blanket growth”) were considered to be acceptable when the Planning Committee considered the application in January 2021.
- 5.16 The Air Quality Technical Note states that due to the removal of the “blanket growth” element within the traffic modelling and its replacement with the actual figures from all the AL sites that there would be a slight increase in smaller vehicles south along the A5 however there would be a reduction in HGV trips through the AQMA compared to those previously assumed. The document comments that this is significant because HGV generate significant higher emissions than other smaller vehicles. The Technical Note therefore comments that the previous figures considered by the Council to be acceptable using the “blanket growth” were therefore a worst case scenario when compared with the actual traffic movement figures now that there is more certainty about the size of the developments proposed on the other AL sites.
- 5.17 The Technical Note does show increases in some other roads, in particular the A5 north of the A43 however comments that these are in areas where the nitrogen dioxide levels are significantly below the relevant air quality objectives and the increased traffic levels will not breach these objectives.
- 5.18 To ensure that the Technical Note is a more robust study, a sensitivity test which applies a 15% uplift to traffic levels has been carried out. The Technical Note shows that under this scenario there is still a reduction in the total number of HGV movements through the AQMA compared to those stated in the original modelling considered as part of the application at the Planning Committee meeting in January 2021.

#### The Cumulative Noise Technical Note

- 5.19 If considering the cumulative traffic impacts and cumulative traffic air quality impacts for all the allocated AL employment sites, then it is also necessary to consider the cumulative noise impacts of the additional traffic movements. To address this the applicants have submitted a further Noise Technical Note

- 5.20 The Noise Technical Note sets out the previous submissions in relation to traffic noise and that the Environmental Impact Assessment concluded that the impact of traffic noise was considered to be a minor adverse impact and not significant.
- 5.21 The Technical Note then includes additional noise calculations based upon the Cumulative Traffic Assessment figures, which remove the “blanket growth” element and replace this with the figures that better represent the true impact of development on sites AL1, AL2 and AL4. The technical note then considers the changes these bring to the daytime and night-time noise levels. The data is based on changes in peak hour flows associated with the traffic modelling across an 18-hour daytime period (06:00 to 24:00) and an 8-hour night-time period (23:00 to 07:00). The figures assume the Towcester bypass is completed and operational for the purposes of assessing the total impacts of the cumulative development.
- 5.22 The note sets out the location of the studies and these include the A5 through Towcester, Northampton Road, Brackley Road, the A43 (adjacent to The Shires), the A43 between the Tove and Abthorpe roundabouts and Tiffield Lane.
- 5.23 For certain locations the traffic flows are too low for any meaningful increase in noise figures to be produced, these include Tiffield Lane and the night-time traffic flows for Northampton Road.
- 5.24 The Noise Technical Note, including the cumulative traffic data for all the AL sites, does show increases in noise in some locations and decreases in noise at other locations. The Technical Note, in its summary of the results of the assessment, sets out that the changes from the no development scenario to the cumulative development scenario remain in the range of plus or minus 3 decibels for all locations studied. It therefore concludes that the effects noise on amenity will remain not significant as originally set out in the Environmental Impact Assessment.
- 5.25 Like the Air Quality Technical Note, the Noise Technical Note includes a further scenario where a 15% uplift is applied to the traffic data as a sensitivity test and the Technical Note comments that even under this scenario the effects are not significant.

## **6. RESPONSE TO PUBLICITY.**

- 6.1 This section summarises the responses received from the general public that raise new issues or relate to the cumulative assessment described above since the application was considered by the Planning Committee in January 2021.
- 6.2 The section is split into two parts, the first sets out the responses from members of the general public, the second section sets out responses from the applicants or agents from the other AL sites.
- 6.3 The applicants have also made responses to the objections and these are also set out in this section.

### General Public

- 6.4 A total of 9 additional letters have been received and make the following objections:
- (i) The impacts of the employment sites need to be considered cumulatively.
  - (ii) There should be a link road between the AL1 and AL3 sites and no access from the A5;

- (iii) Significant works will be required to the Tove roundabout.
- (iv) The AL1 and AL3 sites should be accessed via a roundabout at the Hulcote turn.
- (v) It is not clear what the responsibilities of the two highway authorities are.
- (vi) It is not clear that the inputs to the Cumulative Traffic Assessment are correct.
  - (v) It is not clear who audits the Cumulative Traffic Assessment.
- (vii) It is not clear that the Cumulative Traffic Assessment includes all the necessary committed development.
- (viii) It is not clear that the correct modelling methodology has been used.
- (ix) It is not clear that the 2017 base data is the best and most recently available.
  - (ix) It is not clear that the assumptions that underpin the Cumulative Traffic Assessment are accurate.
- (x) There should be a truly independent analysis of the cumulative traffic impacts of the developments.

#### Applicants for the other AL sites

- 6.5 The AL1 site allocated in the Local Plan is the subject of development proposals from two separate parties and those parties have written in separately.
- 6.6 The applicant for the Bell Plantation have made the following objections to the Cumulative Traffic Assessment (CTA):
- (i) The CTA has not reviewed the impact of the AL3 development but included AL3 in all scenarios and summarised the impact of other policies, it is therefore not possible to reach a view on the cumulative traffic impacts.
  - (ii) The development of the employment sites will require off site contribution and it is essential that all the employment sites pay their fair share of any infrastructure costs.
  - (iii) The methodology for the CTA is inconsistent with that recently requested by the highway authorities for the AL1 site.
  - (iv) The forecast identifies significant delays at Tove roundabout that would have severe impacts on the operation of the existing Bell Plantation Garden centre with or without the delivery of any other Local Plan allocations.
  - (v) No mitigation measures to improve conditions have been proposed by the applicant for the AL3 site.
  - (vi) The CTA does not include the impacts on air quality or noise.
  - (vii) The data supporting the CTA has not been placed in the public domain.
  - (viii) The assessment has not identified the individual impact of AL3.
  - (ix) The CTA should use the Northamptonshire Strategic Transport Model.
  - (x) There needs to be a transport strategy for the sites.
  - (xi) The consideration of the cumulative impacts should be included within the EIA process.
- 6.7 *In response to the points raised by the applicants for the Bell Plantation site the applicants for the AL3 site have made the following points:*
- (i) *Chapter 5 of the CTA does include a cumulative traffic scenario where AL3 is excluded.*

- (ii) *Neither National Highways or the Local Highway Authority are objecting to the application on highway grounds.*
- (iii) *The CTA demonstrates that the elevated impacts of the cumulative traffic impacts are not attributable to the AL3 development.*
- (iv) *The CTA has properly and robustly assessed the cumulative impact of the AL sites.*
- (v) *The methodology for the CTA was agreed with the Local Highway Authority and National Highways and the representatives for the AL1, AL2 and AL4 sites were given the ability to comment on the proposed methodology before it was finalised.*
- (vi) *The view that AL3 in itself would have an unacceptable impact upon the Bell Plantation is not supported by the Local Highway Authority or National Highways*
- (vii) *The CTA does not propose mitigation as it is made clear in the document that this is outside the scope of the study, also it is clear from the results that no further mitigation to make the development on AL3 acceptable is necessary.*
- (viii) *It is not necessary to consider the CTA under the Environmental Impact Assessment as they are not sufficiently advanced to be considered "existing or approved projects".*
- (ix) *The original Transport Assessment submitted with the application did take into account allocated development including an agreed list of cumulative schemes and transport assessment assumptions in 2019 and background growth were included.*
- (x) *All allocations and assumptions have been applied in a consistent way.*
- (xi) *The use of the VISSIM model, as agreed with the highway Authorities, provides a consistent approach and is at a more detailed level than the NTSM model*
- (xii) *There is no need for a Do Cumulative scenario as the CTA includes a scenario where AL3 is removed from the cumulative impacts.*
- (xiii) *The contention that the CTA has not been correctly carried out with regard to the Tove roundabout is incorrect.*
- (xiv) *The local highway authorities have had sight of all the information necessary to form their views on the proposals.*
- (xv) *The applicants for sites AL1, AL2 and AL4 have had adequate ability to make their views known as part of the process.*
- (xvi) *The CTA demonstrates that the development on AL3 is acceptable in highway terms.*

6.8 The applicants for the Bell Plantation have also made the following objections based on the representations from National Highways (NH) and the Local Highway Authority (LHA):

- (i) The NH are incorrect that there is no policy requirement for cumulative assessment for the developments,
- (ii) NH acknowledge that the CTA has not been undertaken using the Northamptonshire Strategic Transport Model but suggest that this is for reasons of timescale relating to this application, which is inappropriate,
- (iii) NH have accepted there are issues on the A43 and A5 that need to be resolved and these need to be the subject of further discussions and assessments,

- (iv) The response from the LHA accepts a lower form of assessment for reasons of timescale.
- (v) The approach of the LHA and which model should be used is not consistent.
- (vi) The LHA confirms concerns over the impacts on the A43 and A5 approach to Tove and that these will need to be considered.

6.9 The applicant for the DHL site which forms the greater part of the AL1 allocation have made representations to the Council and state that their application will mitigate the impacts of their own application on the highway networks. Notwithstanding this, they make the following objections to the Cumulative Traffic Assessment (CTA):

- (i) The current approach being taken for the determination of the application for AL3 may be unlawful.
- (ii) The objections set out by the Bell Plantation applicants are agreed with in regard to the CTA.
- (iii) noise and air quality should be dealt with through the EIA process.
- (iv) The proposed opening year assessment as being 2021 is no longer appropriate.
- (v) The Transport Assessment for AL3 does not appropriately account for overall forecast demand and a revised Transport Assessment should be submitted.

6.10 *In response to the point raised by the applicants for the DHL site the applicants for AL3 have made the following points:*

- (i) It should be noted that the submission does not object to the principle of development.*
- (ii) The offer to work collaboratively is welcomed.*
- (iii) It is not clear on what ground the objectors think any decision might be unlawful,*  
*(iv) It is not considered that the approach of the Council to the determination of the application for AL3 is unlawful.*
- (iv) The latest submissions do not need to be considered through the EIA process for the reasons previously given.*
- (v) The guidance stated from Planning for the Future is guidance only and carries less weight than the relevant circular (circular 02/2013).*
- (vi) The opening year for 2021 was agreed with the highway authorities and it would not have been possible to use any other years and use the NTSM model, as required by the Highway Authorities, as the model only accepts years 2021 and 2031.*
- (vii) The objection from DHL is incorrect to suggest that the overall forecast demand has not been properly assessed. The Transport Assessment assess all committed development and this is supplemented by the CTA which models the cumulative traffic impacts of all the AL sites.*
- (viii) Swapping the proposed opening year from 2021 to 2023 would result in a 2% uplift which would have no material impacts on the operation of the road network, therefore, to update the TA is not justified and is disproportionate.*

## 7. RESPONSE TO CONSULTATION

7.1 TOWCESTER TOWN COUNCIL: **No objections** but comments that the applicants need to commit to a travel plan which is binding on all companies that occupy the site

and comes into effect once the Towcester Relief Road is operational. This would require all vehicles which are over 7.5 tonnes in capacity which are legally permitted to use the relief road and are either owned by/or operated on behalf of the occupying company to use the relief road when coming along the A5 south of Towcester or returning to the A5 south of Towcester rather than travelling through the centre of Towcester. In addition, there should be a weight restriction on the Northampton Road to remove the appeal for HGVs to use this route.

*(Officer note - the unforeseen traffic impacts fund does include an option for a weight restriction to be created on the Northampton Road if it is found to be necessary)*

- 7.2 NATIONAL HIGHWAYS (response received prior to the submission of the CTA): **No objections** to the application being approved subject to conditions relating to further details of the off-site highway works being submitted, the submission of a construction Environmental Management Plan and a Construction Traffic Management Plan, details of surface water drainage and details of the boundary treatments along the A43.
- 7.3 NATIONAL HIGHWAYS: (response to consultation on the CTA): **No Objections** and make the following comments:
- (i) The need for a cumulative assessment was raised by the Local Planning Authority, however there is no policy requirement for National Highways to request a cumulative assessment or any additional mitigation as a result of a cumulative impact assessment at the development planning stage.
  - (ii) Although the assessment was not undertaken by using the Northamptonshire Strategic Transport Model the methodology is considered proportionate in context to of the wider timescales for this application only.
  - (iii) The CTA identifies issues with the A5 and the A43 and these need to be considered by National Highways in association with the Local Planning Authority.
  - (iv) The need for highway mitigation is based upon the opening year assessments only (i.e. using the 2021 figures).
  - (v) Discussions on the development started in 2018 and at the time using 2021 as the start date seemed reasonable.
  - (vi) AL1, AL2 and AL4 are expected to be opening later and therefore will not be in the 2021 modelling however the impacts of AL3 alongside background traffic growth expected to be on the highway network by 2021 have been considered in developing and agreeing the mitigations required on the strategic road network.
  - (vii) 2031 was considered to be the correct date for future forecast assessments based National Highways guidance.
  - (viii) In the transport modelling the 2021 figures are used to determine if any mitigation is needed through the planning process and the 2031 figure are used to predict background growth on the highway network over time.
  - (ix) If the capacity of the A5/A43 comes under stress in the year 2031 as a result of the background growth of the network rather than the development of the allocated sites then the responsibility to develop a mitigation strategy will fall to National Highways.

- (x) National Highways looks to work pro-actively with local planning authorities at the local plan stage to ensure a strong transport evidence base is developed and the cumulative impacts of growth are adequately assessed.
- (xi) There are no current funding mechanisms to fund the works in the A43 Growth Study, to secure funding for these works first would cause significant delays to the determination of the planning application.

7.4 LOCAL HIGHWAY AUTHORITY: **No objection** and make the following comments:

- (i) Use of the VISSIM model is proportionate and is in context with the timescales for this particular planning application.
- (ii) there are some concerns relating to the queuing to the Tove roundabout
- (iii) there is particular concern about length of queuing on the A5 south into the Tove roundabout.
- (iv) these issues will need to be considered by the Local Planning Authority and National Highways

7.5 ENVIRONMENTAL PROTECTION (AIR QUALITY) **No Objection** as the data presented shows a reduction in traffic through the Air Quality Management Area in Towcester due to a decrease in the modelled traffic. This is due to more accurate traffic modelling of all the AL sites as previous modelling undertaken for the Environmental Statement was based on a worst-case scenario for all development allocated sites in Towcester. As a result of the reduced traffic and potential reduction in Heavy Goods Vehicles through Towcester nitrogen dioxide concentrations have also shown to reduce to below the objective level.

7.6 The transport assessment and air quality assessments have shown that this development, with the additional roundabout on the A43, reduces the impacts of traffic through Towcester on both the strategic and local road network.

7.7 ENVIRONMENTAL PROTECTION (NOISE): **No Objection** and the conclusions of the report are accepted.

7.8 The full consultation responses are available to be viewed on the Councils website.

## 8. APPRAISAL

8.1 The main issues addressed in this section are

- Whether the methodology for the Cumulative Transport Assessment is Robust
- Assessment of the results of Cumulative Transport Assessment
- Assessment of the cumulative Air Quality Technical Note
- Assessment of the cumulative Noise Technical Note
- Whether the submitted information should be considered under the EIA regulations
- Whether the approach taken by the Council would prevent the delivery of the other AL site.



- 8.2 In the appraisal of the CTA the Officers have been assisted by an independent Transport Consultant separate from either of the two highway authorities.

Whether the Methodology for the Cumulative Transport Assessment is Robust

- 8.3 It is important here to recognise the methodology for the assessment was agreed with both the Local Highway Authority and National Highways before it was produced. In addition, neither of the two highway authorities have objected to the application prior to or since the submission of the CTA and have reviewed the CTA and do not suggest that the methodology is inappropriate

- 8.4 The two applicants for the AL1 site (DHL and the Bell Plantation) allocated in the local plan have however raised objections over the methodology used and these relate to:

- The use of the VISSIM transport model rather than the NSTM.
- The opening year assessment for the Transport Assessment being 2021.
- Whether the overall forecasted demand is included in the assessment.
- The CTA does not include a scenario where AL3 is excluded from the assessment.

Each of these issues is addressed in turn below

*The use of the VISSIM transport model rather than the NSTM.*

- 8.5 It is the view of the Council's Transport Consultant that the Northampton Strategic Transport Model (NSTM) model is a strategic model that assesses the impact of development at a very high level and is useful to assess traffic impacts over a very wide area. However, the model is not so useful for looking in detail at the impact of particular junctions and the VISSIM model is much better at predicting how traffic will move through a specific junction. Therefore, for the CTA, which examines in detail the impact on the individual junctions, within and on the edge of Towcester the VISSIM model gives more detailed results. It is therefore the judgement of Officers that the VISSIM is the preferable traffic modelling tool for the consideration of the CTA.

*The opening year assessment for the Transport Assessment being 2021.*

- 8.6 When the applicants first started pre-application discussions with National Highways, then Highway England, in 2018 it was considered at the time that 2021 was a realistic opening year for the development. However, there have been delays in submitting the planning application and then the delays in finally determining the application (largely due to the need for a CTA) which means that the development will not be operational within 2021. If the opening year of the transport assessment were to be amended by couple of years to 2023, to reflect the more likely opening date of the development, then the Transport Assessment would be likely to show increases in queues and delays however the consideration of this increased impact has to look at against whether it would result in a "severe" traffic impact as set out in the NPPF.

- 8.7 It is the view of the Council's Transport Consultant that if a new opening year assessment were to be modelled using "blanket growth" then the likely increases in traffic would be small and mostly attributable to the other AL sites. In addition, if a new opening year assessment were to be modelled using the actual figures from the other AL developments then this would show, as set out in the CTA, that the traffic growth would be attributable to the other AL sites.

- 8.8 Given this view from the Council's Transport Consultant and that no request has been received from the Local Highway Authority or National Highways for the opening year assessment to be amended, it is the judgement of officers that there is no sound reason to require the opening year assessment to be amended.

*Whether the overall forecasted demand is included in the assessment.*

- 8.9 The objectors claim that the overall demand from all known development has not been taken account of by the applicant. However, it is considered that this is not correct. The Transport Assessment submitted with the application considered all known committed development in the locality that would impact the local highways, i.e., development that benefited from planning consent.
- 8.10 It also considered those known developments that had a reasonable prospect of coming forward within the three years at the time the scope of the TA was being considered, however these were included in "blanket growth" form only. Such an approach is consistent with the aforementioned Circular 02/13 and Planning Practice Guidance – "Travel Plans, Transport Assessments and Statements".
- 8.11 In addition, the CTA, which is to be considered alongside the Transport Assessment, adds greater detail to the likely traffic impacts from AL1, AL2 and AL4. As such it is considered that the overall demand from all known development has been adequately addressed.

*The CTA does not include a scenario where AL3 is excluded from the assessment.*

- 8.12 The CTA in chapter 5 does include a scenario where AL3 is excluded from the study, to ascertain what the traffic impacts of AL1, AL2 and AL4 are, and which traffic impacts are therefore attributable to AL3. In the study the exclusion of AL3 is replaced by "blanket growth" and no objection to this methodology has been raised by the highway authorities. As stated earlier in the report the use of "blanket growth" in Transport Assessments is in accordance with Government guidance.
- 8.13 In addition to the above considerations of the objections, the CTA and the technical notes submitted by the applicant assume that the Towcester Relief Road is completed and is operational. The relief road is currently under construction and the roundabout which joins the relief road to the A5 is due to begin construction in the new year. The connection to the A43 is then to be constructed following the completion of the A5 roundabout. The whole road is due for completion and opening in December 2023.
- 8.14 Given the current position of the proposal for the AL3 site which will, following any outline planning permission, need to submit for reserved matters consent for any building, it is considered that the AL3 site will not result in any considerable operational traffic before the completion of the Towcester Relief Road. It is therefore considered that assumption in the studies that the Towcester Relief Road is operational is considered to be sound.
- 8.15 Given that no objections to the methodology have been received from the highway authorities and that the other issues raised relating to the methodology have been addressed it is considered that the CTA is robust, and its results can be relied upon.

Assessment of the results of Cumulative Transport Assessment

- 8.16 A more complete assessment of Government advice and guidance is set out earlier in the report however it is considered that the most important guidance is contained within the within National Planning Practice Guidance (ref 42-014-20140306) which states:

*It is important to give appropriate consideration to the cumulative impacts arising from other committed development (ie development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval.*

- 8.17 And within Paragraph 111 of the NPPF it states the following in relation to highway impacts:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 8.18 This planning policy and guidance requires the Local Planning Authority to consider cumulative impacts as part of the consideration of the application and ensure mitigation measures are in place to make sure that once all the developments are completed the highway impact are not “severe”. It does not dictate to the local planning authority what mechanism must be used to ensure the mitigation is in place or how the Local Planning Authority decides who is responsible for delivering which elements of the mitigation that are required. Though clearly whatever approach is taken must be fair and reasonable to all the applicants for the respective site and must not prevent those sites from coming forward for development.
- 8.19 From the CTA the only highway impact which is considered to be “severe” is the 08:00 - 09:00 traffic travelling south along the A5 into the Tove roundabout, where additional delays of 9 minutes would be experienced if no mitigation works were to be carried out and it is clear that works are necessary to ensure this impact is no longer considered to be “severe”. However, as the CTA demonstrates this delay is due to the additional traffic placed on the A5 by the impacts of the development of AL1, AL2 and AL4 and not by the development at AL3.
- 8.20 It is the view of the objectors that the total cost of these works to the A5/Tove roundabout should be split between the AL developments using a so far unspecified calculation mechanism, however there is nothing in Government guidance that states that this is the approach that must be adopted.
- 8.21 Such off-site works are normally secured through Grampian style planning condition or through a S106 legal agreement.
- 8.22 In relation to planning condition Paragraph 55 of the National Planning Policy Framework set out 6 tests all of which such conditions need to pass in order for them to be correctly applied. These include being necessary to ensure the development is acceptable and relevant to the development being permitted.

- 8.23 Similarly, for S106 agreements an obligation must pass all of the following three tests as set out in regulation 122 of the Community Infrastructure Levy Regulations; these being:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 8.24 It is considered that given the test set out above it would not be possible to require the applicant to contribute to the off-site works needed on the Tove roundabout, as such a requirement either through a legal agreement or condition as such works are not necessary to make the development on AL3 acceptable, nor would the requirement for the works be directly related to the AL3 development. Therefore, such a requirement would not pass the paragraph 55 or regulation 122 tests.
- 8.25 As such it is considered that the correct approach is to identify the individual works that are necessary to make each of the development acceptable in highway terms and for those development to provide their own mitigation for their developments. Therefore, this means the cumulative highway impacts of the development will be mitigated and government guidance on cumulative highway impacts will be satisfactorily addressed.
- 8.26 For information only, this appears to be the approach that has been taken by DHL who are the applicants for part of the AL1 site as their application includes mitigation works to the A5 including widening of the A5 and the reprofiling of the Tove roundabout. These works are designed to increase the flows of traffic into out of the roundabout and ease congestion on the A5 and in the Transport Assessment submitted with the application the applicants have committed to deliver the mitigation works through either a planning obligation or a planning condition.

#### Assessment of the cumulative Air Quality Technical Note.

- 8.27 The applicants have submitted a Technical Note on the cumulative impacts of the traffic from all the AL development sites upon air quality. This shows that when using the modelled traffic figures from the AL1, AL2 and AL4 developments instead of using “blanket growth” there would be a reduction in the number of Heavy Goods Vehicles (which are the most polluting vehicles) through the Air Quality Management Area in Towcester. As a result, the modelled cumulative air quality impact is lower than was previously seen to be acceptable when the Council considered the Environmental Statement originally submitted with the application.
- 8.28 The Council Environmental Protection Team have been consulted on the revised cumulative transport Air Quality Technical Note and have accepted the conclusion of the report and have not required any mitigation proposals as might be required in the Council’s adopted Air Quality Supplementary Planning Document.

#### Assessment of the cumulative Noise Technical Note.

- 8.29 The applicants have submitted a Technical Note on the cumulative noise impacts from the cumulative traffic modelling work. This does show some increases in noise in some locations over and above those predicted for just the AL3 application and some decreases in noise in other locations. However, where increases in traffic noise are predicted these are not significant. The Council Environmental Protection Team have

been consulted on the revised cumulative transport noise figures and have accepted the conclusion of the report.

Whether the submitted information should be considered under the EIA regulations.

- 8.30 There is a legal difference between what needs to be considered within an Environmental Impact Assessment and what needs to be included within a planning application. It is considered that the information originally submitted with the Environmental Impact Assessment was sufficient to address the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The cumulative transport, noise and air quality assessments have been submitted to address a specific issue relating to Planning Policy Guidance and the National Planning Policy Framework not a deficiency in the Environmental Impact Assessment. In terms of cumulative effects, the Environmental Impact Assessment is only required to consider existing or approved projects. As such it is not considered that the newly submitted information needed to be requested under Regulation 25 nor does it need to be considered under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Whether the approach taken by the Council would prevent the delivery of the other AL sites.

- 8.31 It is very common for large industrial site to need to provide off site highway works to allow their development to proceed. In the case of the Panattoni Park development at junction 16 of the M1 two new roundabouts were required to be constructed on the A4500. In the case of the AL3 development it is proposing a new roundabout on the A43 to serve the site. All of these highway mitigation works are funded by the developers from the revenues created by the development. Whilst the exact final nature of the highway improvements that will be needed to allow AL1 and AL2 (which both feed onto the Tove roundabout) have not be finalised the magnitude of the changes needed to secure acceptable mitigation will be considerably less than has been required at Junction 16 and for the AL3 development. There is therefore no reason to consider that the approach to traffic mitigation, as set out above, would prevent any of the other AL sites from coming forward.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1 The submitted Cumulative Traffic Assessment has been assessed and it is considered that it is robust and can be relied upon. Furthermore, it adequately addresses the requirement for the cumulative traffic impacts to be assessed in accordance with Government guidance and policy. The assessment demonstrates that there are cumulative traffic issues on the A5 during the morning peak traffic flows, which need to be addressed however, these are not as a result of the AL3 development and mitigation works from the other AL development sites can provide the mitigation required. As such there is no reason to withhold planning permission for the planning application for the AL3 site based upon cumulative traffic impacts.
- 9.2 The submissions from the applicants also included Technical Notes which examined the cumulative impacts of traffic noise and the cumulative traffic impact upon air quality. With regard to noise the Technical Note found that there was no significant increase in traffic noise and the Council' Environmental Protection Team raised no objections to the development. With regard to air quality, it was found that there would be a reduction in the modelled number of Heavy Goods Vehicles travelling through the Air Quality Management Area and the Council's Environmental Protection Team have raised no objections to the development.

- 9.3 The submissions demonstrate that the development proposed is still acceptable as set out in the original Officer's report to committee and as such the original recommendation should be ratified as set out at the beginning of the report.

## **10. RECOMMENDATION**

To ratify the previous recommendation to Planning Committee (07.01.21), that being:

**TO DELEGATE TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE AND REGENERATION TO GRANT PERMISSION, SUBJECT TO THE FOLLOWING MATTERS BEING SUBMITTED AND CONSIDERED ACCEPTABLE:**

- The submission of a revised Sustainability Statement to address the outstanding matters
- The submission of a revised landscaping scheme to address the outstanding matters.
- The submission of a revised Lighting Statement to address the outstanding matters.
- The submission of a revised Framework Travel Plan to address the outstanding matters.
- An addendum to the Transport Assessment to model HGV movements associated with the proposed 70% use of the site area for B8 use.
- The submission of additional plans and information to resolve Highway England's outstanding issues with the design of the roundabout and the proximity of the layby and any further representations they may make in relation to construction traffic.
- Further clarity regarding how 30% of the developable site area will be brought forward for B2 usage.

**AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE ITEMS SET OUT BELOW AND TO DELEGATE TO THE ASSISTANT DIRECTOR FOR GROWTH, CLIMATE AND REGENERATION TO AMEND, ADD AND DELETE THE HEADS OF TERMS AND PLANNING CONDITIONS AS REQUIRED AND THE FINAL DRAFTING OF THE PLANNING CONDITIONS;**

### **HEADS OF TERMS.**

- 1) Implementation of the Framework Travel Plan and detailed Travel Plan.
- 2) Enhanced Bus Service Plan and Financial Contribution to support it if necessary.
- 3) £1000 per annum for the funding of the Travel Plan for five years or for the time period of the build out, whichever is longer.
- 4) Provision of a scheme for the of site biodiversity off setting and implementation.
- 5) Payment for the management of the off site biodiversity offsetting scheme.
- 6) The safeguarding of the land for a new access to the football pitches.
- 7) The reservation of Zone D to deliver smaller units for the local economy unless not needed by the market.
- 8) The delivery of the off site highway mitigation works on Northampton

**Road.**

- 9) The delivery of the additional traffic calming works for Northampton Road should they be required.**
- 10) The delivery of the additional traffic mitigation works for Tiffield and Caldecote should they be required.**
- 11) The provision of supporting skills payment (unless a Local Labour Strategy is agreed).**
- 12) The payment of a S106 monitoring fee.**