

**SAFE COMMENTS ON PEDESTRIAN EXPERIENCE AND ROAD SAFETY**  
**POST MILL LANE FRESSING FIELD APPEAL**  
**APP/W3520/W/21/3266951**

**TEN KEY POINTS**

1. **The NDP breached** - The Appellant acknowledges the application is not *'in accordance with the development plan'* (which includes the NDP), but claims unproven overriding benefits.
2. **Cumulative impact is understated** - 51 houses approved but not yet built are ignored in the Statement of Case, as well as the 15% cumulative increase in residents and traffic.
3. **The roads are already unsafe** - The statutory consultee (SCC) has assessed that cumulative impact will bring *'an unacceptable increase in risk of conflicts, as some of these have the potential to result in injury collisions.'* SAFE Road Safety Survey paints a stark picture of the 'scary' pedestrian experience in the village even at the current traffic levels reinforcing SCC findings that lack of road space is a key issue and not capable of mitigation.
4. **Traffic more important than pedestrians** - The Statement of Case ignores the NPPF 110 requirement to prioritise pedestrians, focussing only on the lower threshold of road safety
5. **Wrong methodology** - The Appellant's estimates of traffic increase use a TRICS location category previously rejected by SCC as *'inappropriate'* and likely to lead to low estimates. These estimates are used to calculate the impact on pedestrian safety inaccurately.
  - Crash map data, which only records reported accidents causing injury, is used to assess safety, ignoring *'observed conflicts between pedestrians and vehicles'*, as also required.
  - Census Travel to Work figures are used to extrapolate pedestrian trips from the flawed traffic estimates.

With 31% of residents retired, who do not work and do not conform to this pattern, this underestimates pedestrians at different times of day, and the traffic they will encounter.
6. **Wrong type of traffic** - The high levels of agricultural and HGV traffic are ignored in the transport assessments
7. **Wrong type of pedestrians** - The assessment ignores children travelling alone, disabled people and those with impaired mobility and assumes no pedestrian experience after dark – all factors attracting the highest levels of risk, so results are skewed further.
8. **Private driveways are proposed for mitigation** - The trespass by pedestrians onto private driveways to avoid traffic is wrongly presented as an acceptable and lawful mitigation
9. **Impact on conservation area is understated** - MSDC's Heritage response ignores the assessment of impact on the conservation area, a legal duty, while the appellant provides an inaccurate assessment of the development's impact upon it. Passing HGVs have recently damaged at least four properties in the conservation area. Proposed mitigations do not comply with Historic England guidance on respecting the character of conservation areas.
10. **Emissions will be increased** - Climate change policy requires a reduction in carbon emissions, yet locating this unsustainable development in this unsustainable location will increase carbon emissions.

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**1. The application** – if one were seeking the least sustainable location for housing, the application site would be that location. The village already suffers from worsening flooding, sewage egress problems which seem insoluble, a surgery which has declared it has no further capacity, heritage assets which MSDC's own 2008 Conservation Area Appraisal<sup>1</sup> assesses as already harmed by '*inappropriate modern development*', and inadequate transport infrastructure. All these issues constrain sustainable development, as reflected in national, district and local policies (listed at Appendix 1).

As MSDC has a five year housing supply, the tilted balance is not engaged.

### THE APPELLANT'S STATEMENT OF CASE

Paragraph 25 contends that the policies most important for determining the application are out of date so NPPF paragraph 11d) is engaged and permission should be granted. This is incorrect. The NDP and the relevant saved MSDC policies are consistent with the NPPF and are not out of date.

Paragraph 37 contends that the appeal should be decided '*otherwise than in accordance with the development plan*' because allegedly, the adverse impacts do not outweigh the benefits. This statement accepts that the development is in breach of the development plan.

Even if the Appellant's view were correct, both caveats to the 11 d) prevent permission where:

- i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

The conservation area is 'protected asset' of the type referred to in paragraph i<sup>2</sup>. The impact on this is discussed below, along with evidence on the overriding adverse impacts of the application. Other SAFE papers cover sewerage egress and flooding. This one covers transport and road safety.

**2. Developments since the Appeal decision of 6<sup>th</sup> August 2019** - The Appellant quotes extensively from the Appeal decision which refused the predecessor application on this site on heritage grounds. Although '*highway and pedestrian safety in the vicinity of the site*' was identified as a main issue, the Inspector considered that '*little substantive evidence*' was presented on it, although the evidence presented was not analysed in his report. Developments since that decision which render it irrelevant:

- **Fressingfield Neighbourhood Plan** was made in March 2020.
- **Parliamentary Answers** were obtained in March 2021 on the status of an NDP even when Local Plan policies are out of date, in response to questions raised in the House of Lords. Parliamentary answers are material considerations<sup>3</sup>. The text is set out below.

**Question 1:** *To ask Her Majesty's Government what legislation gives authority to a Neighbourhood Development Plan (NDP); and whether a NDP becomes invalid if there is no local plan which has already taken account of an NDP. (HL13604) Tabled on: 23 February 2021*

**Answer:** Lord Greenhalgh: *The Localism Act 2011 effected amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, giving effect to Neighbourhood Plans. These amendments set out that once a neighbourhood plan is passed at referendum it becomes part of the development plan for the local area and the basis for decision-making. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The status of a neighbourhood plan as part of the development plan is unaffected by the absence of a Local Plan. Date of answer: 05 Mar 2021*

**Question 2:** *To ask Her Majesty's Government what status a local government Neighbourhood Development Plan (NDP) has in any consideration by a planning inspector of an application that conflicts with the objectives of the NDP; and what guidance they have made available about the steps to take in the event of any such conflict. (HL13603) Tabled on: 23 February 2021*

**Answer:** Lord Greenhalgh: *Once adopted, neighbourhood plans become part of the development plan for the local area alongside the Local Plan. Planning law requires that decision takers, including planning inspectors, must determine planning applications in accordance with the development plan*

<sup>1</sup> MSDC Conservation Area Appraisal Fressingfield 2008

<sup>2</sup> Footnote 6 to paragraph 11 NPPF

<sup>3</sup> Oxford Diocesan Board of Finance v. Secretary of State for Communities & Local Government & Wokingham B.C. 2013

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(including any neighbourhood plan) unless material considerations indicate otherwise. In addition, the National Planning Policy Framework makes clear that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan), permission should not usually be granted. Date of answer: 05 Mar 2021.

- **Joint Local Plan** - MSDC emerging JLP is now at examination stage. This redesignates Fressingfield as a hinterland village, instead of the Primary village classification it had at the time of the 2019 Appeal, so one would expect the acceptable traffic level to be lower commensurate with the status of the village as suitable for more limited development.
- **Existing and recent planning approvals now total 131 houses** within or close to the village have been given, as detailed in paragraph 3.2 below
- **Loss of bus service** - the only public bus service in the village has now been cut
- **Further evidence on the road safety** – In January 2020 SAFE conducted a road safety survey to which there were 104 responses, to gain further evidence on the baseline levels of road safety.

**3. Relevance of Transport** – As well as being a material consideration in their own right, requirements on transport and traffic (reproduced at Appendix 1) derive from:

- The Planning (Listed Buildings and Conservation Areas) Act 1990
- the National Planning and Policy Framework (NPPF), which is a material consideration
- Fressingfield Neighbourhood Development Plan (NDP) which is part of the development plan<sup>4</sup>
- MSDC's Joint Local plan which is at examination stage and as such is accorded limited weight under para 48 of the NPPF, and its existing Local plan Saved Policies.

An important contextual point is that the standard to be met under the NPPF (paragraph 110) on transport is not only that of safety, but that pedestrians and cyclists should be prioritised over vehicles – a higher threshold than road safety alone. Requirements are themed as follows:

- |                            |                       |
|----------------------------|-----------------------|
| 1. Location                | 4. Transport          |
| 2. Cumulative impact       | 5. Impact on heritage |
| 3. Infrastructure Deficits | 6. Climate change     |

Evidence is set out below in relation to each and how the applicant has addressed them, if at all.

**3.1. Location** - Fressingfield is a rural village with no public transport which is 5 miles from the nearest town, necessitating complete reliance on private car travel. According to ROSPA<sup>5</sup>

- *'Whilst casualty rates on both urban and rural roads have been dropping, the fall in casualty rates on rural roads has been much less rapid.'*
- 70% of accidents occur on rural roads,
- 5% of accidents on rural roads lead to a death compared to only 1.5% on urban roads
- fatal or serious injuries make up 1 in 4 of casualties in rural areas and 1 in 7 in urban ones.
- Double the car occupant serious injuries and four times the fatalities occur on rural roads.

18 more houses, 15 in excess of the NDP figure up to 2036, in a location devoid of both public transport and employment opportunities will exacerbate the need to travel, not limit it as NPPF 103 requires.

### THE APPELLANT'S STATEMENT OF CASE

Paragraph 19 treats Fressingfield as a Primary Village, noting in passing the JLP change in status to a Hinterland Village, as this has limited weight. However, the requirement for establishing need for the limited growth permitted even in a Primary Village, is not met in the Statement of case:

- Paragraph 19 merely describes the need for affordable housing as *'known'*
- There is no assessment of the need for market housing beyond reference to the *'shortfall in the NDP target of 60* – whereas 51 are already approved (including 18 affordable houses within the School Lane and Red House Farm schemes). The remainder can be met by windfall by 2036.
- By the end of paragraph 20 the position has become that the proposal will deliver *'much needed market and affordable homes'* with no thread of reasoning to demonstrate the contention.

**3.2 Cumulative impact** – The impact of additional traffic from this development (itself not accurately assessed, as described below) must be assessed with that of other developments (NPPF 109 and 180):

<sup>4</sup> S38 Planning and Compulsory Purchase Act 2004

<sup>5</sup> [Suffolk Observatory Economic Profile Fressingfield](#)

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- **School Lane (3876/16)** - outline permission for 18 houses within the village
- **Midnight Mill Harleston Hill (DC/19/03104)** 3 houses under construction within the village
- **Peeler House, Stradbroke Road (DC/18/04676)** approval for 1 house within the village
- **The Cottage, Church Street (DC/19/02226)** approval for 1 house within the village
- **Red House Farm (DC/20/03457)** – On 2<sup>nd</sup> August 2021 Reserved matters were approved for 28 houses close to the same end of New St as the subject site, emerging immediately opposite to Post Mill Lane, from Priory Rd. Outline permission for a new larger scout hut is included on the site.
- **Construction of the Baptist chapel** the new larger Baptist Chapel is now nearing completion, which will be in use 7 days a week including for live music performances, attracting very significant traffic to the village in addition to its 700 plus congregation the majority of whom do not live in the village and must travel to it by car. This is accessible from the other end of New St. via Jubilee Corner.
- **Approval of 80 houses 2 miles away** - 80 houses and 10000 square feet of business space are approved in Weybread (DC/17/06326), 2 miles from Fressingfield, without a shop, school or surgery.
- **12 glamping pods, 6 mobile homes and a bakery school** have been applied for 2.7 miles away at Wakelyns Metfield Lane (DC/21/01735), due for imminent decision.

The approvals total 131 houses, 51 in the village along with a large community facility. The Table below shows numbers of residents and cars expected from these developments, applying the SCC multiplier of 2.2 residents per house and the Fressingfield level of car ownership (from ONS).

EXISTING POPULATION, HOUSEHOLD AND CAR OWNERSHIP					
HOUSES	444	RESIDENTS	1012	CARS	748
NEW HOUSES		RESIDENTS		TOTAL CARS	
51 APPROVED IN FRESSINGFIELD		112		86	
18 FROM THIS DEVELOPMENT		40		30	
<b>TOTALS</b>		<b>152</b>		<b>116</b>	
<b>% INCREASE ON EXISTING</b>		<b>15%</b>		<b>15%</b>	

The number of additional vehicles and pedestrians who arrive as a result of these developments is important, but their precise location in relation to the transport network also affects cumulative impact.

### THE APPELLANT'S STATEMENT OF CASE

Paragraph 49 is entitled '*Cumulative Impact*' but makes no reference to it in the text, nor to the developments with which such impact must be assessed.

### THE APPELLANT'S TRANSPORT STATEMENT

Ironically reference is made (1.1.3) to cumulative impact with applications pending at the time, but not with those already granted at the time for 46 houses and the Baptist Chapel. Para 1.1.11 states: '*Given the low quantum of development consented or under consideration as well as the absence of allocated sits within the village which could foreseeably be brought forward, it is not considered proportionate to apply a cumulative impact test to the current appeal.*' This wrongful conclusion based on incomplete facts means the impact is distorted as 18 houses alone increases the population and cars owned by 4%. Cumulative impact gives an increase of 15% (excluding 80 at Weybread), almost 4 times greater.

### THE APPELLANT'S PEDESTRIAN ROUTE ASSESSMENT

In assessing all the pedestrian routes, the traffic generated by Red House Farm and School Lane developments are omitted, so the starting point for the assessment is wrong. For example, in assessing Priory Rd, which emerges onto New St (a matter of steps away from Post Mill Lane), no account is taken of the additional 62 residents and their 47 cars, who will be emerging into New St from the Red House Farm development, the same junction to be used by the 40 residents and their 30 cars from the subject site, in addition to the current residents and their cars already using it. All this traffic is exacerbated by the location of the surgery immediately opposite Priory Rd on New St. This inaccuracy pervades and undermines the whole assessment.

**3.3. Infrastructure Deficits (FRESS3)**- Infrastructure deficits making this application unsustainable under the FRESS3 include narrow roads, poor visibility and lack of footways, as illustrated at Appendix 2.

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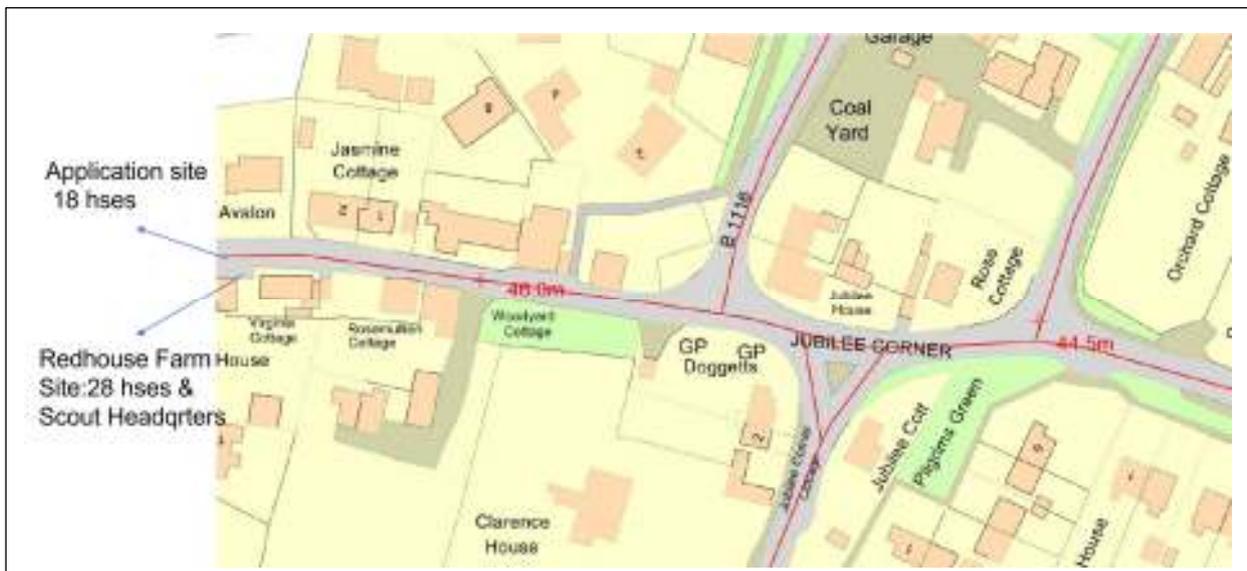
**3.3.1 Suffolk County Council view** - In response to the predecessor application on 2<sup>nd</sup> November 2018, Suffolk County Council assessed the transport infrastructure as statutory consultee. Although this analysis related to three applications for many more houses, SCC's independent professional observations, summarised below, are a standalone assessment of the baseline position on our transport infrastructure.

**a) The Core of the Village** - *'The layout of the village means that most motorised and non-motorised traffic has to pass through the 'core' of the village represented by the junction of Stradbroke Road / New Street / Laxfield Road / B1116 known as Jubilee Corner as:*

- *The primary school is located to the south off Stradbroke Road*
- *The village shop is located to the west on New Street*
- *The two public houses, Church and Baptist Chapel are located to the north*
- *The Sports and Social Club to the east off Laxfield Road*

*Residential developments are generally equally spread around the core which results in trips to much of the village infrastructure will be through the 'core'*

The plan in the SCC response is reproduced below with the application site and 4410/16 indicated.



### **b) Stradbroke Road (S) / New Street (E) / Laxfield Road (E) / B1116 (N) Junction (Jubilee Corner)**

- The narrow footway on W side of Stradbroke Rd leading to New St is only wide enough for one person
- If pedestrians are in groups, some walk in the road
- An elderly pedestrian was seen walking in the road on the inside of the bend on the B1116
- The island at Jubilee Corner is not a safe crossing point for pedestrians due to the limited visibility
- There is no footway on the east side of Stradbroke Rd, only a verge
- Large vehicles turning south into Stradbroke Rd need both lanes so northbound vehicles must stop
- Vehicles turning round into New St must use of the full width of a carriageway without a footway.

### **c) New St**

- Pedestrians exit the footway north of Woodyard Cottage straight onto New St with poor visibility
- Barriers here restrain pedestrians but inhibit those with pushchairs, wheelchairs or mobility scooters
- There are no footways on New St so pedestrians walk in the road.
- Pedestrians were seen walking to the shop, stepping into private driveways when vehicles approach
- When two cars meet one must stop if a pedestrian is in the road and no driveway is present.
- Pedestrians must often walk into the road around parked cars
- Significant footways cannot be provided without reducing road widths and relocating parking.

Infrastructure concerns are repeated in SCC's response to this application of the 14<sup>th</sup> January 2020:

- *The footway network in the core of the village, where most pedestrian trips would need to pass to access the key services in the village, are below acceptable width standards, resulting in pedestrians needing to walk in the road to pass obstructions and opposing pedestrians.*
- *Some pedestrian crossing points have poor visibility and while traffic speeds are generally quite low, the increase in traffic flow resulting from the cumulative impact of developments in the village, would*

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*give rise to an unacceptable increase in risk of conflicts, as some of these would have the potential to result in injury collisions.*

It is noteworthy that reference is made to the consequences of ‘developments’ – any developments.

**Proposed public footpath exit to New St from Post Mill Lane 1648/17**



**Looking west**

**Looking east**

**3.3.2 Footpath between the site and New St**

- The proposal includes a footpath from the site emerging onto New St adjacent to Lady Meade Cottage. In neither of their responses has SCC assessed the safety of this footpath, for some reason. The photographs below show just how poor sightlines are from this path, as it emerges at the head of a curve and would be used by pedestrians of all ages and levels of mobility from the existing and proposed Post Mill sites to access the shop, church and two pubs. This footpath does not seem to be assessed in the Pedestrian Route

Assessment, although it is referred to at 4.4.3. Much is made of reducing the speed limit to 20 mph. However, the risk of being hit by a car travelling at this speed because you cannot see without stepping out onto the road, will still be very significant.

**3.3.3 Road width, footways and frontages**- The draft JLP (D01) requires a minimum width of 6.7 metres and footways of 2 metres for Local Distributor Roads, defined as ‘a through route serving 300 or more dwellings’, which New Street does as the route through the core of the village.

Government guidance *Manual for the Streets*<sup>6</sup> is clear about the importance of footways of sufficient width – let alone footways that do not exist at all: ‘Streets where people walk in groups or near schools or shops, for example, need wider footways.... Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway.’

New St, described by SCC as part of the core of the village radiating out from Jubilee Corner, is a narrow road without footways along most of its length. It ranges in width from 5.5m wide to 4.2m at its narrowest point, so it are not of the minimum width even for the current level of vehicular and pedestrian traffic. The narrowness of the New St is exacerbated by the fact that some houses front directly onto the road. Woodyard Cottage is one such property and have a slice removed from its frontage by the mobile library van in recent years. A matter of months ago, Higglers, the property opposite had its front wall damaged by a passing HGV while The Forge, fronting Jubilee Corner, had a chunk taken out of its flank wall by another HGV. None of these incidents would have been recorded on Crash map.

The baseline infrastructure has been independently assessed as already inadequate and incapable of mitigation. It would be irrational to make it even more congested, and hazardous, with additional traffic passing through narrow streets without footways and additional pedestrians trying to navigate through it.

**4. Transport (Prioritising pedestrians and cyclists, promoting walking, cycling and public transport use, Impact on the transport network and road safety)**

**4.1 Prioritising pedestrians and cyclists, promoting walking, cycling and public transport use (NPPF 110 and FRESS15** - The prioritisation of pedestrians and cyclists is more than just safety:

- **Type of travel** - In Fressingfield public transport use cannot be encouraged, because there isn’t any. The loss of the only bus service in the village since the application date has been ignored by SCC in their response and by the Appellant. In contrast, in their response to the proposed development at Weybread (Dc/17/06326) SCC stated (whilst not objecting on safety grounds) that ‘the location of the site is still not sustainable as there is no other measures identified, such as improving the frequency of

<sup>6</sup>5.4.2 Design for the Streets DCLG and Department of Transport 2007

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buses or footway connectivity to act as a genuine alternative to car travel.’ Why is the lack of a bus service crucial to sustainability in one location where but not in another 2 miles away?

- **Type of location** - As government guidance *Manual for Streets*<sup>27</sup> notes: ‘With many villages being compact in size, the centre will be accessible to local residents on foot, and so the number of people on foot will be higher in the centre than in other parts of the settlement.’ New St. and Jubilee Corner represent the core of the village as they give access to the shop and surgery. For the sustainable development of the village, it is vital that residents are able and willing to walk or cycle easily through this area and that road space and traffic volumes permit and encourage this.
- **Type of pedestrians and cyclists** - According 2019 ONS estimates our population includes a larger proportion of over 65s than both the county and national averages (31% compared to 24% and 18% respectively). This age group is more vulnerable as *Manual for Streets 2* notes: ‘Over 40% of pedestrian deaths are from the 23% of the population aged 60 and over. The high fatality rate is because people become more fragile as they age. If in an accident, they are more likely to suffer injury; if injured, they are more likely to die.’

As a cyclist over 65 myself, I would not dream of cycling along New St between Woodyard Cottage and Rosemary Villa, as the sightlines are so poor and the road so narrow.

Disabled People and those with impaired mobility, sight or hearing need special consideration because of their vulnerability. 26% of the parish population were disabled or suffering a long term condition in 2011<sup>8</sup>. Suffolk Health’s State of Suffolk Report 2019, 2016/17 estimates that 23.7% of Suffolk Residents have a disability or impairment of whom the largest proportion suffered impaired mobility (46%), with 13% suffering impaired hearing and 11% impaired sight.<sup>9</sup> These impairments are all relevant to road safety. The higher proportion of older people in the village is particularly relevant given that across Suffolk 45% of this age group is disabled and 68% suffers impaired mobility.

- **Type of vehicles** – different vehicles have very different impact on pedestrian behaviour. Agricultural vehicles such as tractors and HGVs can make New St in particular completely inaccessible for pedestrians. This is a particular issue at harvest time. It is easier to see round a mini than to see round a large lorry delivering to the shop or a tractor with trailer, or worse still, both.

### THE APPELLANT’S STATEMENT OF CASE AND ASSOCIATED DOCUMENTS

No reference is made to NPPF paragraph 110 (a material consideration), nor is any distinction made as to the type of traffic experienced in a rural village or the type of residents so the consequences for congestion, visibility and the pedestrian experience are not taken into account.

**4.2 Impact on the Transport Network (NPPF107, MSDC T10, FRESS15)** - The Appellant’s assessment of the impact on the transport network of the development is based on flawed data so that estimates of additional traffic are too low. The assessment is calculated as follows:

- a) The TRICs database was used to extract vehicle trips over peak AM and PM hours Monday to Thursday
- b) The Census Method of Travel to Work (workday population) was used for the area to work out the percentage of trips to work by car compared to trips to work on foot
- c) These percentages were then applied to the likely trip rates referred to in paragraph a)

<sup>8</sup> [http://www.nomisweb.co.uk/reports/localarea?compare=E05007141#section\\_7\\_3](http://www.nomisweb.co.uk/reports/localarea?compare=E05007141#section_7_3)

<sup>9</sup> <https://www.healthysuffolk.org.uk/jsna/state-of-suffolk-report/sos19-communities-groups-at-risk#Table%201.%20Estimated%20number%20of%20people%20in%20Suffolk%20with%20a%20physical%20disability%20or%20specific%20impairment%20type%20by%20life%20stage>

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This methodology is critically dependent on the right location being used to estimate the vehicle trips.

### THE APPELLANT'S TRANSPORT STATEMENT

Paragraph 3.3 uses a flawed approach:

- The suburban Area category used in the Vehicle Trip Generation was rejected as *'inappropriate'* by SCC in an email of 23rd August 2017 (Sam Harvey to Rebecca Biggs, case officer at the time, when it was used for the predecessor application, as leading to *'total trip estimates for vehicles as stated in the [then] TA being considered too low.'* Yet it is used again.
- The Neighbourhood Centre Location defined as *"local area within a town, containing local amenities, or a village"* was clearly more appropriate but was not used.
- The use of TRICs data for Monday to Thursday ignores the major impact of weekend car trips to the Baptist Chapel and Scout hut.

At paragraph 3.4 the vehicular estimates, flawed as they are, are used to calculate the pedestrian trip estimates. These too are flawed for such a location with this population profile:

- The percentage distribution between vehicular and pedestrian trips is derived from Census Mode to Travel to work for the area.
- There is a higher than average proportion of retired people living in Fressingfield, who will not be travelling to work. Almost a third of the population (31%) is over 65.
- All their trips on foot to the shop or surgery for example, are excluded from the distribution of vehicular and pedestrian trips estimate used, as are all trips not in the travel to work period.

### THE APPELLANT'S PEDESTRIAN ROUTE ASSESSMENT

This is also flawed as the data based on the wrong location category has been used (at paragraph 4.1.4 and 4.4.11) to assess as the increase, against which the impact on pedestrian safety was assessed. The conclusions on the four unsafe walking routes identified are similarly flawed because the estimates of increased traffic are artificially low because of the wrong location used as a starting point. The impact of existing and predicted traffic is flawed because the *type* of vehicle impacting upon the baseline position is also not assessed. The needs of children walking alone and disabled people or those with impaired mobility are ignored, as is use of the network after dark.

While speed is important, it is road space and visibility which matters where the infrastructure is so limited. There is no assessment of the impact of the development on the experience of pedestrians navigating narrow streets without footways nor of drivers caught up in congestion as they wait for oncoming traffic to pass through the resulting bottlenecks - a phenomenon often seen now. Indeed, so far from the prioritisation required, the Appellant considers it perfectly acceptable for pedestrians to have to trespass onto private property to avoid traffic, meaning that the owners of that property cannot fence off their land should they wish to do so. This is prioritising traffic not prioritising pedestrians, let alone those with any vulnerability. The proposed 20mph speed limit would assist, but more traffic moving more slowly will reduce the priority for pedestrians even more and cannot stretch the narrow road space.

#### 4.4 Impact on road safety, and mitigation (NPPF 107,109, MSDC T10 and FRESS15)

**4.4.1 Applicant's evidence on road safety** - Various factors undermine both the baseline picture and the assessment of impact derived from it:

- **Wrong methodology** - Appeal decisions,<sup>10</sup> which are material considerations, provide that Planning Inspectors should *'view each site as unique'* and *'the absence of a history of crashes should be balanced against observed road safety issues when deciding if there is an unacceptable impact on highway safety.'* Crash map data alone is not sufficient evidence.
- **Wrong criteria** - the safety criteria used in the AWRS methodology used do not consider the safety of children travelling alone and take no account of street lighting. Does this mean that children are not allowed to walk to school alone up the age of 16 and that pedestrian safety does not matter after dark – which is after 4pm in the winter?
- **Wrong terminology** - The AWRS guidance defines acceptable step off points as roadside verges, which are in public ownership, not private driveways upon which pedestrians cannot trespass.

<sup>10</sup> APP/D3505/W/18/3197391 Land off Darking Road, Boxford; APP/W3520/W/18/3196561 Derry Brook Lane Debenham

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- **Wrong data** – the correct TRICs location category to estimate the likely increase in traffic from the development was Neighbourhood Centre, which TRICS guidance specifies as the one for villages. This might have picked up the fact that not all traffic passes all the way along New St, with a substantial number of vehicles stopping at the shop or surgery and returning the same way. The Pedestrian Route Assess Statement does not say where on New St the ATC counter was placed so it is not known whether this was captured.
- **Wrong type of vehicle** – the type of vehicle which actually uses New St is dictated by the rural location, meaning a large number of HGVs and agricultural traffic, and the presence of the shop and surgery, both of which receive regular deliveries. Such traffic dramatically alters the pedestrian experience and the availability of road space.

### THE APPELLANT'S TRANSPORT STATEMENT

Paragraph 2.4.5 states: *'the review of the available collision data has indicated that there are no inherent safety problems associated with the alignment of the local highway network within Fressingfield'*, ignoring the requirement to seek more evidence than the collision data. Crashmap data is only based on incidents reported to the police that caused injury, ignoring all observed conflicts between pedestrians and vehicles, not to mention damage to property from vehicles. This, coupled with the inappropriate TRICs location category undermines the assessment of impact and safety.

### THE APPELLANT'S PEDESTRIAN ROUTE ASSESSMENT

At 2.3.6 the Statement notes a 300 metre stretch of New St where conflict between pedestrians and cars can occur because of absence of footways, but asserts that private drives *'serve as step off points for pedestrians'* through the section of New St near the shop. This extraordinary statement implies that the owners of the houses on New St are not permitted to fence in their drives and must take responsibility when reversing out into an already congested road, for pedestrians of any age who may happen to be sheltering on their property from that congestion. There is no legal basis for this.

At 2.4 and throughout, again, Crashmap data only is relied on to indicate safety, which is incorrect. At 4.1.4 reliance is placed on the calculations derived from the Transport Statement, which were derived from the wrong location category. Hence the Pedestrian Route Assessment cannot be relied upon to determine road safety.

**4.4.2 Evidence from SCC Highways** – In its baseline assessment in November 2018 recommending refusal of the predecessor, larger, application, SCC stated that *'further traffic passing along New Street and / or through Jubilee Corner would result in an unacceptable impact on highway safety particularly for vulnerable pedestrians.'* No quantum of *'further traffic'* is specified to generate this unacceptable impact. They concluded: *'It is the Highway Authorities opinion that further traffic passing along New Street and / or through Jubilee Corner would result in an unacceptable impact on highway safety particularly for vulnerable pedestrians.'*

In its response of 14<sup>th</sup> January 2020 to this application, SCC's assessment of the baseline is repeated:

- *'The footway network in the core of the village, where most pedestrian trips would need to pass to access the key services in the village, are below acceptable width standards, resulting in pedestrians needing to walk in the road to pass obstructions and opposing pedestrians.'*
- *'Some pedestrian crossing points have poor visibility and while traffic speeds are generally quite low, the increase in traffic flow resulting from the cumulative impact of developments in the village, would give rise to an unacceptable increase in risk of conflicts, as some of these would have the potential to result in injury collisions.'*

The SCC conclusions were based on their assessment of road safety risks at baseline, *before* any development, and on incorrect estimates of additional traffic provided by the Appellant using an inappropriate location category. More accurate data would no doubt reinforce those conclusions.

**4.4.3 SAFE Road Safety Survey** - To provide evidence on *'observed road safety issues'* SAFE undertook a road safety survey. The full survey report is attached as a Supplement and sample comments are set out in [Appendix 2](#). The survey tested the acceptability of the possible impact on road safety. It attracted over 104 responses (99% resident and 66% under 65). Various supposed limitations have been suggested in relation to the survey:

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- **The respondents were self selected:** Every respondee to the Council’s consultation on this proposal and to the Appeal is self selected but their views are not ignored as a result.
- **The survey was only sent to a chosen few:** The survey was sent to all known contacts with a request to forward it to others who lived or worked in the village. It was also publicised via the Parish Council and more widely on the Next Door online forum for the village.
- **Individuals could have responded more than once** - The survey included settings that prevented multiple responses, to assure the data quality.

Key findings on the current experience of pedestrians in the village - before the approved 51 houses and larger Baptist chapel are built, let alone another 18 houses - were:

- 84% often or always felt unsafe because of traffic when walking in the village
- New St was by far the most frequently mentioned location for safety concerns (83 times ahead of Jubilee Corner at 36 times), the road onto which this development abuts for access to its core
- Walking after dark around the village was mentioned as hazardous, avoided altogether by some residents for this reason.
- Lack of pavements and narrow pavements were particular concerns
- The impact of increases in heavy goods and farm traffic at harvest time was highlighted
- Compelling accounts were given of the difficulties that elderly, sight or hearing impaired or wheelchair bound residents have experienced
- Those with buggies and small children, who use wide sections of road with a buggy and young child walking alongside, also described their experiences

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This was done in the daytime and ignored the needs of vulnerable residents, of which ample evidence is supplied in the road safety survey. The process has also ignored the impact of farm traffic particularly at harvest time and road safety at night – in other words many of the factors which affect day to day life in a small rural village.

The picture painted by survey respondents of their current experience does not add up to anything like

- A place that is *‘safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoids unnecessary street clutter, and responds to local character and design standards,’* as required by paragraph 110 of the NPPF
- The *‘safe and free flow of traffic and pedestrians’* required in MSDC Saved Policy T10
- The *‘safe and attractive pedestrian and cycle links that connect to existing networks appropriate to the scale and location of the development and ... improved ‘levels of walking and cycling’* required in the NDP policy FRESS15

It is clear that even with current levels of traffic, highway safety is compromised and pedestrians and cyclists are not prioritised whilst there is no provision for nor recognition of the needs of children travelling alone and disabled people, at all. As *Manual for the Streets* notes: *As pedestrians include people of all ages, sizes and abilities, the design of streets needs to satisfy a wide range of requirements. A street design which accommodates the needs of children and disabled people is likely to suit most, if not all, user types,* ‘requiring the needs of such groups to be the starting point, rather than forgotten altogether.

This is the baseline position upon which yet more traffic, pedestrian and vehicular, would be loaded with the inevitable consequence of a worse pedestrian experience and greater road safety hazards. Evidence on both the baseline position and the impact of extra traffic is flawed as explained above.

**5. MSDC Heritage** – the impact of this development on the conservation area and the 55 listed buildings within Fressingfield must be assessed for the contribution it would make to *‘preserving or enhancing the character or appearance’* of the area. Separate duties apply to listed buildings and conservation areas under primary legislation, S72 of the Planning (Listed Building and Conservation Areas) Act 1990. Historic England states *‘Under the [National Planning Policy Framework \(NPPF\)](#) conservation areas are designated heritage assets and their conservation is to be given great weight in planning permission decisions’* Curiously the response from MSDC’s heritage department of the 16<sup>th</sup> January 2020 entirely ignores the issue of the conservation area and there has been no assessment of the impact of the proposal upon this heritage asset, let alone the other 54 listed buildings in the village whose setting will be deleteriously affected by the additional traffic this development will bring. So far from being given great weight by

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MSDC's heritage department, the conservation area and the remaining listed buildings have been ignored, in breach of the statutory duty.

The Manual for the Streets 2 sets out the particular heritage issues that occur in villages such as ours: *'Many villages have existed for centuries and are likely to have an historic centre with a street pattern that is unlikely to conform to a standardised highway layout but which it is desirable to conserve in the interests in maintaining the character of the area. Carriageways are often narrow, and footways may be narrow or non-existent and as a result speeds can be low.'*

It is hard to see how extra traffic and coloured lines on the road could possibly preserve or enhance the character of a village with narrow streets, few pavements and poor visibility at a number of junctions. There has been no assessment of the proposed traffic mitigation measures from a heritage point of view, nor of the impact on the conservation area of the increased traffic this development would bring, both of which the statutory duty requires. Historic England's guidance<sup>11</sup> notes the legal duty on local authorities to ensure traffic management and traffic calming *'respect the character of designated conservation areas'* and sets out the principles to be applied, including:

- *Minimise the visual impact of new layouts and signage on the established street scene*
- *Choose equipment and signing that reinforces local character*
- *Use traditional surface materials and avoid unnecessary colour-contrasting surfaces*
- *Only use road markings when they are necessary*
- *Take special care in conservation areas to protect the area's character*

Historic England's *Streets for All East of England* also notes the dangers of *'the uncontrolled growth of traffic'* for the historic environment. In Bury St Edmunds traffic and parking problems in the conservation area led to the pedestrianisation of parts of the conservation area and restrictions on HGVs. Why does one conservation area in the county merit this action, whilst Fressingfield's is apparently expendable?

### THE APPELLANT'S STATEMENT OF CASE

Paragraph 35, states: *In terms of distance to designated heritage assets, the application site lies over 130m west of the Fressingfield Conservation area and is separated from the nearest edge of the Conservation Area by the new residential along Post Mill Lane. Given this distance, and mindful of the intervening development, it is not considered the proposal would have any adverse impact on the setting of the Conservation Area.'*

This statement appears to be based on an invented criterion, in that the Act does not circumscribe its application to conservation areas at any prescribed distance, while the NPPF requirement specifically extends to the setting of a heritage asset. Nor does this cursory statement meet the NPPF requirement for the applicant to *'describe the significance of any heritage assets affected, including any contribution made by their setting.'* Furthermore, adverse impact alone is not the sole criterion with the legal duty requiring preservation or enhancement, a higher threshold as the impact of traffic vibration and impact on old buildings can be destructive. Because of the narrowness of New St and the cramped junction at Jubilee Corner, three properties (Woodyard Cottage, Higglers and The Forge) have all recently been damaged by heavy vehicles. This is hardly *'preserving'* the conservation area, even now.

**6. Climate Change - CO2 emissions** - Mid Suffolk, despite having the third smallest population of all the seven County districts, already makes the highest contribution to transport-generated CO2. At 38.2% this is also higher than the County (29.2%) and the Region (East of England 32.7%) and more than half as high as the national transport contribution to CO2 emissions which is 24% ii. This cannot be attributable to different generation patterns because most of the other districts are similarly rural. Poorly located transport generating development, such as that proposed in the subject appeal, with no co-located employment opportunities, must surely be a significant contributory factor.

The DJLP requires *'all new residential development .. to.. achieve reductions in CO2 emissions of 19% below for the Target Emissions Rate of the 2013 Edition of 2010 Building Regulations (Part L).'* iii

This is consistent with paragraph 150 of the NPPF which provides that new development must be planned in ways which *'help to reduce greenhouse gas emissions, such as through its location.'* In support of such

<sup>11</sup> *Streets for All 2018* Historic England

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objectives, new legislation provides for net zero carbon by 2050.

**7. Conclusion** - The Statement of Case ignores demonstrate compliance with the NPPF, MSDC policies or the NDP. Vulnerable pedestrians have been ignored altogether in this application, in breach of paragraph 110b of the NPPF as well as the Equality Act 2010.

If it becomes even more unsafe for lone children, disabled people and those of limited mobility to walk around the village as a result of this development, this would certainly be inconsistent with the NPPF paragraph 110 a) which requires developments to '*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.*' Furthermore, the data used in the traffic assessment is derived from a suburban setting, wholly different to a rural area where there is no public transport so everyone must use cars for travel outside the village. As such its calculations are distorted and the conclusions derived from them unsound.

It is hard to see how the subject development can meet the required policy objectives when it will generate so many additional car journeys though its inappropriate location in an isolated rural village with no employment opportunities and from which cinemas, supermarket shopping and all education other than primary can only be accessed by car.

Elizabeth Manero, SAFE (Supporters Against Fressingfield Expansion)

18.08.2021

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APPENDIX 1 REQUIREMENTS**

**1. LOCATION**

**NPPF 103.** *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*

**FRESS1** *...Proposals for new residential development outside of the Settlement Boundary.. will only be permitted where it can satisfactorily be demonstrated that there is an identified local need for the proposal supported by a housing needs assessment and that it cannot be satisfactorily located within the Settlement Boundary.*

**2. INFRASTRUCTURE**

**MSDC Local Plan** saved policy T10 requires assessment of *'the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety'*

The examination version of the emerging Joint Local Plan states at LP33 that: *Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet the necessary infrastructure requirements arising from the proposed development.*

**FRESS3 Infrastructure** - *New development will only be permitted if it can be demonstrated that sufficient supporting infrastructure (physical, medical, educational, green and digital) is available to meet the needs of that development. Where an infrastructure deficit currently exists, new development should not exacerbate that deficit. Where the need for new infrastructure is identified to meet the needs of that development, developments should provide or support the delivery of it in order to enhance the quality of life for the community.*

**3. CUMULATIVE IMPACT**

**NPPF 109** *Development should only be prevented or refused on highways grounds if ...the residual cumulative impacts on the road network would be severe.'*

**4. IMPACT ON TRANSPORT NETWORK AND MITIGATION, PRIORITISING PEDESTRIANS AND CYCLISTS AND PUBLIC TRANSPORT, IMPACT ON ROAD SAFETY**

**NPPF 110.** *Developments must 'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'*

**FRESS15 Transport and Highway Safety** - *All new developments shall take opportunities to provide safe and attractive pedestrian and cycle links that connect to existing networks appropriate to the scale and location of the development and seek to improve levels of walking and cycling in the Neighbourhood Plan area*

**NPPF 107** *'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

**NPPF 109.** *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.*

**NPPF 110.** *Developments must 'so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'*

**MSDC Local Plan** saved policy T10 requires assessment of *'the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety'*

**DISABLED PEOPLE AND THOSE WITH IMPAIRED MOBILITY**

**Equality Act 2010**

**110 b)** *Developments must 'address the needs of people with disabilities and reduced mobility in relation to all modes of transport'*

**T12** requires roads and footways *'to be designed to accommodate the needs of people with disabilities'*

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### **5. IMPACT ON HERITAGE ASSETS**

S72 of the Planning (Listed Building and Conservation Areas) Act 1990 - *In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2) [which include planning functions], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*

*NPPF 189. 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*

*NPPF 190 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

### **6. CLIMATE CHANGE**

**NPPF 150.** New development must be planned in ways which *'help to reduce greenhouse gas emissions, such as through its location*

**EMERGING JLP** - *all new residential development .. to.. achieve reductions in CO2 emissions of 19% below for the Target Emissions Rate of the 2013 Edition of 2010 Building Regulations (Part L).'* <sup>iii</sup>

**APPENDIX 2 PHOTOGRAPHIC EVIDENCE**



**HGV AT JUBILEE  
CORNER**

**CONGESTION  
OUTSIDE THE  
SHOP NEW  
ST.**



**HGV TURNING  
UP  
HARLESTON  
HILL**

**APPENDIX 2 PHOTOGRAPHIC EVIDENCE**



**DELIVERIES AT THE  
SHOP NEW ST**

**TRACTOR  
CAUSING  
CONGESTION  
NEW ST.**



**CONGESTED  
PARKING AT  
THE  
SURGERY  
NEW ST**

**SAMPLE COMMENTS FROM THE SAFE ROAD SAFETY SURVEY**

*"None of the paths in Fressingfield are appropriate for a wheelchair so I often am pushed on the road."*

*"At 87 I am not completely mobile so have to use my car to attend the shop and the surgery."*

*"I currently struggle to walk even a short distance and have to stop frequently to catch my breath. Thus, I cannot move quickly to avoid traffic."*

*"I have felt close to being hit on occasions whilst walking the dog past The Swan and the Church. Even worse is Harleston Hill, where the pavement disappears and cars, lorries and tractors are driving fast."*

*It has often been a near miss in early evening when coming around Jubilee corner and a pedestrian is crossing the road. Any pedestrian is invisible until the car has fully gone around the corner. "*

*"The section of road between New St. and Jubilee Corner is hazardous. There is no pathway on either side of the road. One can only see traffic approaching the junction from New St. by stepping out into the road."*

*"I always feel unsafe on New Street because cars, lorries, buses, farm vehicles can come along at any time and if caught out in one of the many spots where there is no pavement it is very scary."*

*"New St. is completely unsafe with young children due to no footpaths."*

*"Crossing the road opposite the Drs is an issue as the pavement stops. You cannot look to see if the road is clear before stepping out. I have several near misses with people nearly hitting me and my children."*

*"Walking with a buggy makes me nervous because of the volume of traffic in the village. If I can't see them, they can't see me."*

*"Anywhere on the Jubilee Corner junction is a nightmare day or night, you cannot see around the bends and if vehicles are traveling in opposite directions there is no room left."*

*"One has to weave from one side of the road to the other, as you progress along New St. trying to avoid traffic from in front and behind. You could easily be hit by a car on one of the bends."*