

Report of the Strategic Director (Service Delivery)

Section 1: Planning Applications

In accordance with the provisions of Section 100D of the Local Government Act 1972, background papers are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. Planning Applications

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the report of the Strategic Director (Service Delivery) or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Glossary of terms

The following reports will often abbreviate commonly used terms. For ease of reference, the most common are listed below:

LP1	Local Plan Part 1
LP2	Local Plan Part 2
NP	Neighbourhood Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
PPG	Planning Practice Guidance
NPPF	National Planning Policy Framework
NDG	National Design Guide
SHMA	Strategic Housing Market Assessment
SHELAA	Strategic Housing and Employment Land Availability Assessment
s106	Section 106 (Agreement)
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
AA	Appropriate Assessment (under the Habitat Regulations)
CPO	Compulsory Purchase Order
CACS	Conservation Area Character Statement
HER	Historic Environment Record
LCA	Landscape Character Area
LCT	Landscape Character Type
LNR	Local Nature Reserve
LWS	Local Wildlife Site (pLWS = Potential LWS)
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order
BNG	Biodiversity Net Gain
PRoW	Public Right of Way
POS	Public Open Space
LAP	Local Area for Play
LEAP	Local Equipped Area for Play
NEAP	Neighbourhood Equipped Area for Play
SuDS	Sustainable Drainage System
LRN	Local Road Network (County Council controlled roads)
SRN	Strategic Road Network (Trunk roads and motorways)
DAS	Design and Access Statement
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
LVIA	Landscape and Visual Impact Assessment
TA	Transport Assessment
CCG	(NHS) Clinical Commissioning Group
CHA	County Highway Authority
DCC	Derbyshire County Council
DWT	Derbyshire Wildlife Trust
EA	Environment Agency
EHO	Environmental Health Officer
LEP	(D2N2) Local Enterprise Partnership
LLFA	Lead Local Flood Authority
NFC	National Forest Company
STW	Severn Trent Water Ltd

Item No. 1.1

Ref. No. [DMOT/2023/1024](#)

Valid date: 15/08/2023

Applicant: Countryside Partnerships

Proposal: **The modification of a planning obligation under section 106 of the Town and Country Planning Act 1990 dated 24th August 2021 and relating to permission ref. DMPA/2020/1460 (seeking to reset trigger for Walton Bypass to allow for it to be delivered prior to occupation of 785 dwellings on the Drakelow Estate) on Land at SK2420 2230, Walton Road, Drakelow, Swadlincote**

Ward: Linton

Reason for committee determination

The item is presented to Committee at the request of Cllr G Jones and Cllr Wheelton and given the Committee's determination of the original applications and the associated variation to the Section 106 Agreement.

Executive Summary

The applicants (Countryside) have requested an amendment to the trigger point for the provision of the Walton bridge and bypass, increasing the figure from 400 to 785. At the last monitoring visit in October there were approximately 360 homes completed and occupied across the site (including at phase 1 built by David Wilson Homes). It is expected at current build out rates that the 400 trigger point will be reached this month.

Countryside advise that the increased trigger point is needed due to the requirement to redesign the bridge due to updated flood modelling and the additional approval processes that are required as a result of the redesign.

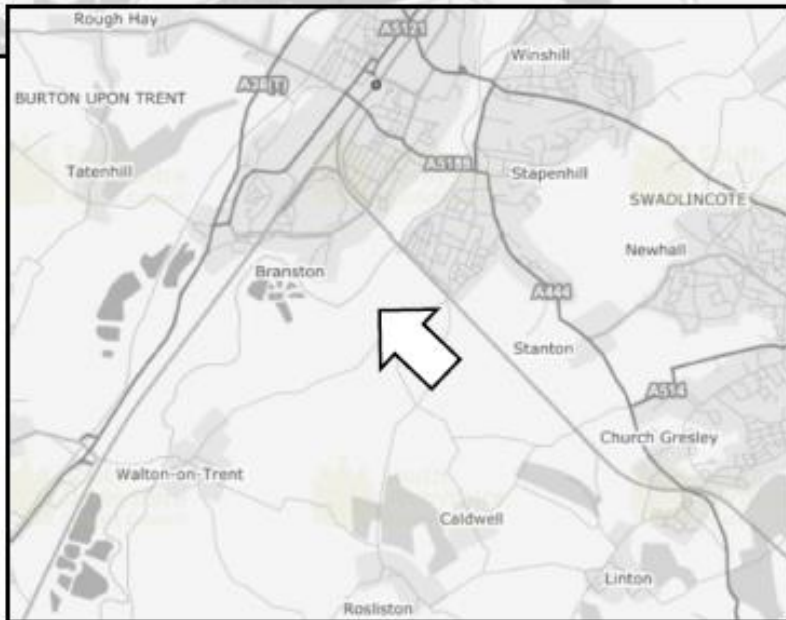
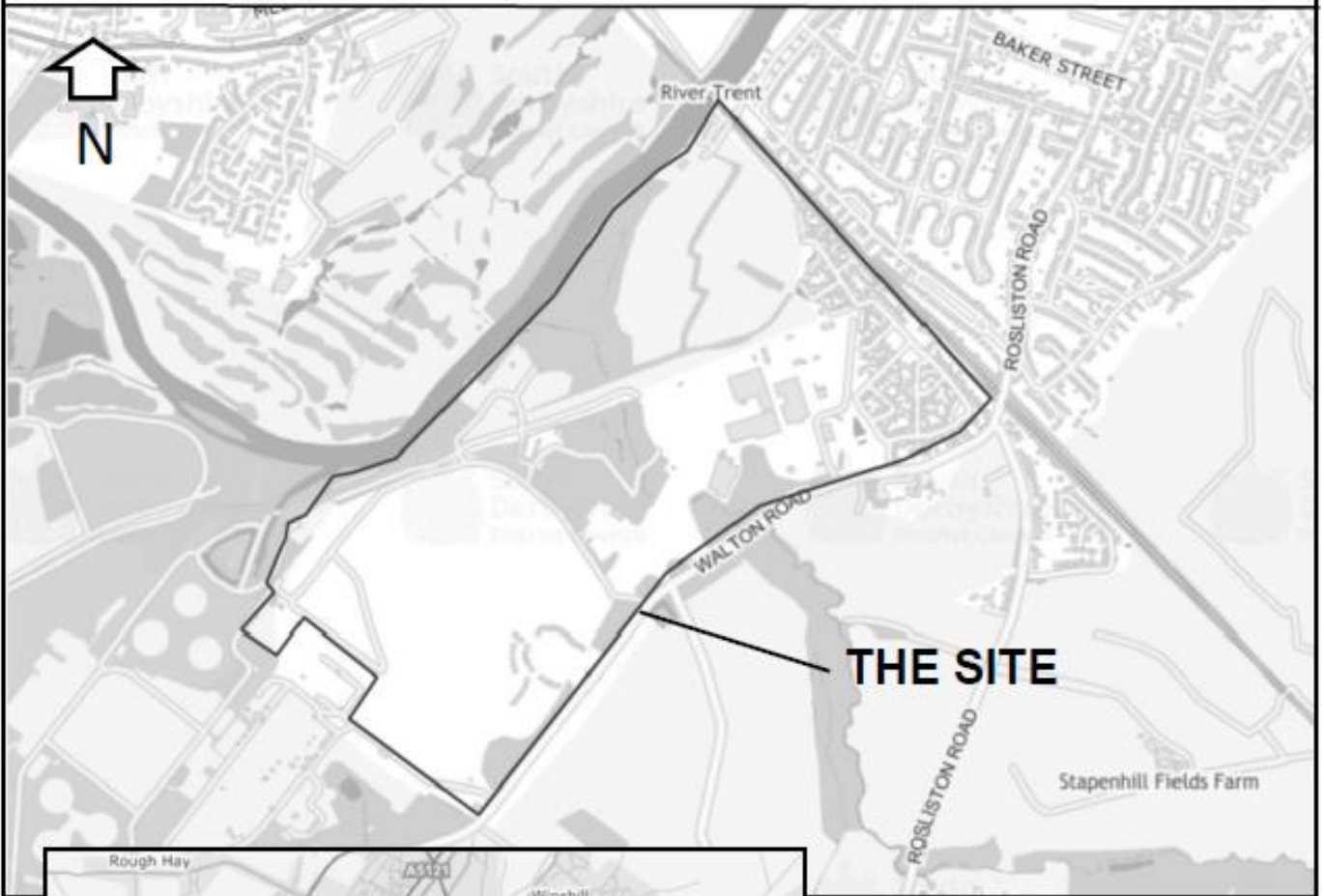
Countryside have submitted an amended Transport Assessment (TA) to support the submission, further to discussions with the relevant Highway Authorities in December 2023 which demonstrates capacity within the existing road network which would ensure that the increased traffic associated with the additional dwellings would not result in a severe impact on highway safety or traffic flow, subject to some mitigation works if the bridge is not opened in 2026 and the requirements of condition 48 of the outline planning permission which requires works. Additional information, including alternative survey work has also been included in the TA in an attempt to further demonstrate this matter at the request of the Highways Authorities.

Derbyshire County Council (DCC) Highways Authority are content with the information provided and the conclusions of the amended TA. They are content that subject to the mitigation identified and already required by condition that the increased trigger point can be accommodated without severe highway safety implications.

Staffordshire County Council (SCC) Highways Authority are content that the traffic flows arising from the amended trigger point would not be severe and therefore they do not object to the proposal.

The Council has appointed an independent Transport Consultant, The Waterman Group to undertake a review of the information submitted by Countryside and their own survey work to ratify the information provided by Countryside. The Waterman Group provides leading edge professional, multidiscipline advice on a wide range of infrastructure projects covering highways, rail, marine, aviation, and commercial development. They are working with National Highways to deliver asset improvement schemes planned for the eastern region and are supporting Transport Scotland as part of a

DMOT/2023/1024 – Land at SK2420 2230, Walton Road, Drakelow, Swadlincote



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South Derbyshire District Council. LA 100019461.2020

collaborative partnership to deliver the Performance Audit Group Framework (PAG). Watermans undertook a review of the TA originally submitted, the TRICS data used, supplementary notes submitted during the course of the application and the survey work undertaken (March and October 2023). They also carried out their own survey work of the junctions surveyed by Countryside so that they could compare the two and undertook a detailed comparison assessment of three key junctions (full data set included in their appendix). They conclude that the data used in the TA is acceptable and compared to their own surveys undertaken in November 2023 represent a worst-case scenario. They agree with the conclusions drawn that the trigger point can be raised to 785 without any severe highways implications.

The developers have submitted viability work to demonstrate that the increased trigger point would not jeopardise the delivery of the bridge.

This has been reviewed by the council's economic development team. Initial concerns were raised. However, the developers have revised the proposals to include a sum of 1 million pounds which would sit in an account to be spent on the bridge/bypass scheme and would not be able to be drawn by the developer other than to be used on the bridge/ bypass scheme. Agreement between officers and Countryside has also been reached regarding the inclusion of measurable milestones into the amended trigger point rather than lifting it to 785 without any further timeframes or requirements to progress the bridge and bypass scheme.

These milestones would comprise:

1. A long stop date of 31 March 2024 by which a planning application shall have been submitted to South Derbyshire District Council and East Staffordshire Borough Council;
2. A three-month timeframe for commencement of the building works after the relevant permissions have been granted (planning permission and technical approval by other statutory stakeholders); and
3. Works to be completed and the bridge/bypass scheme open to vehicles by the occupation of 785 homes or the end of 2025, whichever is the sooner.
4. Countryside will provide a temporary highway scheme just after the entrance to the Tucklesholme Nature Reserve/Quarry on Station Lane until such a time that the Walton Bypass is constructed and fully open to all traffic, in order to reduce the likelihood of commercial vehicles trying to gain access to the Drakelow site via the existing bailey bridge. Works to provide this will commence within 3 weeks of the scheme gaining technical approval from Staffordshire County Council, and the scheme will be completed no later than 2 months from commencement.

Countryside are in agreement with the use of these additional milestones and these are included in the recommendation to Planning Committee.

This will give a long stop date of 31 December 2025 for the bridge to be open. If agreed by Planning Committee the S106 would be amended to this effect.

Not allowing the increased trigger would result in building works ceasing on site. This would result in reduced delivery of both market and affordable housing across the district for a period of approximately 21 months. This would have implications for the councils housing land supply, which as of January 2023 stood at approximately 6.29 years using the local plan formula but based on the loss of 21 months of delivery from Drakelow would result in a 5 year housing land supply of 5.96 years. There would also potentially be implications for the delivery of infrastructure across the site. An update to the housing supply position is to be reported to Environment and Developmental Services committee on 25 January and an update of the 5 year supply will be given to this committee.

Site Description

The site measures over 100 hectares in size, comprising a mix of uses including brownfield land

formerly occupied by the Drakelow Power Station and more recently by Roger Bullivant Limited and is currently being used for a variety of industrial and storage activities. Development of phase 1 has been completed for some time (193 dwellings by David Wilson Homes) and works on Phase 2 has commenced on site under reserved matters application DMPA/2021/1035. It is understood that 400 dwellings will be occupied this month, and that more than 400 dwellings will be constructed and awaiting occupation.

The site is located immediately south-west of Burton upon Trent and is bounded by the River Trent to the north, beyond which lies Branston Golf and Country Club. To the south the site is bounded by the southern edge of Walton Road and open countryside. The National Forest railway line adjoins to the east and to the west is a National Grid substation and the new energy for waste facility approved by Derbyshire County Council. A new access point into the site has been constructed to serve Phase 2, and the spine road to serve the development within that phase. The spine road will ultimately run through the site connecting to a second access point on Walton Road. Due to concerns regarding connectivity between phase 2, phase 1 and the existing built form to the north-west Countryside have provided a temporary footpath through the site and are in discussions with all landowners regarding improvements to this.

The existing Bailey Bridge in Walton-On-Trent lies to the south-west of the site and the proposed trigger relates to the provision of a new crossing which would by-pass the existing village, located to the north of this existing bridge.

The proposal

The proposal is to amend Schedule 4 of the Section 106 Agreement at paragraph 6 which currently requires the developer to 'not occupy or permit occupation of more than 207 dwellings within phases 2 and 3 until the Walton Bypass is constructed, completed and open to traffic'. Countryside wish to increase this to a combined total, with the David Wilson development of phase one (193 dwellings) to 785, an increase of 385 homes.

The developers have applied to increase the trigger due to issues gaining technical approval for the approved bridge/ bypass scheme. They have considered the build rate of the site and the length of time it would take to gain the necessary technical approval for a revised design, including additional planning permissions. This is supported by an updated TA which demonstrates that the traffic impacts of not building the bridge/ bypass prior to the occupation of 800 dwellings would not result in severe traffic implications.

They have documented how they are working with the technical decision makers (the EA, SCC and DCC) to ensure that the redesign is acceptable prior to the submission of a revised planning application.

The applicants have also stated that they are committed to delivering the bridge as quickly as possible and provided viability information which demonstrates that it would not be in their financial interests to not deliver the bridge.

Applicant's supporting information

REVISED WALTON BYPASS TRIGGER:TRANSPORT ASSESSMENT REV A (Dated 20.12.23): This updates the assessment originally submitted to support the application and includes the additional information requested by the Highway Authorities including the results of the additional traffic survey (undertaken in October 2023) and an updated assessment of the traffic implications of this survey work. It concludes that the traffic generated from the amended trigger point would be significantly less than allowed under the original consented scheme. Mitigation may be required if the bypass was not to be opened to traffic in 2026, and these mitigation measures would be required to address the short-term traffic impacts at the A444/St Peters Bridge roundabout.

AUTHORITIES: This document was submitted during the course of the application as a response to the initial comments of the Highways Authorities, the note includes information related to how the applicants assessed committed developments. It also compares the original TA traffic forecasts for 2026 at the A444/St Peter's Bridge Roundabout with the new 2023 traffic survey, noting that these were significantly below the original traffic forecasts. The note also provides a comparison of the 2023 classified turning count survey data with available Automatic Traffic Count (ATC) data to confirm that the former were undertaken on a representative day, which it considers to be robust. It provides data of the original TA which was agreed at the time with the relevant authorities. Additional survey work was also undertaken using the existing David Wilson Homes (DWH) development served by Fallow Drive to confirm the north/south distribution of trips on the Walton Road/Rosliston Road corridor. Whilst there are differences in the TA distribution compared with this additional survey work they do not consider that this is significant in terms of the directional split of trips.

RESPONSE TO COMMENTS RECEIVED FROM THE HIGHWAY AUTHORITIES:

INTERIM STATEMENT: This document was submitted during the course of the application in response to comments made on the submission. It sets out what it considers equates to committed development and asks the highways authorities to provide a list of any developments that they think should be included / taken into account. The document compares forecast data from the original TA with 2023 traffic surveys at the A444/St Peter's Bridge Roundabout and notes that the latter are significantly below the forecasts. It provides the original TRICS data used to inform the original TA.

SUPPORTING STATEMENT: This sets out the historical context to the application, that the original trigger point of 100 dwellings was based on no formal transport modelling and that the latter S73 application raised the trigger to 400 based on a more detailed assessment undertaken using traffic forecasts from the BTM, provided by SCC. The document sets out that the current owners of the site, Countryside did not seek to vary the trigger as part of the 2020 application as they understood the Walton Bypass permissions to be extant. However, whilst planning permissions were in place, due to the passage of time they have to date been unable to secure technical approvals required and due to the re-design work required they seek an amendment to the trigger point. The statement sets out the updated highways modelling undertaken, based on the 2020 masterplan for the site which reduces the industrial floorspace by approximately 10 hectares. It sets out the conclusions of the modelling and the implications of raising the trigger point beyond 800 dwellings. The statement sets out why the trigger point is needed to be raised, to redesign the bridge and secure technical approvals and the collaborative approach which they have been involved in with the relevant authorities.

APPENDIX 1: REVISED WALTON BYPASS TRIGGER:TRANSPORT ASSESSMENT

This document sets out that the technical approval process by the two county highways authorities has identified engineering and flood risk issues requiring significant re-design that will delay Technical Approval, and hence the construction of the Walton Bypass. The report considers the extent to which the Walton Bypass trigger could be increased above its current level without giving rise to adverse highway and traffic impacts, subject to alternative/interim highway mitigation measures on the wider highway network if required. The document identifies the original data used in the previous TA and notes that the traffic forecasts provided are based on traffic survey and model information that is at least 8 years old and are now out of date. However, much of the original methodology described in the 2009 TA has been followed in this assessment in order to provide an updated picture of the future traffic situation for direct comparison with the earlier forecasts. It notes that the latter 2015 assessment found that the 'with bypass' scenario would have little material effect on the amount of traffic through Walton village and in terms of wider flows of traffic any differences were modest during the am peak and more significant during the pm. The document details how Trip generation calculations used in this revised assessment have been prepared following the original DTA methodology, but using up to date trip generation rates, National Travel Survey and National Census data. The TA sets out how it is consistent with the original methodology and assessments previously considered in terms of data collection and key locations for this. The TA also looks at the implications for wider traffic flows, particularly at the A444/A5189 St Peter's Bridge Roundabout and assesses the different scenarios. Details of the traffic surveys to inform the document are outlined, with locations provided. The report sets out how the differences in land use have been amended from the original application to the most recent permission and the implications for this on traffic flows, it also sets out the information generated

from the TRICS database to enable an assessment of traffic in relation to different land uses and the assumptions made and whether these are consistent with the original assessments or not. The report details all capacity assessments, the modelling used and makes comparisons with the previous TAs and different development scenarios and identifies issues at the different junctions with different scenarios. Based on these findings it is considered that mitigation is not required should the Bypass be implemented by 2026.

APPENDIX 2. This document sets out the timeframe for the completion of the bridge and bypass, including build rates and dates for the submission and approval of details. The build rates provided demonstrates that the trigger point will be reached in January 2024 and that the site can deliver 17 new homes for each of the first 6 months of 2024. This figure increases to 20 homes a month from July 2024 to September 2025, when according to the projections Countryside put forward for securing the relevant permission would be when the new bridge and bypass would be completed following a start date of July 2024.

Relevant planning history

DMPA/2021/1035: Approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to outline permission ref. DMPA/2020/1460 for 1,036 dwellings. Approved Sept 2021.

DMPA/2020/1460: The removal of conditions no. 1 and 2 and the variation of conditions no. 4, 6, 7, 14, 19 and 34 of permission ref. 9/2015/1030 for the variation of condition 47 of planning permission ref. 9/2009/0341 (relating to a hybrid planning application with all matters reserved for up to 2,239 dwellings including a retirement village, an employment park, two local centres comprising retail services, leisure employment and community uses, public open spaces, a new primary school, associated landscape and infrastructure, including car parking, road and drainage measures, and the refurbishment of the listed stables and cottages (with full details- comprising change of use and repair of the building)). Approved August 2021.

The trigger for the completion of the bridge and bypass equated to 400 homes including Countryside and the previous development of phase 1.

Other contributions and trigger points contained in the S106 Agreement include: the provision of no affordable housing in phase 2 (up to 1,036 homes); Initial contributions towards the secondary school at occupation of 300 dwellings in phase 2/3/4 (493 in total); Primary school to be provided on site subject to a number of steps / requirements; Initial contribution towards the East Staffordshire Integrated Transport Strategy (ESITS) payable at 407 dwellings in phase 2 and 3 (600 in total). Provision is also made for an additional contribution to ESITA should trip generation be higher than specified through a formula; £1,726,660 towards the provision of a healthcare facility on or off site; Initial contribution towards built facilities to be paid prior to occupation of 101 dwellings (294 in total); and Phase 1 works to the Listed Buildings shall be undertaken prior to occupation of 600 dwellings.

DMPN/2020/1362: Certificate of Lawfulness for the construction of new road with bridge over the River Trent. Approved March 2021.

This confirmed that the planning permission (9/2006/0973) had been lawfully commenced and was therefore extant.

9/2017/1074: Approval of reserved matters of planning permission ref. 9/2015/1030 to include access, appearance, landscaping, layout and scale for the erection of 94 dwellings. Approved January 2018.

This approved reserved matters for the construction of 94 dwellings within Phase 1.

9/2015/1030: The variation of condition 47 of planning permission ref: 9/2009/0341 (relating to a hybrid planning application with all matters reserved for up to 2,239 dwellings including a retirement village; an employment park; two local centres comprising retail, services, leisure, employment and community uses; public open spaces; a new primary school; associated landscape and infrastructure, including car

parking, road and drainage measures; and the refurbishment of the listed stables and cottages (with full details- comprising change of use and repair of the building) – Approved June 2016 (The 2016 permission).

This application was approved to vary condition 47 of the 2009 permission to allow the occupation of no more than 400 dwellings (increased from 100) to be occupied in advance of the widening of the Walton on Trent Bypass.

Staffordshire County Council Highways Authority raised no objections to the increased trigger. Derbyshire County Highways Authority did not confirm that they agreed with the TA, but that there would be no material harm in raising the trigger and that there was no evidential basis to contradict the conclusions of the assessment.

The application was approved on the basis that the original 100 unit threshold was set as an outcome of discussions and negotiations. It was not derived from detailed modelling or impact assessment and therefore there was no quantitative justification at the time for the limit.

The provisions of the S106 Agreement were not fundamentally altered through this application.

9/2014/0363: Approval of reserved matters for phase 1 (99 dwellings) of previously approved outline permission 9/2009/0341 – Approved June 2014.

This approved reserved matters for the construction of 99 dwellings within Phase 1.

9/2009/0341: Hybrid scheme with all matters reserved for up to 2,239 dwellings including a retirement village; an employment park; two local centres comprising retail, services, leisure, employment and community uses; public open spaces; a new primary school; associated landscape and infrastructure including car parking, roads and drainage measures; and the refurbishment of the Listed stables and cottages – Approved February 2012 (The 2012 permission).

This application set the trigger at the occupation of 100 dwellings for the completion of the bridge and bypass.

9/2006/0973: The variation of condition 11 of planning permission 9/2003/1525/M to allow for the works on the construction of the by-pass to commence prior to the stopping up of the access to Barr Hall - Approved 30 May 2007.

9/2003/1525: The formation of the Walton Bypass including a bridge over the River Trent – Approved May 2005.

Responses to consultations and publicity

Highways Authorities

Amended Transport Assessment (20.12.23)

DCC (29/12/23) – No objections, subject to mitigation identified and required by condition 48 of the outline permission.

SCC (10/1/24) – No objections, traffic implications would not be severe.

The revised traffic flows produced as part of the uplift to 800 residential dwellings would exceed the thresholds identified in Condition 48 of the outline permission and the highway schemes identified would therefore need to be implemented to accommodate the development of up to 800 residential dwellings. It is estimated that the existing thresholds would be reached when approximately 590 dwellings have been occupied (including the completed DWH phase of 193 dwellings). It is therefore

confirmed that the requirements of Condition 48 of the 2020 outline planning permission remain applicable and should be delivered.

They request three conditions:

- The bridge/ bypass scheme shall be delivered prior to occupation of 785 dwellings
- That the requirements of condition 48 of the outline planning permission (DMPA/2020/1460) are delivered prior to occupation of 590 dwellings
- That a temporary highways scheme to allow commercial vehicles to turn be implemented until the bridge/ bypass is open.

Further submission including additional traffic survey data.

DCC (8/12/23) These comments can be summarised as follows:

- Agreed that there are no committed developments that would have a significant impact on traffic flows on Walton Road.

SCC (15/12/23) These comments can be summarised as follows:

- Notes provision of personal injury collision data and makes request for how this should be shown in an updated TA
- Revised TA should only consider impact of new proposed trigger not full development.
- Additional data/analysis should be incorporated into the revised TA.
- Additional survey work of the Walton Road/Fallow Drive junction needs to be included in the amended TA to ensure a robust assessment is undertaken and the full impact of the proposal, especially towards Burton upon Trent.
- Requests further assessment of the A444/St Peter's Bridge Roundabout
- Confirms there are no committed developments that would have a significant impact on traffic flows heading to or from the Walton Road site.

Applicants provided an interim statement and the following comments were provided.

DCC (6/11/23)

Developers approach of how to present information to satisfy concerns of relevant consultees considered to be acceptable.

It is considered that the traffic survey data of existing dwellings is critical in the review of this application and therefore it seems to be appropriate to await the submission of this data before any further response.

Initial submission

DCC Highways:

OBJECTS (7/9/23) Comments summarised as follows:

The submitted Transport Assessment (TA) states that the highway network in and around Walton-on-Trent could accommodate more than 800 occupations in advance of the Walton Bypass. However, should development occupations continue beyond this level, an increased number of development trips would use alternative routes to the north and impacts in the Stapenhill area and at the A444/St Peter's Bridge roundabout in particular would therefore arise and possible mitigation measures to address these impacts have been proposed.

There are 3 main reasons that the applicant suggests why the trigger point can be increased to 800 dwellings, these are:

- Up to date traffic survey data

- A change in the development proposals
- Up to date trip generation and assignment exercise

Traffic Survey Data

The 2023 surveyed flows factored to 2026 using Temprow for the same link are 699 and 693 show an AM and PM peak that has a difference of about 30% from the previous data used to support the approved application.

Requests additional information to understand the different data sets used, including those around committed developments in the area; direct traffic flow comparison for the 2026 Forecast flows and the surveyed 2023 flows has been undertaken for the A444 St Peter's Bridge junction; the full ATC survey data is submitted by the applicant for full review.

Development Proposals

Notes changes to land uses of the original scheme and the 2020 scheme. Whilst 2020 scheme provides more housing it is evident that the reduction in Employment area is the greatest difference and will have a significant impact on the trip generation of the whole development.

Trip Generation/Assignment

A revised trip generation exercise has been undertaken using TRICS person trip rates. The TA shows that the revised scheme will generate significantly less traffic than the original scheme. Whilst a large proportion of this is due to the reduction in employment land use there is also a significant reduction in residential trips, particularly in the AM Peak, even though the number of dwellings is not significantly different. Further information is requested to understand these changes.

The proposed new trigger level assumes that no other land uses would be in place when this trigger is reached.

Question use of TRICS to establish traffic flows rather than the actual data from the 193 dwellings already occupied. This approach would give the actual north/south distribution and provide a better indication of the likely traffic routing south to the bailey bridge and routing north to the St Peter's Bridge junction.

SCC Highways:

OBJECTS (7/9/23) Comments summarised as follows:

The Transport Assessment has carried out an updated assessment of Personal Injury Collisions using a website called Crashmap. The applicant should have requested data directly from the relevant county council's road safety teams.

Contradictions in submission - The covering letter states that the developer is fully committed to the delivery of the bypass. However, paragraph 8.81 within the Transport Assessment discusses mitigation measures 'if the Walton Bypass scheme were to be delayed beyond 2026 or not progressed at all'.

The development has not progressed completely as planned in relation to highway matters, the Travel Plan has not been implemented on occupation of the site and the original methodology within the Transport Assessment produced by David Tucker Associates (DTA) was never fully accepted by Staffordshire County Council.

Paragraph 1.2.3 within the Transport Assessment states that the assessment is concerned only with the highway impacts of the delayed delivery of the Walton Bypass. However, within the document it goes on to consider the traffic associated with the full scheme, which is completely irrelevant for the application being determined. The Transport Assessment also goes on to considering the interim phase of 800 dwellings by applying a completely different methodology.

Whilst base data to support the proposal was undertaken at a 'neutral time', the document provides no sensitivity test or calibration on the data collected and therefore it is not possible to determine if the data is a true reflection of everyday vehicular movements on the highway network.

The TA focuses on a series of junctions. The A444/St Peter's Bridge Roundabout is the main concern

for the county council. Whilst the TA outlines its approach to modelling it is requested that a more accurate methodology is first agreed with SCC.

Actual data from the 193 dwellings occupied should be used rather than using the TRICS database to establish average trip rates and traffic routing.

This application should be refused due to there being insufficient information for the Highway Authority to determine an outcome to the application due to a lack of confidence in the data provided.

Staffordshire County Council (Business and Enterprise): Comments can be summarised as follows:

- Make comment on the length of time the bridge/ bypass scheme has been in place and the number of developments that have been planned for / implemented which are reliant on the building of the scheme.
- Questions commitment to the scheme when the TA considers both a delay to 800 dwellings and a 'no bridge' scenario. They do not agree to the conclusions drawn in the TA related to this.
- Whilst traffic levels are not as high as predicted there will be a perceived increase in traffic for residents.
- Makes comments on the evolution of the site, the transport measures initially envisaged, the delay in the implementation of the Travel Plan and the loss of LEP funding due to delays in delivery of the bridge.
- Questions impact on housing land supply.
- Due to concerns over delivery they recommend if the proposal is approved trigger points to be included into the S106 Agreement to require them to reach certain milestones to ensure that progress on the bridge/ bypass scheme continues including; the submission of a planning application; technical approval submission; commencement on site and further triggers to ensure development continues.

East Staffordshire Borough Council (Planning): Raises no objections.

Environment Agency: Raises no objections.

Walton on Trent Parish Council: Objects.

- a) Requirement for bridge was put in place to relieve traffic in Walton which has increased over the past years, which the development on the Drakelow site has directly contributed to.
- b) Regularly face gridlock and cannot cope with the extra traffic.
- c) Concern that they will apply to increase trigger in the future like they have previously and possibly not build the bridge at all.
- d) Raises a number of concerns with the supporting documents which they consider to demonstrate that the assessment provided with the application gives a fundamental under representation of the traffic around the Walton road corridor and over the Bailey Bridge, including: failing to consider multiple other factors affecting traffic volumes and includes concerns with the nature of the assessment; the absence of a strategic traffic model for the area; traffic surveys were conducted on a single occasion; The survey was conducted before the latest traffic restrictions were placed on Chetwynd Bridge which has pushed substantially more traffic through Walton, past Catton Hall in both directions; implications for rerouting of the extended 40mph speed limit on A38 Southbound due to HS2 work and the A5 roadworks is not taken into account in the baseline data; doesn't take into account events at Catton Hall, or the HGV traffic impact of the Vital Energy incinerator.
- e) Highways Authorities should carry out their own independent work in considering cumulative impacts of traffic.
- f) The existing bridge at Walton cannot cope with the increased traffic.
- g) The Parish Council wrote in May 2023 to the various authorities about the impact of traffic and raised a number of matters including:
 - The impact is a result of a large number of planning applications, licensed events at Catton Hall and long term roadworks combined with other decisions being taken that have had profound effects on the two closest bridges to the Village crossing of the River Trent.

- Concerns about withdrawal of funding for the bridge.
- Large number of changes. These all appear to be considered and evaluated on an individual, incremental basis with no co-ordination or dialogue between the respective District/ Borough and County Councils. As a result, traffic through the village is increasing dramatically and quality of life as a result is diminishing.
- A more holistic view of the impact of all these changes needs to be considered and reviewed as a whole (includes Drakelow, Chetwynd bridge weight and (proposed) width restrictions, 14MW waste to power incinerator at Drakelow, Proposed 19.5MW incinerator at Stanton, NSIP Oaklands solar farm, Lullington solar farm)
- Deteriorating state of surround roads, particularly Station Lane approach from Staffordshire.
- The funding and building of the new bridge is of crucial importance.
- Station Lane approach to Walton on Trent needs to be improved.
- Overweight and oversize lorries coming down Station Lane cannot continue to be ignored as a “nuisance”. Drivers need to be held to account and traffic offences issued when numerous signs telling drivers of the impending restrictions are simply ignored.
- The impact of restrictions at Chetwynd bridge. This needs a proper traffic impact review that includes the events at Catton Hall
- The cumulative traffic impact of all these changes on Rosliston Road through Stapenhill and on past Drakelow to Walton, Swadlincote and Rosliston and surrounding villages and the A444.
- The licensing of events at Catton Hall needs to be reviewed.

Drakelow Parish Council: Objects.

- a) No support from residents for the increase
- b) Traffic surveys only conducted on a single day and are not sufficient or representative
- c) The survey was also conducted before the latest traffic restrictions were placed on Chetwynd Bridge which has pushed substantially more traffic through Walton and Drakelow in both directions
- d) The waste incinerator traffic (200 HGV movements per day) have not been taken into account.
- e) Need to consider major events at Catton Hall.
- f) County Councils should undertake a properly representative Traffic Survey
- g) Needs to be a footpath from the development along Walton Road
- h) A bus stop is required to serve the development

Overseal Parish Council: Objects.

- a) Result in increase traffic on the A444 which cuts Overseal village in half.
- b) There are not adequate river crossings, this will inevitably increase traffic on the A444.
- c) Chetwynd Bridge has been narrowed and a 7.5 tonne weight limit implemented, pushing heavy vehicles and farm traffic onto village lanes.
- d) Existing and committed development in the area resulting in an increase in traffic.
- e) Due to traffic there would be an increase in travel times for emergency services which will adversely impact the community.

Rosliston Parish Council: Objects.

- a) As work is well underway for the additional 300 houses we now find ourselves with a further request from the developers for an additional request to up the ‘cap’ on housing. The developers claim they are committed to building a new river crossing and bypass, but no guarantee on time.
- b) Both County Council Highways cannot agree on a design and flood plan and already a tremendous increase in vehicle movement on local roads and through village; with total completion of the development this alone could lead to a possible nine thousand vehicle movements a day putting even more strain on our infrastructure network.
- c) The present Barn Lane, ‘Crossroads of Doom’ and Murder Lane will put be put under more pressure with the vast traffic increase especially from HGV’s.
- d) Derbyshire County Highways need to upgrade these roads to cope with the increase traffic flow. An upgrade of this new link road should have the effect of alleviating much traffic flow

through villages.

Barton under Needwood Parish Council: Comments can be summarised as follows:

- a) Supportive of the bypass given its local benefits provided that: Flood water levels on the upstream side of the bypass must not increase such that flood risk to Barton is increased; Station lane is closed to through traffic and converted to non-motorised use; and The bypass is available for use during all but exceedance flood events on the river Trent.
- b) Concerned with potential impact on pedestrians using Station Lane and congestion at the Bailey bridge; lack of mechanism that guarantees its provision at 785 dwellings

Cllr Swan (Derbyshire County Councillor): Objects.

- a) Delay to trigger would remove any urgency on the part of the developer to deliver the proposed new bridge at Walton on Trent and its associated infrastructure.
- b) SDDC should commission an external review of the Transport Assessment to ensure a robust evaluation sits alongside the two county councils' comments as statutory consultees.
- c) Given the history of the development, and in the best interests of local residents, the application in 2021 should not have been supported by District Councillors until acceptable designs and a solid timescale for the new bridge were in place.
- d) Developers negotiate the planning system in a manner that suits them.
- e) The developer is already different to that in 2021.
- f) Developer aware from the start of need to build a bridge, and associated infrastructure, that meets current standards, particularly in relation to flooding issues and climate change, and is of a sufficient standard to be adopted by the two local authorities. The developer has been aware for some time of Staffordshire County Council's implacable position in relation to its serious concerns in respect of the flood modelling and the bridge and road designs.
- g) County Councils have been working collaboratively with the developer whilst the developer has been slow in submitting the necessary modelling, vital information, and designs and has allowed significant funding from the Local Enterprise Partnerships to lapse.
- h) The traffic generated by the Dracan development has already had a significant impact on the local road network, with the approaches to the current bridge subject to long tailbacks on both sides of the river. Rosliston, Coton in the Elms, and other villages in this part of South Derbyshire have also been negatively impacted by the significant traffic generated by the development.
- i) The traffic in and around Burton upon Trent has for a long time been at saturation point, and traffic modelling does not always reflect the everyday lived experience of users of the local road network.
- j) The homes already built are isolated and there is currently no access to public transport or safe walking routes in either direction.
- k) Issues in Staffordshire, most prominently the permanent weight and width restrictions on the Chetwynd Bridge along with the threat of closure to this crossing, have exacerbated the problems.
- l) In 2021 the traffic generated by 400 occupied properties was considered to be the absolute maximum number that could be accommodated in terms of the traffic impact on local roads without the new bridge at Walton.
- m) Given additional development recently, there is no convincing case to argue that the cap is set at too low a level. The figure of 400 new homes is generous. Necessary infrastructure should be in place at a very early stage of development.
- n) Not unreasonable for the developer to fund and install interim mitigation measures to improve the current situation on and around Walton on Trent's bailey bridge while they complete the new bridge and bypass as required.

Cushman and Wakeman on behalf of E.ON the adjacent land owner has objected. Their comments can be summarised as follows:

- insufficient evidence contained within the TA to demonstrate that the proposed amendment would not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would not be severe.

- the Transport Assessment does not assume the correct baseline as the Energy Centre is not included in the traffic counted.
- The applicant doesn't use the Burton Transport Model (BTM) to understand impact
- The Drakelow Power Station site has not been sufficiently accounted for as committed development
- There is no evidence to demonstrate that the additional traffic could be accommodated through Walton-on-Trent and across the existing Bailey Bridge.
- Haven't approached National Highways to understand impact on SRN
- Assessment of St Peter's Bridge Roundabout not robust.
- Mitigation proposed doesn't provide an alternative to the Bypass scheme.

There has been 1 letter in support of the application and objections received from 142 members of the public. These can be summarised as follows:

- a) Walton cannot hold anymore traffic
- b) Dangerous at rush hour for children going to school and all pedestrians
- c) The increase in traffic and road works because of the developments are already difficult for residents in Walton and Rosliston.
- d) There are already problems with other access routes as it is such as the entrance from Alrewas to Catton
- e) Plan for other developments in the area are going to cause major road disruptions and more traffic which can't access the sites and won't use the right routes.
- f) The traffic stands still and there are no other alternatives except to go over this bridge
- g) Pavements required on Walton Road
- h) Increasing the number of houses by almost double will add further to this extreme strain, which is causing dangerous driving as drivers become frustrated and impatient.
- i) There will be pedestrian fatalities.
- j) Signposting poor, oversized vehicles continue to attempt to get through the bridge and get stuck causing further delays
- k) Traffic is impacting on quality of life – noise, dust and air pollution
- l) Intolerable volumes of vehicles using this village as a rat run to access the A38
- m) All restrictions and agreements have been either ignored or changed yet no bridge had been built.
- n) The developer should be forced to stick to the agreed proposal and build the bridge.
- o) The county councils and all other authorities need to work together to ensure the bridge is built.
- p) The bridge access is insufficient with regular traffic problems and ever increasing problems with maintaining a pot hole free surface due to the traffic volume.
- q) There needs to be appropriate investment in the infrastructure and amenities (schools, shops, doctors) to support the current limit let alone consider the increased number of dwellings.
- r) Unacceptable journey times due to queuing traffic.
- s) Due to another crossing of the Trent being restricted to the same dimensions of The Walton bailey bridge traffic trying to connect with the A38 either way has at times caused gridlock in the village.
- t) Increase of large vehicles causing heavy congestion in and around Walton.
- u) An Independent traffic survey should be carried before any further decisions are made.
- v) Damage to existing bridge, verges and private property by amount of traffic and use by unsuitable vehicles.
- w) New houses ruining the countryside.
- x) Disrupting the local wildlife.
- y) Undermines the integrity of the initial agreement.
- z) Prioritizes profit over responsible development.
- aa) Need to ensure a fair and sustainable future for the area
- bb) If the conditions can be disposed of or delayed now, why were the conditions imposed in the first place
- cc) Had this been the case at the time of the initial planning, I believe there would be more opposition to the development
- dd) Roads not built for current volumes of traffic, Bailey bridge not fit for purpose.
- ee) What is to stop Countryside applying again when (and if approved) they reach 799 houses.

- ff) 399 houses already means an extra 798 vehicles, assuming two per household and over 1400 if Countryside get this approval
- gg) No account or modelling given of extra traffic towards Walton...all seem modelled towards Burton.
- hh) No account given for why doubling really needed, other than, I assume developer finances.
- ii) No account given of impact of Chetwynd bridge restrictions on traffic travelling south and north to access A38. This has also impacted transportation for Derbyshire children to local secondary school in Staffordshire.
- jj) No rationale of why 400 was the last limit agreed and assumed a bridge would be built.
- kk) How can we assume SDC and highway's have got their modelling numbers right...not just for this increase but the wider area
- ll) No updated counter modelling of wider impact of Drakelow development
- mm) Any road widening prep work for Drakelow towards Walton would encourage more traffic onto the road.
- nn) No local government highways funding guarantees for Walton bridge. What happens if developer goes out of business before bridge built.
- oo) If the viability of reaching a solution in design and commencing work before the current 400 properties occupied is a constraint amend the clause to read ' construction to have commenced before 400 properties are occupied ' as opposed to completed.
- pp) An investigation is needed as to why the original planning was granted, especially as Walton was already known to be struggling with volume of traffic.
- qq) Implications for emergency services
- rr) No way to enforce extra traffic to use St Peters Bridge.
- ss) The developers should only be allowed to commence work on the additional housing once all the funding is in place and works commenced on the bridge construction. Not subject to redesign and planning permission
- tt) There will soon be no grass areas and we will be part of Greater Burton
- uu) Traffic data is based on a single date and does not include an assessment of the traffic through Walton Village
- vv) The proposal does not differentiate between vehicle type in its assessment of congestion and/or pollution
- ww) It is unacceptable for the proposal to increase the traffic flow through Walton village by 128% as against previously agreed levels
- xx) The latest traffic survey was carried out before the recent restrictions on the Chetwynd bridge downstream and is therefore likely to be underestimating the number of vehicles trying to use the bridge.
- yy) The traffic volume assessment provided for this application is full of flaws and omissions with the survey giving an optimistically low traffic volume relative to the current situation and has minimised the increases
- zz) New permanent traffic restrictions were placed on Chetwynd Bridge (which feeds traffic to Walton past Catton Hall) and has caused substantially more traffic through Walton since the 7th March survey was conducted.
- aaa) Extended roadworks on the A38 due to HS2 and A5 contraflows have led to a marked increase to the volume of traffic now using Walton on Trent as an alternative route to Tamworth as sat navs are re-routing over the Bailey Bridge.
- bbb) The Vital Energy incinerator adjacent to Drakelow Park should have been in the assessment of "residual cumulative impacts on the road network" (200 movements per day)
- ccc) It appears that the projected increase in traffic vs. the 7th March survey covers the difference between 400 and 785 Dwellings. This is wrong as at 7th March 2023 there must have only been around 250 houses occupied on the site.
- ddd) Should consider impact of major festival at Catton Hall.
- eee) Staffordshire County Council (SCC) and Derbyshire County Council (DCC) Highways, as statutory consultees on this matter, to conduct their own evidence gathering considering the cumulative effects of traffic in the area of all the recent and planned material changes
- fff) Needs to be physical mitigations in the form of barriers on Station Lane at both the junction with Main Street in Walton and at Tucklesholme nature reserve entrance to physical stop oversize and overweight traffic from getting to the Bailey Bridge

- ggg) Nobody except the residents sticks to the speed limits of 30mph
- hhh) Traffic Assessment doesn't take into account Ivanhoe Line or Drakelow train station
- iii) What will happen with traffic when the bridges flood and are impassable in winter
- jjj) This bridge can no longer go ahead since Tucklesholm Lake has removed the flood relief. The bridge should at best be moved to run inline with the electricity pylons complete with the new road. This moves the flood risk down past the bottle neck
- kkk) The developer state whether the estimated construction costs of the highway improvements are more or less than the profit it will make by building properties 785 to 1036. Unless these profits outweigh highway improvement construction costs by a significant amount, there is an obvious disincentive to building property number 785
- lll) If the developer was truly committed to the highway improvements and the revision to the trigger was not merely for its financial benefit, then it could have proposed the use of an escrow arrangement at the 400-property trigger.
- mmm) Flood events make the site isolated and residents cut off from essential infrastructure and services.
- nnn) Can the local authority build the bridge
- ooo) Can local residents claim for their time losses sitting in the increased traffic.

Relevant policy, guidance and/or legislation

The relevant local policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); S3 (Environmental Performance); S4 (Housing Strategy); S5 (Employment Land Need); S6 (Sustainable Access); H1 (Settlement Hierarchy); H6 (Drakelow Park, Drakelow); H20 (Housing Balance); H21 (Affordable Housing); E1 (Strategic Employment Land Allocation); SD1 (Amenity and Environmental Quality); SD2 (Flood Risk); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); SD4 (Contaminated Land and Mining Legacy Issues); SD6 (Sustainable Energy and Power Generation); BNE1 (Design Excellence); BNE2 (Heritage Assets); BNE3 (Biodiversity); BNE4 (Landscape Character and Local Distinctiveness); INF1 (Infrastructure and Developer Contributions); INF2 (Sustainable Transport); INF6 (Community Facilities); INF7 (Green Infrastructure); INF8 (The National Forest); INF9 (Open Space, Sport and Recreation).

2017 Local Plan Part 2: SDT1 Settlement Boundaries and Development; BNE7 (Trees, Woodland and Hedgerows); BNE10 (Heritage); BNE12 (Former Power Station Land); RTL1 (Retail Hierarchy).

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy, guidance and legislation is:

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 Town and Country Planning Act 1990 as amended.

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant), the relevant legislation and the site and its environs; the main issues central to the determination of this proposal are whether the amendment to the trigger point would result in an unacceptable impact on highway safety; whether the residual cumulative impacts on the road network would be served, beyond the position already agreed; or whether the increased trigger point would create a position where the costs of the bridge outweighed the viability at that stage of progressing the development to completion, thereby threatening its delivery.

Planning assessment

Countryside have requested an amendment to the trigger point for the provision of the Walton bridge and bypass, increasing the figure from 400 to 785.

Countryside advise that the increased trigger point is needed due to the requirement to redesign the bridge/ bypass due to updated flood modelling and the additional approval processes that are required as a result of the redesign.

Countryside have submitted an amended Transport Assessment (TA) to support the submission. This amended TA was submitted after meeting with both Highways Authorities and further to additional survey work by Countryside and the provision of additional information requested by DCC and SCC. It draws together all the additional information submitted and undertakes further work to update the datasets following the additional survey work undertaken in October by Countryside.

This has been accepted by DCC and SCC who raise no objections and are content with the information provided and the conclusions of the amended TA. They are content that subject to the mitigation identified and already required by condition that the increased trigger point can be accommodated without severe highway safety implications.

Watermans, the independent transport consultant instructed by the council, are content that the submission, including the survey works are acceptable.

The key differences between the work undertaken to support the 400 trigger and the 785, as proposed by this submission relates to the significant reduction in employment floorspace, with the 785 TA also supported by updated survey work which demonstrates that the traffic flows at key junctions are significantly below those considered acceptable as part of the previous scheme.

Background

A planning application was originally submitted for the bridge and bypass to SDDC for the part of the bridge and bypass that was within their administrative boundary. Application 9/2003/1525/M was approved by SDDC on 26th May 2005.

A subsequent Section 73 application to vary condition 11 of the permission (9/2006/0973/B) was approved on 29th May 2007.

Permission was also granted in 2012 for development of a mixture of uses including up to 2,239 dwellings. This permission was further amended by two subsequent S73 applications in 2016 and 2020. All these applications were controlled by a S106 Agreement which required the bridge and bypass to be completed first before the occupation of 100 dwellings and latterly by the occupation of 400 dwellings.

The approved bridge scheme provides a new 1.5 km bypass to serve the new Drakelow Park development, avoiding the village of Walton-on-Trent, removing local and development traffic and easing traffic levels in the village at peak times by constructing a new bridge over the River Trent and retaining the Bailey Bridge for non-motorised traffic only.

The original planning approval for the bridge was 17 years ago. It is understood that the developers at the time did not seek technical approval from the relevant Highways Authorities and nor were they required to do so.

During the time the 2020 consent was being considered, Countryside ensured that the planning permission for the bridge was still capable of being implemented (that it was extant) through the submission of a certificate of lawful development, for which they were granted consent by SDDC and

ESBC. On approval of the 2020 permission (August 2021) they submitted an application for reserved matters consent for phase 2, which was subsequently approved, and they commenced the discharge of the relevant conditions and began discussions with the relevant authorities regarding the technical approval process.

It is understood that the issues presented by the updated flood modelling work, which identified the risk of flooding of the new bridge and bypass due to changing flooding predictions in the intervening time was raised at this point. Following discussions between the relevant decision-making authorities (Staffordshire County Council, Derbyshire County Council and the Environmental Agency) the developer was advised that further work was needed to agree an acceptable design solution in light of the more up to date modelling on flood risk.

The need to amend the alignment and configuration of the previously approved bridge is now required in order to achieve technical approval from the respective Highway Authorities in order to be able to construct it. The developer and the highways authorities and EA have been involved in discussions for some time regarding the work required to make the bridge acceptable both in terms of highways safety and flood risk. Whilst the finalised design has not been accepted by all parties at the time of writing the report it is understood that there is a clear direction of travel to ensure that a scheme the relevant decision-making authorities are content with can be achieved. The key stakeholders in relation to these technical approvals are involved in regular workshops to discuss the project and a route forward. The developer has submitted a timeline of works with this submission that identifies that technical approval for the bridge can be achieved by June 2024, starting on site in July 2024. This timeframe also relies on the developer getting to a point in their discussions regarding technical approval that a planning application can be submitted to the relevant planning authorities by 31 March 2024, and this date would be binding on the developer in an amended S106 agreement. In accordance with the Environmental Impact Assessment Regulations a Scoping request has been submitted to the council. This will inform the new applications.

Whilst the design has not been finalised or approved yet it is likely that the changes that are now anticipated to be required include:

- Increase in the height of the span of the bridge. The deck level is likely to need to be raised by approximately 1m.
- Realign the route of the road/bridge where it ties into the existing highway on the Staffordshire side of the River Trent.
- Construction and incorporation of new culverts within the overall bridge design to address concerns over flooding.

The applicants and the relevant decision makers in relation to the technical approval process are meeting approximately every 6 weeks to discuss the design and reach agreement. With this collaborative working in place, it is anticipated that once a planning application is submitted for the amendments to the bridge, required to be by 31 March 2024, that any issues relative to flood risk or highways have been addressed.

It is understood that the latest on this work is that:

- The bridge and bypass have been redesigned to be above design flood levels.
- Openings are being redesigned from plastic pipes to large concrete spans, due to concerns previously expressed by the EA and HAs around the piped openings solution.
- Countryside's Flood Risk Modelling now demonstrates that the impacts of the new bypass fall within EA requirements.

These updates are to be discussed at the next technical workshop on 17th January 2024. The committee will be verbally updated on the outcome of this workshop.

Highways

The applicant's submission seeks to demonstrate that the resultant traffic situation of allowing 785 dwellings to be occupied in advance of the completion of the bridge and bypass will result in no worse a situation than that accepted when the trigger for 400 dwellings was approved.

It is accepted that the 2015 TA provides the current basis for the trigger of 400 dwellings. This was based on the mix of development floorspace proposed as part of the 2016 development of the Drakelow site. This mix of development was for 2239 dwellings including retirement flats, flats and houses, 12 ha of employment space and 4900m² of retail and employment floorspace within the local centre compared to the current situation of 1921 homes (mix of houses and extra care units), 2.75 ha of employment space and 7732 m² of retail and employment use within the local centre. Both schemes included a primary school of the same size. Whilst the housing provision is considered to be similar across the two schemes, the latest proposal sees a reduction of over 9 ha of employment use, which came at a time when there was an overall oversupply of employment land in the District when measured against existing local plan targets and in light of the wider re-development of the former power station site as identified in policy BNE12 to the south-west of the site for employment purposes. The assessment used traffic forecasts from the Burton Transport Model (BTM), provided by SCC. The model was used to provide forecast traffic flows on the Main Street/Walton Road corridor north of the River Trent under the following scenarios:

- 2031 with 400 dwellings and Walton Bypass in place;
- 2031 with 400 dwellings and no Walton Bypass.

The TA focuses on the Main Street/Walton Road/Station Lane corridor between the A38 and A444 which is consistent with previous assessments.

In the absence of the Walton Bypass, a greater proportion of development traffic could travel to/from the north via Stapenhill and the A444/A5189 St Peter's Bridge Roundabout. The impact of the two development scenarios at these locations has been assessed relative to updated "No Development" scenarios that exclude both the development and the bypass. This enables the impact of the development without the Walton Bypass to be identified and the need for alternative or interim mitigation measures in this area to be considered.

The TA uses forecast traffic flows of Station Lane east of the A38 Barton Turn at 2026 to compare actual flows taken from the 2023 survey works and notes that the 2026 forecast demonstrates much higher volumes of traffic.

To assess whether material traffic impacts could arise in each development scenario, the advice provided within the former DfT "Guidance on Transportation Assessment" has been followed which suggests that a two-way increase of more than 30 vehicles may require further consideration. The TA acknowledges however that increases of below 30 vehicles (two-way) can be considered material where a junction or link is approaching capacity or where existing road safety issues have been identified. This is particularly relevant at the St Peter's Bridge roundabout, which has been identified as having limited capacity for further traffic growth.

Previously accepted 2026 Benchmark traffic flows west of Walton-on-Trent were around 1,000 vehicles/hour. However, this figure does not take into account the additional traffic that would be generated by a further 400 dwelling, which would have increased the two-way flow in each peak hour figure by approximately 35 vehicles. The latest traffic survey shows this to be significantly lower than forecast at 700 vehicles per hour. An increased trigger of 800 dwelling would generate approximately 80 additional vehicles per hour, resulting in a net increase of 45 vehicles (80 – 35). Whilst higher than the DfT guidance the flow rate is significantly below the accepted benchmark rate which was considered could be accommodated.

The TA concludes that the quantum of development that could be accommodated on the network west of Walton-on-Trent in advance of the Walton Bypass is potentially much greater than the proposed amended trigger point. This is primarily to do with the reduction in employment space and a comparison of the original data sets used to calculate traffic and the updated survey work and data sets due to the differences in mixes of use within the site. However, without the Bypass a greater proportion

of development traffic might use the road network to the north of Drakelow Park, requiring further assessment of short-term traffic impacts in Stapenhill and at the A444/St Peters Bridge roundabout.

In conclusion the TA demonstrates that allowing up to 800 dwellings to be occupied at Drakelow Park in advance of the Walton Bypass would not give rise to adverse traffic impacts on the local highway network sufficient to justify that the effects of raising the trigger would be severe.

Derbyshire County Council initially raised objections to the proposals requesting additional survey work and additional information to demonstrate clearly the traffic generation and distribution.

SCC Highways initially comment on a number of matters, noting contradictions in the submission, fundamentally the consideration of traffic associated with the full scheme, which is irrelevant for the proposed increased trigger. i.e. these points relate to the development of the site beyond the 785 homes proposed.

They comment that the development has not progressed completely as planned in relation to highway matters, the Travel Plan has not been implemented on occupation of the site and the original methodology within the Transport Assessment produced by David Tucker Associates (DTA) was never fully accepted by Staffordshire County Council. Notwithstanding this the TA considers the interim phase of 800 dwellings by applying a completely different methodology to previous.

They acknowledge that the base data to support the proposal has been undertaken at a 'neutral time', but that there is no sensitivity test or calibration on the data collected and therefore it is not possible to determine if the data is a true reflection of everyday vehicular movements on the highway network.

They request that a more accurate methodology for modelling is first agreed with SCC.

Concern was also raised regarding the baseline data and the inclusion of the Energy Centre and whether all committed development has been accounted for.

The submission of the interim statements and additional TA sought to clarify and identify for review the information sought by the key consultees. This can be summarised as follows;

- The developers have asked for a list of committed development both highways' authorities think should be included. Both HAs now agree that there are none that should be included.
- The provision of original TA traffic forecasts for 2026 at the A444/St Peter's Bridge Roundabout with the new 2023 traffic survey and an explanation of how this was derived.
- The provision of a comparison of the 2023 classified turning count survey data with available Automatic Traffic Count (ATC) data to confirm that the former were undertaken on a representative day. The data collected shows this to be the case.
- Provision of an extract of the TRICS data from the original TA that supported the earlier residential trip generation rates.

Staffordshire County Council Highways Authority were involved in a teams call in mid-December. During the call the developers and the two highways authorities (SCC and DCC who were also present) agreed an approach to progress the application including the submission of a revised TA to include all the information in the technical notes and the additional survey work. It also runs all updated survey work through the various assessments to show trip rates and distributions. This was submitted on 20th December and consulted on the same day.

Derbyshire County Council Highways Authority have reviewed this and raise no objections to the amended trigger point subject to consideration of any mitigation required.

SCC responded on 10th January and are of the view that the implications of the increased number of dwellings would not result in severe highways impacts and therefore they raise no objections. They comment that the thresholds outlined in condition 48 of the outline planning permission are likely to be reached by approximately 590 dwellings and the mitigation identified in this condition will be required at this point. The amendment to the S106 Agreement would have no impact on this condition and

Countryside would need to comply with the requirements of this in full. They also request that Countryside are also required to install a temporary highway scheme to allow commercial vehicles to turn until the bridge/ bypass is open. They do not consider the mitigation measures at A444/St Peter's Bridge roundabout are required or deliverable due to land ownership, provided that the bridge/ bypass is delivered in the timescales proposed. These points have been raised with Countryside and there is agreement with SCC's request which is included in the recommendation at point 4 (Tucklesholme Nature reserve scheme).

The Council also instructed an independent highway consultant to assess the information provided by Countryside, including a review of their methodology for the TA work submitted. They have also undertaken their own survey work to test the information which Countryside have provided. These surveys were through Automated Traffic Count (ATC) and Manual Traffic Count (MTA) which were undertaken at a traffic neutral period in November. The MTC took place on 29th November from 8 locations between 7-10am and 4-7pm.

They have submitted a report to the council which sets out analysis of the impact of the development on the highway network, prepared using standard methodology and assumptions considered appropriate for the scheme. Their survey work shows fewer total vehicles on all roundabouts in the peak hour periods and therefore concludes that the surveys undertaken by Countryside in March 2023 are considered to be a worst-case scenario. It concludes that the results of the further October 2023 traffic survey provides no cause for concern that the survey undertaken should not be seen as accurate and acceptable. It reflects typical traffic flows resulting in a reasonable number of vehicles being predicted to enter the site at the Interim Phase (800 dwellings).

The NPPF states that 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. The Highways Authorities are now content that Countryside have considered all committed development in their submission, and they have undertaken a review of crash data within their submission. Given the independent review of the information submitted by Watermans and the lack of any highways objection from DCC and SCC it is considered that the proposal would be acceptable in terms of highway impact, such that there would be no severe highways implications, it is therefore considered that these tests are met.

Viability implications

Countryside have confirmed that their focus and commitment remains to provide the bridge and bypass with the need for the amendment to the trigger being wholly driven by the time needed to complete the process of securing technical approval for the scheme and then to build it. They have submitted information which demonstrates that it is not in their financial interests to stop work at 785 homes and not complete the bridge/ bypass scheme with the profit for the development beyond this number being substantially greater, even with the additional finance that would be required to be spent on the bridge/ bypass scheme and the contributions within the S106.

They have provided information which demonstrates a viability comparison for providing the bridge at 400 dwellings compared to providing it at 785 dwellings. The summary provided shows revenues as an average of the achieved sales price and rental revenues, with costs averaged across the tenures. There are greater S106 costs with the full build as triggers are hit.

This demonstrates that the 785 would offer a profit margin of 9.79%, compared with the full build profit of 15.57%, a monetary difference of approximately £40m. This is based on the bridge costing approximately £20m and the land costs remaining constant across the two at £30m.

This information was reviewed by colleagues in the council's economic development team who raised initial concerns that the information provided didn't provide enough context or comfort that the bridge and bypass would come forward.

Countryside have since provided additional information which demonstrates that there is a need to continue beyond the 800 trigger (autumn 2025) as the scheme is not cash flow positive until 2031. They have also accepted that further comfort can be provided through the use of an Escrow account or similar in which they would put 1 million pounds which could only ever be drawn by them to assist in the delivery of the bridge and bypass. This is considered to be a considerable sum of money and one which they would not want to lose due to the implications for profit margins.

Discussions have also taken place as to the potential to install measurable milestones into the revised S106 Agreement such that Countryside would need to submit a planning application to the council for the amended bridge and bypass scheme prior to a certain date, or else no more houses can be built and occupied and that a material start on site has to be commenced within a number of months from planning approval, with an ultimate opening date of the bridge and bypass as a backstop date. It is considered that this approach would give the council comfort and controls over the amended trigger point such that it could halt development unless it sees that these measurable targets are being met and development is progressing in such a way that demonstrates that the delivery of the bridge and bypass is a priority. These milestones are:

1. A planning application for the bridge and bypass scheme will be submitted to South Derbyshire District Council and East Staffordshire Borough Council by 31st March 2024.
2. Within 3 months of receiving planning permission for the bridge/bypass and written confirmation from the two Highways Authorities that the designs are suitable for adoption as public highway, there will have been a material start on the construction of the bridge/bypass scheme, including the discharge of all relevant pre-commencement conditions.
3. Prior to the occupation of 785 homes or 31st December 2025, whichever is the sooner the bridge will be completed and open to vehicles.

and they are included in the recommendation.

It is also worth noting that Countryside has a different business model to most housebuilders in that they front load affordable housing within the site, entering into partnerships with RPs. There are two partners at the site at Drakelow; Midland Heart and Sigma. It is understood that Countryside have a contract with these RP's and that they are obliged by such to build the bridge/ bypass.

Subsequent issues of bridge delivery

Countryside have provided the following table to demonstrate the speed at which they are delivering housing on the site.

Date	Milestone	Occupations				Total	
		Countryside	David Wilson	Bovis			
Jul-23		100	193	0	293		
Aug-23		16	2		18	311	
Sep-23		16	2		18	329	
Oct-23		16	2		18	347	
Nov-23	Planning submission for Revised Bridge & Bypass	16	2		18	365	
Dec-23		16	2		18	383	
Jan-24	Riverside Parcel - Start on Site	15	2		17	400	
Feb-24	Technical Approval submission for Revised Bridge & Bypass	15	2		17	417	
Mar-24	Planning approval for Revised Bridge & Bypass	15	2		17	434	
Apr-24		15	2		17	451	
May-24		15	2		17	468	
Jun-24	Technical Approval for Revised Bridge & Bypass	15	2		17	485	
Jul-24	Start on site for Bridge & Bypass	15	2	3	20	505	
Aug-24		15	2	3	20	525	
Sep-24		15	2	3	20	545	
Oct-24		15	2	3	20	565	
Nov-24		15	2	3	20	585	
Dec-24		15	2	3	20	605	
Jan-25		15	2	3	20	625	
Feb-25		15	2	3	20	645	
Mar-25		15	2	3	20	665	
Apr-25		15	2	3	20	685	
May-25		15	2	3	20	705	
Jun-25		15	2	3	20	725	
Jul-25		15	2	3	20	745	
Aug-25		15	2	3	20	765	
Sep-25	Completion of Bridge and Bypass (14 months from SoS)	15	2	3	20	785	
		495	245	45	785		

This demonstrates a speed of housing delivery which is not replicated at any other site within the district. This is a key consideration in respect of housing delivery, which is particularly pertinent given that a number of the housing completions are handed over to a registered provider, ensuring that the site delivers affordable housing options within the area.

The latest reported housing land supply (Jan 2023) demonstrates that SDDC currently has a supply of approximately 6.29 years. This figure relies heavily on the delivery of housing on this site and at Wragley Way. Based on this data the loss of 21 months of delivery from Drakelow would result in a 5 year housing land supply of 5.96 years. If housing delivery at Drakelow was capped at 400 with no further delivery this would result in a 5 year housing land supply of 5.33 years.

The Policy team have been updating figures using the latest information and changed formula for reporting land supply taken from the latest version of the NPPF which are due to be reported to EDS Committee later this month. This report will be made public in advance of Planning Committee and members will be verbally updated as to the latest figures on the night.

The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. There is a presumption in favour of sustainable development which for decision-taking means approving development proposals without delay where there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

In addition, the S106 Agreement requires the developer to provide certain additional infrastructure at specific points of the build programme, this includes the provision of (or finance towards) a health centre, a school and POS. The submission of details of a healthcare facility have to be provided prior to the occupation of 800 dwellings. The school specification needs to be submitted within 12 months of receiving notification that there is a need which has to be prior to 1 December 2024. The developers are required to build a 1FE school with the potential to be a 2FE school. Due to the delays in build rates should the trigger point not be increased there will be delays in reaching these trigger points which may have implications for the provision of other infrastructure across the site. There are meetings underway now regarding the provision of the school and the Health Centre.

PHASE TWO: Summary of Schedules 1-10

<i>Trigger point</i>	<i>Schedule and Obligation/s</i>
Prior to Commencement (of each phase)	Sch8 The submission of the Open Space Strategy - Which shall be delivered in accordance with the strategy
Prior to 1st Occupation	Sch6 Creation of Drakelow Park Steering Group (SCC) Sch6 Appointment of Lead Travel Plan Co-Ordinator Sch6 Compliance with the Framework Travel Plan Sch6 Installation of the Traffic Counting Equipment
Prior to 50th Occupation	Sch9 Submit Listed Building Specification for approval
Prior to 100th Occupation	The procurement of the 2 & 2A Bus Service to go through the site
Prior to 150th Occupation	Sch9 Obtain Listed Building Consent for Phase 1 Works
Prior to 1st December 2024	Sch3 DCC Issue determination they wish a Primary School to be built
Prior to Feb 2024	Sch4 Countryside to provide the Primary School Specification to DCC for approval
Prior to 300th Occupation	Sch3 Pay £690,000 + Index to SCC (Secondary Education to JTFS)
Prior to 301	Sch8 Pay £275,000 + Index - Built Facilities to SDDC
Prior to 407th Occupation	Sch4 Pay 1st ESITS Contribution (East Staffordshire Integrated Transport Strategy) + Index to SCC Sch4 Pay Highways Contribution to DCC (£130,000 - Caldwell Road / Rosliston Road South Junction Improvements) Sch4 Pay TRO Contribution (Traffic Regulation Order) to DCC Sch4 Walton Bypass open to traffic
Prior to 657 Dwellings	Sch4 Pay A38 Stage 2 Contribution
Prior to Occupation of 800 Dwellings	Sch3 Delivery of Primary School Sch7 Approval of the Healthcare Facility Sch10 Ensure marketing strategy for Extra care is received
Prior to 816 Occupation	Sch4 Pay 2nd ESITS + Index to SCC
Prior to Occupation of 1,200 Dwellings	Sch7 Healthcare Facility is Practically Complete
Prior to 1225 Occupation	Sch4 Pay 3rd ESITS + Index to SCC
Prior to 1780 Occupation	Sch4 Pay 4th ESITS + Index to SCC
Prior to 1607 Occupation	Sch9 The Listed Buildings to be Transferred to a community use occupier

Monitoring of the S106 Agreement is being undertaken by the council and it is understood that the requirements of each schedule are largely being complied with. Where there are issues of non-compliance, specifically the travel plan and the requirement to have an operational bus service servicing the site there are considered to be reasons behind this which were not necessarily fully realised on the formation of the S106 Agreement. Countryside have provided a short-term solution to the bus service (until this is an option with an operator) which involves a taxi service to the nearest bus stop to allow an onward journey. Whilst it is recognised that this is not the ideal long-term solution, it is understood that the requirements of a bus operative are to allow travel through the site (along the entire spine road), although it is understood that they may allow a service with a temporary turning provision within the site which is also being investigated.

The site also provides a number of jobs currently, both within the construction trade and other indirect roles such as suppliers, drivers etc. If works were halted on site this would equate to roughly £41m per year.

Other matters

Countryside have been responsive to issues raised during the course of the construction works to date.

In response to the issue of construction vehicles taking an unauthorised route to the site they have put CCTV in place to record the direction of travel for lorries. It is understood that there have been no complaints in the last 10 weeks regarding HGVs using an unauthorised route.

In addition, it is understood that they have now got consent from the HA to display additional signage to direct traffic.

Due to issues in providing a bus service to the development whilst under construction Countryside have made arrangements with a local taxi service to collect occupants and take them to the bus stop for their onward journey.

A temporary footpath is open and has been made available through the site. It is understood that the conditions of the last 50m of this route are not ideal, but that Countryside do not own this land (owned by the County Council) and that there have been discussions with them to try and improve this.

In addition to the above and given concerns about connectivity through the site whilst the development is under construction, which will take a number of years to complete, Countryside have also reviewed their build programme in an attempt to address this.

They have provided the table below to demonstrate how they intend to bring the spine road and footpath links through the site as soon as possible to ensure that issues surrounding connectivity are addressed sooner than has been envisaged.

Work Stream	Date to Commence	Date to Complete
Reserved Matters Planning submission and approval for Phase 3 and 4	January 2024	June 2024
Discharge of planning conditions	May 2024	July 2024
Demobilisation of Existing Business Park	November 2023	June 2025
Spine Road Technical Approval submission and approval	June 2024	October 2024
Spine construction from Technical	October 2024	June 2025
Provision of permanent pedestrian link to Phase 1 (DWH)	May 2025	June 2025
Green Way (Phased Delivery to suit build programme	April 2025	December 2025

Conclusion and Planning Balance

It is acknowledged that there will be some additional highway implications in having the bridge in place by the occupation of 785 homes or 31st December 2025 as opposed to now. However, the TA concludes that the Current Scheme would generate significantly less traffic generation than the Original Scheme due to the reduced scale of employment land uses and that:

- The new traffic surveys undertaken in 2023 show that traffic flows on Station Lane west of Walton-on-Trent and across the existing Bailey Bridge are significantly lower than those that were previously forecast to arise by 2026.
- Updated traffic forecasts for the Bailey Bridge with 800 dwellings occupied would be 17% to 24% lower than previously accepted.

- There is no evidence of existing road safety issues in the local area around Walton-on-Trent that require intervention.
- Possible road safety issues have been identified in the Stapenhill area south of the St Peter's Bridge roundabout.
- Without the Walton Bypass, a greater proportion of development traffic might use the road network to the north of Drakelow Park, requiring further assessment of short-term traffic impacts at the A444/St Peters Bridge roundabout. These assessments indicate that in the 2026 Interim Phase of 800 dwellings, the roundabout would be operating close to or marginally above capacity.
- A mitigation scheme comprising minor physical improvements to the junction has been identified for further discussion with SCC if considered necessary. The mitigation scheme would mitigate the impact of the Interim Phase of development at Drakelow Park.

Therefore, it is considered that the amended trigger of 785 dwellings or 31st December 2025 would not result in significant adverse traffic impacts on the local highway.

Should the trigger point not be raised the implications are four-fold:

- The delivery of housing across the district would be reduced within the 21 month period which would have implications for the 5 year housing land supply and in turn may put the council in a less strong position when determining applications or responding to appeals for housing.
- Loss of jobs and impact on the economy.
- Delay (or potentially loss) in the provision of infrastructure across the site, such as the provision of the school, healthcare facility, contributions to secondary education, built facilities and connectivity across the wider site.
- Potential that the developers may moth ball the site and walk away, or potentially revisit the S106 Agreement and seek to reduce contributions due to the additional financial burdens that the delay would have.

It would appear that the developer has been reasonable in its attempts to resolve the situation regarding the redesign of the bridge and that they have actively engaged with the relevant stakeholders to get to a position where a re-designed bridge can come forward shortly. With the amended s106 this will be required to be complete by 31 December 2025 which arguably is an even more robust mechanism than that in place currently.

Countryside have also engaged with SDDC in attempts to resolve issues and bring forward parts of the development (internal footways) sooner than they otherwise might.

However due to the length of the technical and planning approval processes the bridge cannot be completed any sooner than forecast. Should the council not amend the trigger point the development will halt until autumn 2025 at least and may cease altogether.

The transport survey work undertaken by both the applicant and the council's independent advisor concludes that the proposals would not result in any severe highways implications and the increased trigger point of 785 with the opening of the bridge and bypass before 2026 can be accommodated within the existing road network. This finding is agreed with DCC.

The viability work presented demonstrates the increased profit from a scheme beyond the proposed amended trigger point and in addition to this the developers are proposing to put 1 million pounds into an Escrow account. It is considered that this demonstrates Countryside's commitment to building the bridge and bypass. In addition, it is considered that the introduction of additional milestones which are required to be reached at certain time intervals would ensure that the progress of the bridge and bypass scheme remained on track with an ultimate delivery date prior to 2026.

Recommendation

The Committee is asked to approve the increased trigger of the occupation of 785 homes in advance of the opening of the bridge and bypass scheme. In addition to this the additional milestones should be included:

1. Planning applications for the bridge and bypass scheme will be submitted to South Derbyshire District Council and East Staffordshire Borough Council by 31st March 2024
2. Within 3 months of receiving planning permission for the bridge/bypass and written confirmation from the two Highways Authorities that the designs are suitable for adoption as public highway, there will have been a material start on the construction of the bridge/bypass scheme, including the discharge of all relevant pre-commencement conditions.
3. Prior to the occupation of 785 homes or 31st December 2025, whichever is the sooner the bridge will be completed and open to vehicles.
4. Countryside will provide a temporary highway scheme just after the entrance to the Tucklesholme Nature Reserve/Quarry on Station Lane until such a time that the Walton Bypass is constructed and fully open to all traffic, in order to reduce the likelihood of commercial vehicles trying to gain access to the Drakelow site via the existing bailey bridge. Works to provide this will commence within 3 weeks of the scheme gaining technical approval from Staffordshire County Council, and the scheme will be completed no later than 2 months from commencement.
5. The sum of 1 million pounds to be secured in an Escrow account. Provision shall be made so that this can be drawn by the developer only to assist in the building of the bridge and bypass scheme and for no other purposes.