

Issued to Somerset Council Planners and Highways
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DMM/AJB/W.099

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Dear Councillors

**Commentary on Highways Aspects of the Outline Planning Application
for Development on Land at Roughmoor Lane, Westbury-sub-Mendip:
Application 2025/0137/OUT**

Executive Summary

The Transport Assessment supporting the planning application for development of land on Roughmoor Lane contains misinformation in its commentary.

Highway standards are not met in the proposed realigned Roughmoor Road junction with the A371. The proposals fail to provide a footway meeting standards between Mortar Pits and the School Hill junction. The existing crossing point fails to meet standards and is therefore unsafe. However the proposal include the retention of the unsafe crossing and the provision of only minor works. There is no indication in the Transport Assessment that alternative crossing proposals have been tested.

The Parish Council have advised that the 'dark village' status of Westbury-sub-Mendip should not prevent the provision of street lighting to improve pedestrian provision in the village. However, there is no evidence that the applicant's designers or highways officers have heeded this.

The proposals fail to provide priority to pedestrians, particularly in relation to the needs of less able users, as required by the NPPF. The proposals fail to meet standards for pedestrian safety. The proposals trigger the test for refusal on highway grounds set out in paragraph 116 of the NPPF. The planning application should be refused on highway grounds as the safety implications of the increase in pedestrian movements is severe. Requirement 6 of Policy WM1 is not satisfied.

Introduction

D M Mason Engineering Consultants is instructed by Westbury-sub-Mendip Parish Council to provide highways assistance in responding to the planning application for proposed development on land at Roughmoor Lane, Westbury-sub-Mendip.

The assistance relates primarily but not exclusively to Policy WM1 requirement 6 reproduced below.

Background

The proposed development site is allocated in the Mendip Borough Council Local Plan 2006-2029 Adopted Dec. 2021 – Post JR Version site WM1. The policy relating to the site states:-

‘Policy WM1: Development Requirements and Design Principles

1. A minimum of 40 dwellings including affordable housing consistent with relevant policy.
2. Have particular regard to site layout, building height, and soft landscaping, to minimise the visual impact of the development in this rural location.
3. New development should reflect the local materials and style.
4. The site should be designed to safeguard the amenity of neighbouring residential properties.
5. Opportunities should be taken to maintain or enhance biodiversity and particular consideration will be needed of the impact on designated sites. 0.13 ha of accessible bat habitat should be provided.
6. Further investigation will be required of traffic impacts and a safe access onto the A371 will be required. Safe pedestrian links should be provided to enable access on foot to the village core.
7. The impact on nearby listed buildings and the Conservation Area will need to be carefully considered.
8. Up to 0.1ha of land will be made available for the delivery of a community facility. No further contributions towards community facilities will be sought from the site.’

The Parish Council accepts that land at Roughmoor Lane has been allocated for housing. However, it insists that Policy WM1 is met in its entirety, and that no listed requirement should be sacrificed or overlooked when deciding on any planning application.

National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published in December, 2024. This revision of the NPPF is that against which the planning application must be tested.

Paragraph 2 states:-

‘2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.’

The planning application on the site must be determined in accordance with the Adopted Local Plan Policy WM1. Policy WM1 Requirement 6 is addressed in this document.

Under the heading ‘Decision Making’, the NPPF continues:-

‘Pre-application engagement and front-loading

40. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

41. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicant who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

42. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.’

and

‘44. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.’

The planning system is best served when applicants share information in a pro-active manner with interested parties, including the local community and non-statutory consultees, as early as possible, and particularly during the pre-application stage. The failure of applicants (and their professional advisors) to share information in a timely manner will lead to delays in decision making.

Consultation by the Parish Council

1 June, 2023

The Westbury sub Mendip Neighbourhood Plan Working group met with a Somerset Council Highways officer by Microsoft Teams on 1 June 2023. The Somerset officer discussed in outline what data would need to be collected by any applicant. The officer was aware of and would be looking for a safe and appropriate pedestrian access from the site to the village core.

There was no suggestion that data collected by the applicant would need to be kept from interested parties until a planning application was made. The officer affirmed that a safe and appropriate crossing would be required for the development.

July, 2023

The highways advisor to the Parish Council prepared a Highways Scoping Report in July, 2023. This was shared with the relevant Highways officer (Emma Meecham), division members and the senior planning officer (Nikki White) on 7 November, 2023 asking for its recommendations to be addressed. The Scoping Report stated the data gathering and information required to enable decision makers to properly address the highway situation to enable a proper discussion of how Policy WM1 Requirement 6 can be satisfactorily addressed.

It also addressed some possible features to be tested to ensure that appropriate possible means of satisfying Policy WM1 Requirement 6 have been assessed.

Somerset Council have had notice that information was required by the Parish Council for it to properly address the planning policy requirement. Somerset Council have had notice that various options for satisfying the policy requirements should be tested. The applicant has had notice from meetings held with the Parish Council that options to satisfy the Policy requirements need testing.

23 November, 2023

‘KJ (*for Somerset Council*) confirmed from internal discussions that (as far as KJ is aware), SCC are unaware of the Parish Council making any recent contact to discuss any of the below.’ (*note added*)

and

‘Discussed the current access proposals as well as the PC’s requests for a mini-roundabout access arrangement’

and

‘The only traffic calming measures which they would accept as being safe would be white lining related which would not be particularly effective’

and

‘SCC reaffirmed that due to the dark village status and the heritage and conservation elements (noting the adjacent monument), a controlled crossing point (signals or zebra) will not be appropriate’

and

‘As such, SCC stated that no physical traffic calming measures can be placed throughout the village. Note that this applies to any feature placed in the highway’

and

‘If the above is not possible, draw up improvement scheme without physical re-alignment of A371 element as per above remaining measures (improved signage, surfacing, road markings, bollards, tactile paving etc)’

The Somerset officer stated that white lining would not be particularly effective yet suggested a scheme based on lining and surface markings. The officer was content to suggest bollard, despite them taking footway space.

The Parish Council have asked, in an e-mail dated 12 January, 2024 to Emma Meecham, Somerset Highways, that the record of this meeting be set aside/ignored as it is not informed by the Parish Council and Highways discussions. The officer involved was ill informed and later removed from liaising with the applicant on highways matter for this site as noted by Emma Meecham in a meeting on 20 March, 2024. However, the meeting it is still referred to in the Transport Assessment.

7 November, 2023 to 12 January, 2024

Nikki White (Principal Planning Officer) notes in an e-mail dated 23 November, 2023:-

‘Emma Meecham, (*Somerset Highways*) is very busy at the moment dealing with policy work as well as a high number of planning applications so I thought I would drop you a line. Whilst we can only require submission of details as set out in the legislation, I’m sure your comments and suggestions will be considered in the assessment of the application by relevant highways specialists.’ (*note added*)

Ms White fails to note that the NPPF calls for pre-application consultation. Ms White refers only to post-application assessment. It would be surprising if a planning officer does not know of the requirements of the NPPF, and yet there is no mention of pre-application consultation with the Parish Council.

20 March, 2024

Parish Council members, their highways advisor and members of the Westbury-sub-Mendip Neighbourhood Plan Working group met with a Somerset Council Highways officer and representatives for the applicant, their highways and planning advisors by Microsoft Teams on 20 March, 2024. The minutes noted:-

‘There was a discussion on the dark skies policy. DM (*Parish Council highways advisor*) confirmed parts of the village are lit (Stoneleigh and Lodge Hill), but no street lighting along A371 in centre of village. CL (*for Westbury-sub-Mendip Council*) advised that the policy can be flexible if required to implement road safety measures. The policy should not necessarily preclude lighting in the highway.’ (*notes added*)

and

‘DM raised that the pavement (*sic*) between Mortar Pits and the dropped curb (*sic*) opposite the shop is not 2m wide throughout its length. LT (*for Pell Frischmann*) advised this would also be assessed as part of the application but there is a balance between road and pavement widths. EM (*for Somerset Council*) confirmed that a balance is required between widths of the A371 and the pavement, minimum pavement width of 1.8m is ideal (2m is optimum).’ (*notes added*)

and

‘LT reviewed previous advice from SC Highways regarding the potential crossing location and proximity to the bend in the road, including narrowing of carriageway / build outs. Kerry Jones previously advised that SC Highways would not accept a lowering of design standards if speeds were such that forward visibility cannot be achieved around the bend in line with design standards.’

LT for the applicant stated that widening the footway from Mortar Pits to the dropped crossing would be assessed. There is no evidence of this in the Transport Assessment. EM stated that a 2m footway is the optimum and a 1.8m footway ideal. The proposals in the Transport Assessment offer neither but the Highway Authority appear to be content to accept a proposal with a footway width of 1.2m to 1.6m.

The minutes note that Kerry Jones previously stated that design standards would not be lowered if forward visibility could not be achieved. However, the proposals accepted by the Highway Authority and promulgated in the Transport Assessment show clearly that at the proposed crossing point there is not forward visibility of a pedestrian by a driver which meets standards. Yet both the applicant and the Highway Authority are content to maintain the present crossing position without visibility meeting standards.

It will be seen below that Somerset officers appear to be content to accept an access proposal which does not meet standards.

27 July, 2024

Parish Council members obtained a copy of minutes of a meeting between a Somerset officer and representatives of the applicant's highway advisors on 27 July, 2024. That minute noted:-

'LT (*for Pell Frischmann*) updated on progress to date including surveys undertaken and data obtained' (*note added*)

The minute includes:-

'EM (*for Somerset Council*) has reviewed the comprehensive set of data provided and agreed that there was not a safe solution to control the crossing.

EM agreed and advised to include highway awareness measures (road markings) as part of the application as highway safety mitigation for the increase in vehicles and pedestrians at this location.

EM advised that once a scheme has been confirmed, this will need to be subject to a Stage 1 Road Safety Audit as part of the Planning Application Process.' (*note added*)

and

'EM agreed that based on the existing situation, vehicle speeds, village and heritage nature of the village including the built environment. The most appropriate scheme would form a speed limit reminder scheme positioned on the western approach to the village immediately prior to the built form of the village.

EM agreed that given the existing speed limit change is remote from the urban fringe of the village, a speed limit reminder scheme would be appropriated and offer the most benefit in this location'

It is clear that the applicant had undertaken survey work by July 2024 and that this could have been shared with the Parish Council at that time. It is clear that at July, 2024 Somerset Council officers had decided on the means of meeting Policy WM1 Requirement 6 which would satisfy them. No Stage 1 Road Safety Audit is presented in the planning application.

15 November, 2024

Parish Council members and members of the Westbury-sub-Mendip Neighbourhood Plan Working Group met with the applicant and their highways and planning advisors by Microsoft Teams on 15 November, 2024. It noted:-

'2.1 Lewis Thomas (*for Pell Frischmann*) confirmed that a comprehensive set of data has been collected, combining that required by Somerset Council (SC) Highways for the planning application, and that requested by the Parish Council (PC) and Neighbourhood Plan Working Group (NPWG).' (*note added*)

and

‘3.13 LT explained existing footway widths in the vicinity of the crossing are narrow (1.25m on northern side and 1.2-1.6m on southern side). Signal poles for a controlled crossing would block the footway. Footways cannot be widened into the carriageway in this location as swept path analysis shows that two HGVs passing need the full extent of the carriageway. SC Highways would not accept narrowing the carriageway, which would require HGVs having to stop to give-way to oncoming traffic, on an A road.’

and

‘4.1 LT summarised the findings of the surveys and the options agreed in principle with SC Highways. For the crossing improvements, this includes:

- Change in road surfacing/colour at the crossing point itself;
- High friction road surfacing on the approach to the crossing; and,
- Warning signage.’

and

‘4.3 RW/CL (*NPWG*) queried whether the existing right hand turn lane could be removed to extend the carriageway. CH advised that two HGVs passing need the full carriageway including this lane. SC Highways will not accept narrowing here to one way traffic as there is not sufficient forward visibility to give-way to oncoming traffic.

‘4.4 CH (*NPWG*) confirmed that the options discussed with SC Highways included controlled crossing, zebra crossing, narrowing the carriageway, and adding a central island. These were rejected due to the width of footways, swept path analysis of HGVs, visibility, and demand. SC Highways advised increased driver awareness, signage, road markings should be explored instead. They will formally comment on the proposed highway improvement works during determination of the planning application.’

and

‘4.9 CL requested a copy of the raw data from the surveys. VBM (*Church Commissioners*) confirmed this will be included in the TA submitted with the application and cannot be shared ahead of this.’ (*notes added*)

The minutes of a number of meetings make great play of the fact that Westbury-sub-Mendip is a ‘dark village’. This means that the Highway Authority is unwilling to place features in the carriageway as they would not be lit. It is noted that in March 2024 the Parish Council ‘advised that the policy can be flexible if required to implement road safety measures. The policy should not necessarily preclude lighting in the highway.’ It is clear that Somerset Council and the advisors to the applicant have ignored this and continued with their preferred option of providing little to improve on the provision for pedestrians travelling between the application site and the village core.

It is uncertain how 'increased driver awareness, signage, road markings should be explored instead'. Local residents do not feel safe when crossing the road. It is known that the visibility toward pedestrians from approaching drivers does not meet standards. There is no indication that the applicant's advisers have considered anything other than the least costly changes to the crossing and that these have been supported by highways officers. None of this will change by any 'exploration'.

Somerset Council highway engineers are unconcerned that residents feel unsafe crossing the road. The officers will therefore remain unconcerned following any 'exploration'. As the proposals supported by officers do not meet standards, Policy WM1 Requirement 6 is not met as the crossing is unsafe.

It is also clear and recorded that the applicant has not and will not share survey data with the Parish Council before the planning application is made. This is despite the NPPF calling for pre-application discussion. This is despite the Parish Council asking for data since July, 2023.

The applicant did not state why data could not be shared with the Parish Council. There is no known guidance which precludes the sharing of data with consultees. As a consultee to the application, there is no reason to believe that data would be mis-handled.

It would be difficult to rebut an accusation that the applicant has sought to hide the data from the Parish Council until such time as their ability to process the data is as short as possible. This does not meet the requirements of the NPPF. Professionals supporting such a strategy might be considered to have breached their professional obligations.

The Outline Planning Application

Outline planning application 2025/0137/OUT is for a development of 60 dwellings. The application is supported by various documents including a Transport Assessment dated 7 January, 2025 prepared by Pell Frischmann.

The Transport Assessment by Pell Frischmann

Paragraph 2.2.5

Paragraph 2.2.5 of the Transport Assessment quotes from the NPPF paragraph 109. The NPPF states:-

'109. Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;
- b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;
- c) understanding and addressing the potential impacts of development on transport networks;

- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.’

It will be clear from the history reported above that the transport issues have not been addressed in the manner required in paragraph 109 a). Meaningful early engagement with local communities has not taken place as data have been withheld from local communities.

It will be clear from the issues highlighted below that the proposed highway works as set-out in the Transport Assessment do not fulfil the requirements on paragraph 109 and bullet points b), c), e) and f).

Paragraph 2.2.6

At paragraph 2.2.6 the Transport Assessment quotes paragraph 115 of the NPPF. The NPPF states:-

- ‘115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.’

It will be recognised from the issues highlighted below that the proposed highway works as set-out in the Transport Assessment do not fulfil any of the requirements of paragraph 115.

Paragraph 2.2.7

The Transport Assessment reproduces paragraph 116 of the NPPF:-

- ‘116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.’

The provision of footways meeting standards, and the implications of not meeting standards is discussed below. Attention is particularly drawn to Manual for Streets paragraph 6.3.23 reproduced below (at Mortar Pits) which states that inadequate footway provision can lead to pedestrian stepping into the carriageway. This would clearly be a severe impact on highway safety.

Paragraph 2.2.8

The Transport Assessment reproduces part of paragraph 117 of the NPPF:-

‘117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.’

Policy WM1 Requirement 6 clearly meets the conditions of NPPF paragraph 117.

Considering the issues highlighted below, it is difficult to support a view that the proposals give priority to pedestrian movements in the neighbouring area, that the needs of people with disabilities have been properly addressed or that safe places with the minimum scope for conflict between pedestrians and vehicles are proposed.

Paragraph 3.4.4

Paragraph 3.4.4 of the Transport Assessment notes:-

‘3.4.4 The A371 routes northwest towards Cheddar, the A38 and M5 Motorway, as well as southeast in the direction of Wells and the A39. To the east of Roughmoor Lane, the A371 measures approximately 6.1m in width, with a footway on the southern side of the road. To the north of the site, the A371 narrows to approximately 4.1m-4.5m in width over a distance of approximately 100m.’

This paragraph does not report that there are verges on each side of the carriageway of less than 0.5 metres. A width of 4.1m-4.5m is not adequate for two goods vehicles to pass. It is also too narrow for a goods vehicle to pass a car. At paragraph 3.5.7 the Transport Assessment acknowledges that video footage revealed that ‘.....When a large vehicle is present (i.e. a HGV), other vehicles will wait for this vehicle to travel through the narrowed section first.....’

The Transport Assessment does not report that the A371 in the vicinity of the Station Road junction to the east of the application site also narrows between buildings and stone walls. The forward visibility at the bend is low. Images from Google Streetview for 2016 show that a rigid truck westbound is unable to stay within its lane. It is clear that two goods vehicles approaching this part of the A371 will have to proceed with extreme caution and very probably at a low speed. They will need to stop if they meet another HGV.

Collision data are recorded in the Transport Assessment at Section 3.7. There are no collisions involving goods vehicles within the narrow part of the A371 west of Roughmoor Lane. There are no collisions within the vicinity of the Station Road junction.

The data indicate that the narrow section on the A371 through Westbury-sub-Mendip does not give rise to collisions despite forward visibility being low. There is no reason to believe that reduced forward visibility on the A371 through Westbury-sub-Mendip gives rise to road safety problems. There is therefore no reason to believe that HGVs passing any narrowing of the A371 at the School Hill junction would give rise to safety problems.

Paragraph 3.5.10

Paragraph 3.5.10 and Table 1 of the Transport Assessment accompanying the planning application states:-

‘3.5.10 Paragraph 7.5.2 of Manual for Streets (MfS) states that “stopping sight distance (SSD) is the distance within which drivers need to be able to see ahead and stop from a given speed.”

Table 1. A371 by Roughmoor Lane ATC Speed Summary

	85th Percentile Speeds	MfS SSD*
Eastbound	33.9 mph	49m (to west)
Westbound	37.2 mph	56.7m (to east)

*No reduction applied for bonnet length’

Manual for Streets states:-

‘7.6.4 The SSD figure relates to the position of the driver. However, the distance between the driver and the front of the vehicle is typically up to 2.4 m, which is a significant proportion of shorter stopping distances. It is therefore recommended that an allowance is made by adding 2.4 m to the SSD.’

The visibility splay from the proposed access road junction (Roughmoor Lane realignment) looking to the west should be 51.2 metres for the measured speed. As the visibility splays proposed do not include for the bonnet length, they do not meet the standards in Manual for Streets.

Drawing 109218-PEF-ZZ-XX-DR-TP-00010 Site Access Strategy in the Transport Assessment shows the visibility splays to 0.5 metres into the carriageway.

Manual for Streets states:-

‘7.7.3 The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment. For simplicity it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line. The measurement is taken from the point where this line intersects the centreline of the minor arm (unless, as above, there is a splitter island in the minor arm).’

The visibility splay looking to the left from the proposed access road junction as shown on the Site Access Strategy drawing does not meet the standard in Manual for Streets.

Mortar Pits

Drawing 109218-PEF-ZZ-XX-DR-TP-00010 Site Access Strategy in the Transport Assessment shows the proposed footway to the rear of the proposed bus stop to be 1 metre.

Manual for Streets states:-

‘6.3.22 There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops. Further guidance on minimum footway widths is given in Inclusive Mobility.

6.3.23 Footway widths can be varied between different streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway (Fig. 6.9).’

The proposed footway adjacent to the bus stop shelter does not meet the standards in Manual for Streets. There is ample highway land to provide a suitable footway as shown on drawing 109218-PEF-ZZ-XX-DR-TP-00010 Site Access Strategy in Appendix A of the Transport Assessment (not the same drawing as that with the same number and title referenced above).

Paragraphs 3.5.19 to 3.5.22

Paragraphs 3.5.19-3.5.22 discuss the pedestrian movements at the School Hill junction. Regrettably the Transport Assessment does not provide the raw data for the count. It is not therefore possible to see if there is marked peaking of movements over a relatively short period, as would be expected of trips to and from the school or to and from the bus shelter.

The Transport Assessment states that the existing residential development off Roughmoor Lane is about 61 dwellings. The proposed development is for 60 dwellings. It might be expected that the pedestrian flows would be doubled by the proposed development. Further, additional movements might be expected if an attractive pedestrian environment were available along the A371.

Paragraph 3.5.24

Paragraph 3.5.24 states:-

‘3.5.24 Figure 9 shows the existing footway constraints at the A371/School Hill crossing, with widths generally between approximately 1.2-1.6m on the southern side of the road and approximately 1.25m on the northern side of the road.’

Paragraph 3.5.24 gives details of the footway width between Mortar Pits and the dropped crossing at School Hill. It gives no assessment or judgement of the widths against standards.

At the meeting on 20 March, 2024, it was noted that (as reproduced from above):-

‘DM (*Parish Council highways advisor*) raised that the pavement between Mortar Pits and the dropped curb opposite the shop is not 2m wide throughout its length. LT (*for Pell Frischmann*) advised this would also be assessed as part of the application but there is a balance between road and pavement widths. EM (*for Somerset Council*) confirmed that a balance is required between widths of the A371 and the pavement, minimum pavement width of 1.8m is ideal (2m is optimum).’ (*notes added*)

There are no proposals in the Transport Assessment for widening of the footway between the site and the village shop and school. Indeed, the Transport Assessment does not even assess widening of the footway between Mortar Pits and the dropped crossing. The Transport Assessment has therefore not explored a major possibility for improving the pedestrian environment in this area.

Manual for Streets states that wider footways are needed near schools and busy roads. The footways on the south side of the A371 meet both these criteria. The proposal fail comprehensively to meet the standards in Manual for Streets. It appears that the Highway Authority and the applicant are content to accept the footway not meeting standards, despite those standards warning of the possible consequences, including severe consequences, of not meeting the standard.

The applicant sees the need to offer 2m footways within the site and the Roughmoor Lane junction yet does not see the need to offer 2m footways along the busy A371. This is perverse.

Policy WM1 Requirement 6 is not met with the proposals in the Transport Assessment which appear to be supported by Somerset Council.

Paragraph 3.2.25

Figure 10 shows details of the forward visibility between a driver and a pedestrian waiting to cross at the dropped crossing. The Transport Assessment does not state how this forward visibility impacts on the safety of pedestrians using the crossing. If it had made such a statement, it must have drawn the conclusion that the crossing is unsafe and does not meet standards. The Transport Assessment recommends no improvements to the crossing other than nugatory signing and road marking. The Highway Authority supports this approach.

There is no exploration in the Transport Assessment of crossing to the footway on east side of School Hill and extending the footway and resiting the bus shelter. The Transport Assessment has not explored other crossing solutions which could improve the pedestrian experience of reaching the village core from the proposed development. The Transport Assessment cannot be said to have fully addressed the requirements of Policy WM1.

At the meeting on 15 November, 2024, professionals from Pell Frischmann noted that:-

‘.....Signal poles for a controlled crossing would block the footway.....’

Yet at the same meeting it was proposed that the crossing improvements would include ‘warning signage’. This is shown on drawing 109218-PEF-ZZ-XX-DR-TP-00008 Improvements to Existing Signage and Crossing.

It is difficult to resist a conclusion that narrowing the footway for signs, the applicant’s preferred option, is acceptable when narrowing for traffic signal controlled crossing poles, the Parish Council’s preferred option, is not. The erection of signing is much less costly than the provision of a traffic signal crossing.

Somerset Council have noted that a traffic signal controlled crossing would require maintenance. The Parish Council highway representative noted that such maintenance costs should be provided through a Section 106 Agreement. Indeed, it may be that not seeking such provision by the Highways and Planning Authorities is a breach of their fiduciary duties.

Drawing 109218-PEF-ZZ-XX-DR-TP-00009 Tracking of Existing A371 (Wells Road) Adjacent to School Hill shows tracking for two rigid trucks and tracking for two articulated vehicles passing on the A371 at the School Hill junction. Neither drawings seems to include wing mirrors in the tracking width, and the tracking must therefore be viewed with caution.

Additionally, the tracking was undertaken with vehicle speeds of 15 kilometres per hour (9.3 miles per hour). This tacitly admits that articulated and rigid lorries will slow markedly within the junction area whilst travelling through the village. Stopping from this speed is not onerous. The Stopping Sight Distance for this speed will be low.

It is perhaps instructive that no such tracking of (say) an articulated vehicle passing a tractor with trailer is undertaken on drawings 109218-PEF-ZZ-XX-DR-TP-00013 Refuse Vehicle Tracking and 00014 Farm Tractor with Trailer & 16.5m Articulated Vehicle Tracking. Not all movements are tested on tracking drawing 109218-PEF-ZZ-XX-DR-TP-00014. There could appear to be one test for the applicant's preferred pedestrian crossing and another quite different test for the applicant's preferred access junction.

Section 3.7

Personal injury collisions are discussed in the Transport Assessment at Section 3.7. Paragraph 3.7.5 notes:-

'3.7.5 The results show that only two collisions have been recorded within Westbury-sub-Mendip within the last seven years. Both collisions resulted in slight injuries. It should also be noted that upon further analysis of wider Crashmap data, no personal injury accident records have ever been recorded (i.e. prior to 2016) involving pedestrians in the vicinity of the A371/School Hill junction.'

Figure 10 of the Transport Assessment shows that the forward visibility between a driver westbound approaching the pedestrian crossing site adjacent to School Hill is 35 metres. This is less than the forward visibility required for the measured speeds adjacent to the junction as recorded in Table 4 of the Transport Assessment.

It is possible to draw two competing conclusions from the collision data: either crossing the A371 in the vicinity of School Hill is safe despite the inadequate forward visibility, or crossing the A371 in the vicinity of School Hill is perceived by users to be so unsafe that few people cross the road and that journeys between origins/destinations north and south of the A371 within the village are undertaken by means other than walking. It is the view of the Parish Council, who's members walk in Westbury-sub-Mendip and talk with their constituents, that the latter reason is the more likely of the two.

However, if the former is the case, then there is no basis for the applicant and the Highway Authority resisting the provision of a traffic signal controlled crossing at the School Hill junction.

It must be remembered that traffic signal controlled crossings provide two signal heads on opposite sides of the carriageway for drivers to see. Thus the forward visibility to a nearside signal head is not required for a driver to have sight of a signal.

Section 4.2

Drawing 109218-PEF-ZZ-XX-DR-TP-00010 Site Access Strategy and Section 4.2 does not mention the proposed parking provision close to the A371 junction. There is no analysis of whether it is safe if vehicles turning off the A371 meet a vehicle stopping and manoeuvring to park. Agricultural and articulated vehicles access Roughmoor Lane. If either vehicle type met a manoeuvring vehicle whilst they were leaving the A371, then their vehicle would be stopped on the A371 across the westbound lane.

It is proposed to provide 2m wide footways on Roughmoor Lane. This begs the question as to why they need be so wide when meeting a 1.2m width footway on A371, which is a far busier road.

Drawing 109218-PEF-ZZ-XX-DR-TP-00010 Site Access Strategy and drawing IMP.01, Illustrative Masterplan by Thrive Architects in Appendix A of the Transport Assessment show differing numbers of parking spaces on the realigned Roughmoor Lane.

Paragraph 4.3.1 and 4.3.7

Paragraphs 4.3.1 and 4.3.7 of the Transport Assessment states:-

‘4.3.1 Extensive discussions (including online meetings) have been held with SCC highways and Westbury-sub-Mendip Parish Council (WPC) to discuss the survey data to support the application. Discussions have also been made on a package of suitable and deliverable measures to provide and enable safe pedestrian links on foot to the village core as well as wider measures to aid reducing speeds within the village. Formal pre-application discussions were also made with SC highways and an agreement has been reached with SC Highways on the principal of measures required.’

and

‘4.3.7 Following the agreement in principle from SC highways, a further meeting was held with WPC to present the results of the surveys and the proposed highways improvements.’

As indicated by paragraph 4.9 of the minutes of the meeting held on 15 November, 2024, survey data has not been shared with the Parish Council. Clearly paragraphs 4.3.1 and 4.3.7 of the Transport Assessment are choosing to misrepresent key information about meetings held, and are thus misinforming the reader. These paragraphs should be deleted from the Transport Assessment.

The Transport Assessment should be reissued with an accurate description of the situation, that is that despite the calls for pre-application discussions in the NPPF, the applicant has withheld data from the Parish Council despite requests from the Parish Council over an extended period for sight of the data.

It is inappropriate for the Planning Authority to publish a document it knows to be incorrect as part of the on-line planning documentation. The public and other professionals reviewing the application on-line will be misled by an inaccurate document. Public responses received during the planning application process may be misled by the publication on-line of an inaccurate document.

The public consultation period should be restarted once a correct Transport Assessment is on-line and all persons and organisations who have made comments before the publication of a correct Transport Assessment should be contacted and invited to make a representation on the correct and truthful documents.

Paragraph 4.3.2

Paragraph 4.3.2 notes discussion of options for pedestrian crossing of the A371 but no reference to other crossing sites and options is presented for analysis by other parties.

Paragraph 5.4.2

Paragraph 5.4.2 gives details of the possible pedestrian movements in the peak periods following the fullest aspirations of the Travel Plan. It then suggests that these trips may be spread evenly through the peak hour, that is one every 3-4 minutes. This does not take account of the peakiness of flows to the school and to buses. Such flows will be bunched around school start/finish time and around bus arrival/departure times. The pedestrian flow rates in paragraph 5.4.2 must be treated with extreme caution.

Section 5.6

Section 5.6 gives details of a gap acceptance analysis. It tabulates gaps between northbound vehicles and between southbound vehicles. Vehicles on the A371 at the school Hill junction travel southbound and northbound at the same time. Regrettably, the analysis does not appear to give details of gaps between both flows of traffic simultaneously. The analysis is therefore inadequate for decision making.

The paragraph also does not state what the crossing time will be for users, particularly the young, the disabled, the elderly or wheelchair users. This section cannot be used for decision making.

Section 7.2

Section 7.2 gives details of the delays to traffic using the proposed Roughmoor Lane junction. It uses the PICADY programme for modelling.

Unfortunately, the PICADY programme is unable to model the situation when the junction is blocked by waiting traffic on the major road. As this occurs at the Roughmoor Lane junction, the modelling used is inadequate for decision making.

Paragraph 8.1.7

Paragraph 8.1.7 reiterates the errors discussed in paragraphs 4.3.1 and 4.3.7. This paragraph is incorrect and misleading. It should be excised from the Transport Assessment.

Summary

The Transport Assessment supporting the planning application for development of land on Roughmoor Lane contains inaccurate commentary. It should be withdrawn and a corrected document should be submitted by the applicant. The time available for public comment should be extended to acknowledge that the planning application has been incorrect and misleading.

Highway standards are not met in the proposed realigned Roughmoor Road junction with the A371.

The proposed parking provision to replace existing the Mortar Pits parking results in loss of parking for public use in the village. Additionally, it could cause blocking of the A371 westbound by a large turning vehicle. This is unsafe.

The proposals fail to provide a footway meeting standards between Mortar Pits and the School Hill junction. That is despite highways officers have stated that a 1.8m footway is 'ideal' and a 2m footway is 'optimum'. There is no evidence that this has been tested.

The Transport Assessment fails to acknowledge that free movement of goods vehicles does not occur to the east and west of the School Hill junction. The excuse that goods vehicles should not have to stop to allow other goods vehicles to pass is nonetheless used as an excuse for the weakest of pedestrian provision at that junction.

The Parish Council have advised that the 'dark village' status of Westbury-sub-Mendip should not prevent the provision of street lighting to improve pedestrian provision in the village. However, there is no evidence that the applicant's designers or highways officers have heeded this, and they have continued to use it as an excuse for poor pedestrian provision.

There is no indication in the Transport Assessment that alternative crossing points have been tested, despite the existing crossing point failing standards and therefore being unsafe. Only the cheapest highway amendments are proposed at the crossing.

The proposals fail to provide priority to pedestrians, particularly in relation to the needs of less able users, as required by the NPPF. The proposals fail to meet standards for pedestrian safety.

The proposals trigger the test for refusal on highway grounds set in paragraph 116 of the NPPF. The planning application should be refused on highway grounds as the safety implications of the increase in pedestrian movements is severe.

The Transport Assessment is incorrect to state that the Parish Council was presented with the results of surveys. It was explicitly stated by the applicant that the survey results could not be shared with the Parish Council pre-application.

Conclusions

It is clear that the application includes a substantial number of instances where standards have not been met.

It appears from meetings and correspondence that the Highway Authority are content with the proposals outlined in the Transport Assessment, despite them not meeting standards.

It is therefore untenable for the Highway Authority to state that substantial improvements cannot be made to pedestrian crossing facilities adjacent to the School Hill junction because they do not meet standards.

It would be difficult to rebut an accusation that the Highway Authority is biased in favour of motorised modes.

It would be difficult to rebut an accusation that the Highway Authority is biased in favour of the applicant.

It would be difficult to rebut an accusation that the Highway Authority is willing to continue with a situation which is perceived by users and potential users as unsafe.

It would be difficult to rebut an accusation that the proposal do not meet the test of being sustainable when the pedestrian routes from the site are to remain substantially below standards.

It would be difficult to rebut an accusation that the applicant's have acted in bad faith by delaying the availability of traffic and survey data..

It would be difficult to rebut an accusation that the applicant's have withheld information despite support for sharing in the NPPF.

It would be difficult to rebut an accusation that professionals acting for the applicant have not fulfilled their professional duty.

The actions of the applicant have failed to meet the pre-application tests in the NPPF. The proposals fail to meet standards in multiple areas. The proposal are unsafe for pedestrians. There does not appear to be testing of alternative proposals. The proposal trigger and meet the tests in NPPF paragraph 116 for refusal. The proposals in the planning application fail to meet Policy WM1 Requirement 6.

The proposals in their present form should be refused on highway grounds.

Yours sincerely



David Mason

for

D M Mason

Engineering Consultants Ltd