

Lighthorne Parish Council

30mph extension to include new BUAB

Current concerns and background – February 2020



The new dwellings in Farriers Way at Oberry Fields are now fully occupied. Residents are reporting near miss incidents both as motorists entering and leaving their access road from the C96 Wellesbourne Road, and as pedestrians walking to the village, which requires that the C96 be crossed in order to follow the pavement. They are concerned that the 50mph speed limit at this point is too high, encouraging rapid acceleration when leaving the village towards Wellesbourne, resulting in vehicles emerging from a blind corner at speeds that make exiting onto the C96 unsafe. They also report fast traffic not visible when turning left onto the C96 then appearing close behind them having had to brake vigorously. They ask that the 30mph zone be extended to encompass the entrance to Farriers Way, which is now within the Built Up Area Boundary (BUAB) for Lighthorne.

Enquiries to the Safety Engineering Team at Warwickshire County Council indicate that the need to investigate an extension to the 30mph limit so that it includes the built up area boundary that was extended by the Oberry Fields development is accepted, but that it will have to be paid for by Lighthorne Parish Council. The costs of consultation and implementation are estimated at up to £8,000,

with the necessity of new street lighting possibly adding a further £8,000.

These sums would completely deplete the reserves of the Parish Council and so an understanding of how we come to be in this position is required. This document sets out the history behind this new development, drawing on e-mails during the planning stages, and Parish Council minutes. It then offers some conclusions and asks some key questions.

Planning application 15/02828/OUT

Outline planning consent was granted on 5th November 2015. The Parish Council objected, partly on grounds that access from the C96 would be dangerous at this location. In his report the Planning & Development Officer for WCC refers to the traffic survey carried out indicating an 85thile speed of vehicles of 39.4mph northbound and 39.8mph southbound. He states that the visibility splays are adequate “...as they pass through the change in speed limit to 30mph”. The measured speeds clearly well in excess of the proximate 30mph speed limit do not appear to have been a cause for concern.

On recent full occupancy of the houses in Farriers Way, Section 106 developer contributions of £7,041.15 in total relating to application 14/02764/OUT have been triggered and the developer has been invoiced, as reported by the CIL & S106 Monitoring Team at SDC.

Planning application 16/01602/FUL

Full planning consent was granted on 4th November 2016. The Parish Council objected, partly on grounds that access from the C96 would be dangerous at this location. WCC Highways objected on the grounds of a lack of information. I have found no evidence that their objection was lifted. The planning case officer in her report cites a lack of WCC Highways objection to 15/02828/OUT as a reason to assume they had no objection to 16/01602/FUL.

E-mails relating to S106 obligations and to extending the 30mph speed limit

Initial discussion centered around S106 obligations, then moved on to extending the 30mph speed limit:

- **22/06/2016 at 4:38pm** from SDC planning case officer to the Parish Clerk

“The planning application referenced above has been identified as requiring a contribution towards Public Open Space (POS). Therefore, if approved, the developer would be required to make the following contributions for the benefit of the local area:

Unrestricted Natural Accessible Greenspace

a. Towards a new area - £867.23 or

b. Towards an existing area - £570.79

Children and Young People’s Equipped Play Facilities

a. Towards a new area - £8,616.06 or

b. Towards an existing area - £8,519.19

Allotments and Community Gardens

a. Towards a new area - £539.40 or

b. Towards an existing area - £384.40”

The e-mail goes on to explain information required from the Parish Council.

- **01/07/2016 at 11:10am** from the developer to the Parish Clerk

In this e-mail the developer dismisses Parish Council objections on the grounds of dangerous access citing the consent for 15/02828/OUT as already granting the access. The developer also states *“If 4 houses are built there will be no contribution to Lighthorne, but if 5 are built there is a draft S.106 in place indicating a contribution to Lighthorne of up to C.£10K”*

- **20/07/2016 at 10:06am** from the Parish Clerk to SDC planning case officer

“I can confirm that we have projects in place for the maximum amounts payable under section 106 should this application be approved.

Unrestricted Natural Accessible Greenspace - we need new benches on our village green and railings need replacing so £570.79 would help us.

Children and Young People’s Equipped Play Facilities

We have a quote for £10,000 for new equipment so £8519.19 would again help us.

Allotments and Community Gardens

We have an allotment area which needs a new shed and fencing so £384.40 would assist.”

- **07/11/2016 at 1:27pm** from the Parish Clerk to WCC Traffic & Road Safety

“A developer who is building several houses in Lighthorne Village is trying to get the 30 mph limit extended to beyond Oberry Fields and also to put traffic calming measures such as pinch points in place. They say that they are willing to fund this work but appear to be having issues with County Highways. The Parish Council fully supports any traffic calming measures and also extension of the 30mph limit. We would be grateful if you could please look into this to find out what the issues are.”

- **14/11/2016 at 1:52pm** from the Parish Clerk to WCC Traffic & Road Safety

“Just to keep you updated. The developer came to our meeting last Tuesday and County Cllr. Williams said that he fully supports the extension of the 30mph and also the chicanes. He understands the need for them. He advised the developer to send County Highways a formal request. If there are any issues with this

proposal we would be grateful if you could please let us know.”

- **21/11/2016 at 8:22am** from WCC Traffic & Road Safety to the Parish Clerk

“I shall discuss this with colleagues in development group and update you when I have further information”

- **09/12/2016 at 10:45am** from WCC Traffic & Road Safety to the Parish Clerk

“I’m following this up with colleagues in development group to see if a revised plan has been submitted for our consideration. Hopefully I’ll have a response back before the parish meeting”

- **13/12/2016 at 3:412pm** from within WCC to WCC Traffic & Road Safety, forwarded to Parish Clerk

“Apologies for the delay on this one, I have spoken to S[redacted] and the developer never came back with any traffic calming proposals to support the change to the 30mph limit as requested. At the time J [redacted] understandably requested more than just relocated speed limit signs and speed data (already had speed data which showed existing speeds closer to 40mph) but her cost estimate for a gateway/traffic calming scheme was circa £15k and the developer thought it would be less costly to progress with the consented scheme.

Therefore the developer is progressing with the scheme as consented at planning (D[redacted] dealing with this one), which will involve the removal of trees and adoption of the visibility splay. G[redacted] is currently getting an amenity valuation for the trees so that a commuted sum can be collected under the legal agreement for G[redacted] to use on replacement planting.”

Relevant discussion in Parish Council meetings

Lighthorne Parish Council minutes make several references to this site over the course of three years from June 2016. All minutes are available on the Parish Council web site. Salient extracts follow:

- **14th June 2016**

“councillors still believe that the access is dangerous and that this should be drawn to the District Council’s attention again”

- **13th September 2016**

“Councillors agreed to withdraw their objection as this application has been recommended for approval.”
- I will comment more on this under **Conclusions** below.

- **8th November 2016**

“Another resident explained that there was funding available for extending the 30mph speed limit and providing 2 pinch points at the edge of the village to slow traffic. Councillors said that they fully support this idea. County Cllr. Williams said that the 30mph speed limit should be extended as it needs to extend as the village grows. The pinch points would help to slow the speeding traffic. He said that he would fully support this scheme and advised the resident to submit a formal request to County Highways.
ACTION: The Clerk to email County Highways.” - The ‘resident’ was the developer.

- **10th January 2017**

“Extension to 30mph limit; developer funding update - County Cllr. Williams confirmed that County Highways has started the process to extend the 30mph speed limit.”

- **14th February 2017**

“Extension to 30mph limit; developer funding update - County Cllr. Williams said that this is with the County’s legal department.”

- **14th March 2017**

“Extension to 30mph limit; update County Cllr. Williams said that this is going to happen. We need the legal paperwork to be processed.”

- **11th April 2017**

“The Chairman reported that County Cllr. Williams has said that to extend the 30mph speed limit will cost £10,000. He also reported that the Police had expressed concerns regarding this. A suggestion had been made that we could have road markings instead and, if the parish was willing to contribute, then some funding could be provided from the county councillor delegated budget. The Clerk said that she understood that county council funding should not be discussed during purdah. Her advice was supported by District Councillor Mills. Councillors asked the Clerk if she could please confirm the cost of signage plus road markings as £10,000 seemed rather high. It was also noted that the developer had attended a meeting earlier this year and offered to fund this work. The Chairman agreed to liaise with the developer. The Clerk was asked to contact the Police to find out their concerns.

ACTION: The Clerk to confirm the cost of extending the 30mph speed limit with road markings. The Chairman to liaise with the developer regarding funding. The Police to be contacted to find out why they have concerns relating to this extension.”

- **9th October 2018** (it looks like a year and a half passed without further comment)

“A resident asked for the Parish Council’s thoughts on extending the 30mph speed limit for the village. Cllr. Smith explained that we have made a request to County Cllr. Williams for funding from his delegated budget scheme but he has said that this doesn’t qualify. Options are being explored. Where does the figure of £8,000 for this scheme come from? Cllr. Smith said that he was looking into this. Could the Parish Council pay for this? Cllr. Smith further explained that we need to establish the cost and the breakdown.”

- **12th February 2019**

“An update on extending the 30mph speed limit was requested. Cllr. Smith said that there is no clear cost for this work. It depends on the consultation. Cllr. Smith has enquired about funding. County Cllr. Williams said that he has £36,000 starting in April.”

- **12th March 2019**

“Cllr. Williams advised that it is unlikely for funding to be available for moving the 30 mph road speed areas and for changing the road markings.”

- **14th May 2019**

“An amount of £6,500 has been allocated to the Parish to help towards village gateway signs as a traffic calming measure. In order to initiate the process, the Parish will have to pay £500.00 for a survey to be carried out.”

- **11th June 2019**

“Traffic Calming & Gateway update - A meeting was held today with WCC to discuss what can be done regarding the speed limit through the village. It was resolved to proceed with the design as suggested by WCC. There were also some discussions regarding moving the speed limit but as this does not appear to be possible we agreed to wait for design suggestions from WCC.”

Note that the last two entries relate to village gateway treatment funded from Cllr William’s discretionary pot, and are included here for context only.

Question arising regarding S106 contributions relating to 16/01602/FUL

Discussions over a S106 contribution were clearly detailed and well advanced. Planning permission was granted. Why was a S106 contribution not attached to this application?

Question arising from WCC Highways responses to 15/02828/OUT and 16/01602/FUL

1. Why did the objective evidence of vehicle speeds of nearly 40mph in a 30mph limit not raise any alarms when considering 15/02828/OUT?
2. For 15/02828/OUT why did the WCC officer consider the proximity of the 30mph zone as mitigation for inadequate visibility splays given the evidence that the 30mph limit was not being adhered to?
3. Given the consistent objection from the Parish Council on safety grounds why was an assumption made on the WCC Highways response to 16/01602/FUL rather than ensuring that a considered response was received?

General question arising from the Parish Council's objections related to safety in accessing the C96 from the new development, now reinforced by reports from residents

It seems to be a common occurrence that when the built up area boundary of a settlement is extended by new development that the 30mph zone is extended to encompass the new BUAB, presumably funded by developer contribution where appropriate. Why does this not appear to have been considered during the planning process for these two applications?

Conclusions

1. It is unclear why detailed discussions on a S106 obligation for 16/01602/FUL did not translate into an actual obligation.
2. It is unclear why the Parish Council withdrew its objection to 16/01602/FUL, but after consultation with those on the Parish Council at the time the consensus is that withdrawal of the objection was on the expectation that the 30mph speed limit would be extended.
3. The expectation that the 30mph speed limit would be extended was reinforced by statements from the developer, and by comments from the County Councillor.
4. From e-mails during December 2016 it would appear that the developer was unwilling to follow through on the stated intention to extend the 30mph speed limit.
5. Once it became apparent that funding for the extension to the 30mph speed limit was not going to come from the developer, the message was that funds would have to come from the Parish Council.

It is hard to avoid the conclusion that the Parish Council and now residents have been let down by this process. Concerns expressed in objections to the planning applications over safety are now reinforced by incidents reported by residents.

Lighthorne Parish Council would very much appreciate detailed responses to the above questions so as to be better able to respond to the concern of residents.

Cllr Andy Smith, for Lighthorne Parish Council