

Bridgend Local Development Plan

2006-2021

Cyngor Bwrdeistref Sirol



Bridgend Local Development Plan

Examination

<http://www.bridgend.gov.uk/ldpexamination>

Tuesday 15 January 2013 2.00pm

Session 13 – Transport

Inspector's Agenda with Matters and Issues

[Figures in brackets () identify a Representor and their representation number eg 54.24 refers to Representor 54 and their Representation 24].

1. SP3 STRATEGIC TRANSPORT PLANNING PRINCIPLES

- 1.1 As not all development proposals will have transport implications, the Countryside Council for Wales (CCW) recommends that the first sentence of the policy is amended by replacing 'All development proposals' with 'Where appropriate, development proposals'. (To meet Test of Soundness CE1) (54.24).
- 1.2 Notwithstanding the appropriateness or otherwise of this suggested change, the Council consider that this does not go to the soundness of the Plan. However, the Council offers no evidence to counter this representation given the limited impact such a change will have on the application of the Policy and any subsequent outcome as a result of implementation.

Qn1a. Is the change necessary for the Plan to be coherent?

It is not considered that the change is necessary for the plan to be coherent. By including the words "where appropriate", as suggested by the countryside council, the authority introduces an element of doubt that some developments do not need to promote safe, sustainable and healthy forms of transport through good design, enhanced walking and cycling provision, and improved public transport.

This casts doubt on such statements within PPWales as (para 8.4.1) "*Land use planning can help to achieve the Assembly Governments objectives for transport through; reducing the need to travel...by locating development where there is good access by public transport, walking and cycling etc and ensuring that transport is available to all...*"

This implies that all development should promote safe, sustainable transport. However, the following adjustment may be considered to be acceptable as it can act as a general catch all, unless there are deemed to be exceptional circumstances where such issues, for some reason, cannot apply. "*All development with transport impacts should promote safe, sustainable healthy forms of transport through good design, enhanced walking and cycling provision, and improved public transport provision.*"

Such exceptional circumstances where a development is not considered to have an adverse transport impact are detailed in responses to Qns 2a and 2b below.

2. PLA6 DEVELOPMENT WEST OF THE RAILWAY LINE, PENCOED

- 2.1 Policy PLA6 would not permit any development that would result in a net increase in vehicular traffic movement in Pencoed to the west of the railway line as shown on the proposals map. A previously permitted development that included limited highway works is exempted from the policy in the supporting text.
- 2.2 Bellway Homes objects to the overly restrictive approach of Policy PLA6 and considers it is not sound in terms of test CE4. The Representor requests that a degree of flexibility be allowed within policy PLA6 to allow limited residential development at Ffoes-yr-Efail Farm, Pencoed; a 1.8ha site which the Representor estimates could accommodate 50-70 dwellings. They request the policy be reworded as: *“New development to the west of the railway line at Pencoed will only be permitted where it can be proved that it will not cause a demonstrable harm to the efficient, effective and safe operation of the highway network”* (788.4).
- 2.3 The Council refers to the consultation response to the Representor’s Alternative Site AS006. As the existing highway network is constrained by the mainline railway passing through Pencoed, no further development to the west of the railway line will be permitted as it will exacerbate congestion either side of the level-crossing and at the complex over-bridge junction between the eastern end of the relief road and Penybont Road.

Qn2a. How would the policy apply to sites such as the Representor’s which are outside the shaded area on the Proposals Map?

It is considered that proposals outside the shaded area would attract a policy objection in respect of development in the countryside. In any event the authority would still raise an objection to such proposals as any development with a traffic impact would create additional traffic across the railway line and queuing on the network, unless there was a significant factor of mitigation such as the redevelopment of a brownfield site resulting in fewer traffic movements generated by the redevelopment proposal i.e. it would replace a more intensive development on the same site in traffic generation terms.

The policy is intended to be utilised for proposed development within the shaded area in the LDP (i.e. that part within the built up area) where a planning policy objection to the principle of development would be unlikely. It is not intended to imply that it would not apply beyond the shaded area but, as stated above, anything outside the shaded area would attract other objections as well. A development of 50-70 additional units, as identified by the representor, would generate traffic problems on the crossing and would not be of sufficient size to fund the necessary bridgeworks currently estimated at some £2,000,000-£3,000,000.

Qn2b. Would the strict policy wording for example prevent the replacement of a single garage with a double garage within the shaded area?

As the Highway Authority cannot stop existing residents from buying more than one car then, if there is room available within a plot to build an extra garage on land that would otherwise be used to store a vehicle, a highway objection would not be raised in that particular case as no additional traffic is attracted to the plot. The need for a further garage would tend only to be required to provide security for an existing vehicle already associated with the dwelling, which consequently does not increase the potential vehicular activity of that dwelling, as the need has already been created by the existence of the original dwelling before the garage is built for vehicle storage.

Qn2c. Would the Representor's suggested wording meet the policy objectives or are there no conceivable measures that would prevent demonstrable harm from occurring?

It is difficult to see how development can take place that would not impact upon the highway network and increase existing congestion levels around the level crossing when the gates are lowered, outside those examples given above (garages, brown field development generating fewer movements than a previous use). Anything of any substance would need to mitigate any new traffic at the crossing and the signals at the existing bridge and in this respect the only appropriate solution would seem to be a new bridge.

An appeal decision in July 2008 (ref APP/F6915/A/2071917) for just two dwellings was dismissed by the inspector on the basis that, "although the development would, itself, result in only a slight increase in traffic at the level crossing, the cumulative effect of many such developments would be significantly harmful to the safety and free flow of traffic through the village. If this development were allowed it would be difficult to refuse other similar proposals," The inspector further concluded that "the proposed development would be harmful to the free flow and safety of traffic and contrary to the aims of development plan policy" (the appeal decision is attached in full as Appendix A). The council concurs with this view and considers that new development which introduces new traffic onto this part of the network would potentially add to the congestion at the crossing, particularly on Coychurch Road where queuing already creates overtaking traffic travelling into the opposing line of traffic to avoid being held in the level crossing queue traffic. This issue occurs whenever the gates are lowered for any length of time (which has been recorded as up to 6 times per hour, often for in excess of 10 minutes at a time), and any extra traffic will only compound the problem.

Qn2d. Has the relief road proposed in the UDP Policy T14 been constructed in whole or in part and what further measures would be needed to allow development to take place?

The relief road proposed in Policy T14(3) of the UDP has been constructed in part as identified in LDP paragraph 3.3.15. This was as a result of the residential development to the south of Hendre road identified as H1(16) in the

UDP. The works comprise a phase 1 of the relief road proposal identified in T14(3), being a 6.5m carriageway and a 3.0m shared pedestrian/cycle way extending from the junction of Hendre Road and Min Y Nant, with the new works running between Min Y Nant and Penprysg Road. Both ends of the route are signalised. These highway works are only sufficient to accommodate movements related to existing flows plus those associated with that development and cannot be used as a means of progressing any further development west of the railway line. It was considered that any more than 200 dwellings west of the railway line would require further improvements to the network. These improvements would be in the form of a new rail bridge representing phase 2 of the relief road proposal. It is this second phase element that has not been built. It was recognised that the new railway bridge identified in the UDP was not a viable proposition given the likely cost set against the development land available. If the bridge and associated road links, all representing phase 2 of the relief road scheme, is completed, this would allow further development west of the railway line to proceed, but the allocation of further land in this area was not considered appropriate by the Inspector when dealing with the issue at the UDP inquiry in 2006. Consequently, a moratorium on further development west of the railway line has had to be imposed. If a significant amount of land was identified for development which could realistically fund the phase 2 works, via a suitable planning obligation, the bridge could be constructed, the level crossing closed and the moratorium could be lifted.

The inspector may wish to be aware of the view expressed by Network Rail on the issue of the moratorium following a recent enquiry by the highway authority arising from the objections received to the proposed policy. The Network Rail response is attached as Appendix B and it will be seen that it accords with the council's position.

3. PLA7 TRANSPORTATION PROPOSALS

PLA7(24) New Park and Share Facilities at M4 Junction 35 and 36

- 3.1 CCW considers that the exact location of allocation PLA7(24) is unclear, and that further clarity should be provided in the LDP and on the Proposals Map. Whilst unclear, the proposals map currently identifies Cefn Hirgoed Common as an indicative location for the park and share facilities. Cefn Hirgoed Common forms part of the wider Coity Walia commons and is also designated as Cefn Hirgoed SINC. Both CCW and Bridgend County Borough Council have recently supported the Coity Walia Commoners Association and PONT in their successful bid for funding from the Biffa Award Flagship Scheme for the management of the common. Their project, 'Biodiversity in Common', is a landscape level habitat and species restoration project, which for the management of existing local and UK BAP habitats at the site. To ensure that the allocation meets Test of Soundness CE1 and C1, the proposed allocation should avoid damaging the integrity of the SINC (54.26).
- 3.2 The Council responds that the Park and Share proposal detailed under Policy PLA7 (24) is an identified proposal in the Sewta Regional Transport Plan. The location of the proposal is indicative based around Junction 36 of the M4 and

the issues raised by the Representor will be assessed when detailed site specific proposals are prepared.

Qn3a. Does the Proposals Map adequately reflect national policy in Local Development Plan Wales paragraph 2.24 in defining the sites for the park and share developments?

The Park and Share proposals are in accordance with the Regional Transport Plan and relate to Junctions 35 and 36 and is shown in those vicinities. The precise location of each of these facilities is difficult to represent graphically due to the scale of the plan, but the facility at Junction 35 is intended to utilise the existing lay bys on either side of the A473 between Junction 35 and the Sony roundabout, whilst the facility at Junction 36 is intended to utilise the existing lay by/parking area adjacent to the southbound carriageway. Both facilities will abut the carriageway and will utilise existing highway land.

PLA7(20-23) New Park and Ride Facilities and Improvements

Qn3b. Does the Proposals Map adequately reflect national policy in Local Development Plan Wales paragraph 2.24 in defining the sites for the park and ride developments?

The Park and Ride proposals are in accordance with the Regional Transport Plan and are included in the implementation programme. They relate to 4 sites at Brackla, Wildmill, Pencoed and Sarn. The Pencoed and Sarn Park and Ride sites are both completed. The Brackla site has not been developed yet as the associated Railway Station (PLA7(17)) has not come forward, having been subject to delays in programming by Network Rail. Land has been safeguarded for the scheme between the residential development known as Erw Hir (Long Acre) and the London-Fishguard Main Railway Line (shown on the plan attached as Appendix C).

The Wildmill site is intended to serve the Wildmill Railway Station and forms part of a larger parcel of development land that is the subject of a development brief but which has not come forward at the present time. The precise location of the site will be determined when a planning application is submitted although it will be in close proximity to the railway station and Litchard Terrace but with vehicle access taken from Coity Road.

PLA8 DEVELOPMENT-LED IMPROVEMENTS TO THE TRANSPORTATION NETWORK

- 3.3 Mr T Jones has concerns that there is a disproportional emphasis on housing rather than infrastructure. Brackla properties along Heol Simonston have seen large increases in traffic and noise over the years. The traffic is likely to further increase with the major housing development at PLA3(2) Parc Derwen along a road never constructed to take such a volume (1238.1). This road has a high level of accidents and is subject to high levels of traffic at peak times, particularly around the Wyndham Close junction. No detail of the improvements to this road are given in the LDP. The Representor is concerned

that, without the detail being provided, that the LDP intends to straighten the road by demolishing properties or removing large parts of the traffic screening wooded areas (1238.2).

- 3.4 Further to the previous representation and following a conversation with a member of the planning team, Mr Jones is satisfied that the LDP provides detail of how the road will be improved, but is concerned as to how this will be implemented given the road alignment and considers that the LDP should further clarify how the road improvements will mitigate against the current problems with high density traffic and the increases which will result from the high level of development proposed at Parc Derwen and North East Brackla (Brackla Ind Est).
- 3.5 The Council responds that the North East Brackla Development Brief details key elements of infrastructure and facilities that will need to be provided and establishes key principles and parameters for the development of the site. Development proposals and planning applications will need to demonstrate compliance with this document in whole or in part. Further details of the highway improvements will be provided with the submission of detailed planning applications in association with the North East Brackla Regeneration Area designated under Policy PLA3(2) of the LDP.

Qn4a. Has the Council's response resolved the Representor's concerns and, if not, what change does he consider would be necessary for the Plan to be sound?

[The Council awaits the response of the Representor on this matter.](#)

Appendix A



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 01/07/08

Appeal Decision

Site visit made on 01/07/08

gan/by Clive Nield BSc, CEng, MICE, MCIWEM

Arolygydd a benodwyd gan y Gweinidog
dros yr Amgylchedd, Gynaliadwyedd a
Thai, un o Weinidogion Cymru

an Inspector appointed by the Minister for
Environment, Sustainability and Housing,
one of the Welsh Ministers

Dyddiad/Date 22/07/08

Appeal Ref: APP/F6915/A/2071917

Site address: Land adjacent to 26 Hendre Road, Pencoed, Bridgend, CF35 6TN

The Minister for Environment, Sustainability and Housing has transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Julian Allen against the decision of Bridgend County Borough Council.
- The application Ref P/07/158/FUL, dated 12 February 2007, was refused by notice dated 8 October 2007.
- The development proposed is residential development of 2 No. 3 storey town houses with on-site parking and amenity, and demolition of a single storey extension.

Decision

1. I dismiss the appeal.

Main issue

2. There is no dispute between the main parties on the principle of the acceptability of the site for development or the nature of the development currently proposed. The main issue in this case is the effect of the proposed development on highway safety and the free flow of traffic, particularly in regard to hold-ups at the level crossing further along Hendre Road.

Reasons

3. The appeal site lies to the west of a level crossing over the main railway line. The crossing is on Hendre Road close to its junction with Penybont/Coychurch Road, the main road through the village, and it is reported that traffic is regularly held up by passing trains. At busy times the queues of traffic back-up along the main road, and it is reported that frustrated drivers wishing to travel straight along that road tend to drive along the wrong side of the road in order to pass the other queuing traffic with associated risks to highway safety. None of this has been disputed.

4. The Bridgend Unitary Development Plan is the adopted development plan and includes Policy T14, which lists major improvements to the highway network that are to be undertaken. These include the Pencoed Inner Relief Road, which is intended to include a bridge over the railway to relieve the problems currently experienced with the level crossing. Supporting paragraph 6.9.11 says that no further development to the west of the railway will be permitted until the scheme has been implemented and that developers of sites in that area will be required to enter into agreements for appropriate contributions towards the cost of the scheme. The Council's position is that there is no prospect of sufficient development coming forward in the near future to fund that scheme and so it is appropriate to refuse planning permission.
5. Instead, the Appellant has put forward a Section 106 Undertaking to provide a new footway across the full width of the appeal site and a financial contribution towards the cost of improvements to the nearby bus stop facility. It is argued that these would provide highway safety benefits sufficient to meet the aims of the Council's policy, and on this basis the Council's officers recommended that permission be granted. I disagree with this assessment. The length of footway would not connect to any other footway and, on its own, would serve very little useful purpose. It would also make no contribution towards addressing the main aim of the UDP policy, which is to provide a more efficient and safer road system to serve this part of the village.
6. Although the proposed development would, itself, result in only a slight increase in traffic at the level crossing, the cumulative effect of many such developments would be significantly harmful to the safety and free flow of traffic through the village. If this development were allowed it would be difficult to refuse other similar proposals. It is argued that the Council has acted inconsistently in granting permission for other developments in the area, including 2 new houses to the rear of the appeal site. However, I am not familiar with the full circumstances of these permissions, and I have assessed the current proposal on its own merits.
7. I have taken into account all matters raised but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would be harmful to the free flow and safety of traffic and contrary to the aims of development plan policy. For this reason I conclude that the appeal should be dismissed.

Clive Nield

Inspector

Appendix B

From: Morgan Barbara [<mailto:Barbara.Morgan@networkrail.co.uk>]
Sent: 06 December 2012 09:36
To: Nigel Moore
Subject: Re: Pencoed Level Crossing (Hendre Road)

Dear Nigel Moore,

Re: Pencoed Level Crossing (Hendre Road).

I have been asked by Steve Austin to respond to your email of 21st November regarding the above.

Our Level Crossing Risk Control Co-ordinator has supplied the following comments:-

“Any large development (housing, retail etc) will undoubtedly generate an increase in traffic over the level crossing at Pencoed, resulting in an increased level of risk. The crossing at Pencoed is already heavily used by road traffic and is one of the busiest parts of the rail network in Wales. Future rail capacity is going to rise, particularly through Welsh government backed schemes such as the electrification of the Swansea – London mainline and the Cardiff Area re-signalling scheme.

Level crossings represent one of the most significant risks to the safe operation of the railway and therefore a development of such size would generate a level of risk that is intolerable”.

With regard to passenger and freight movements there are approximately 187 trains pass Pencoed Level Crossing a day.

Also, which may be of some assistance is the response we submit to local authorities for their local plans regarding level crossings, see below:-

Level Crossings

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing.

As such, we strongly believe that the importance of Level Crossing safety warrants a specific Policy included in the Supplementary Planning Guidance Document which will help to elevate the importance of Level Crossings within the development management and planning process. We request that a policy is provided confirming that:

- The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
 - *Schedule 4 (d)(ii) of the Town & Country Planning (Development Management Procedure) (Wales) order, 2012 requires that... “Where any proposed development is likely to result in a material increase in volume or a*

material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both The Welsh Ministers and Network Rail for separate approval".

- As a first principle, Network Rail would seek to close Level Crossings where possible.
- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

Notwithstanding the above comments, if a new road bridge was to be constructed at this location, this would mitigate our safety concerns.

I trust this will be of some assistance for you.

Regards,

Barbara Morgan
Town Planning Technician (Western)

Please send all notifications and consultations to townplanningwestern@networkrail.co.uk or by post to Network Rail, 3rd Floor, TemplePoint, Redcliffe Way, Bristol BS1 6NL

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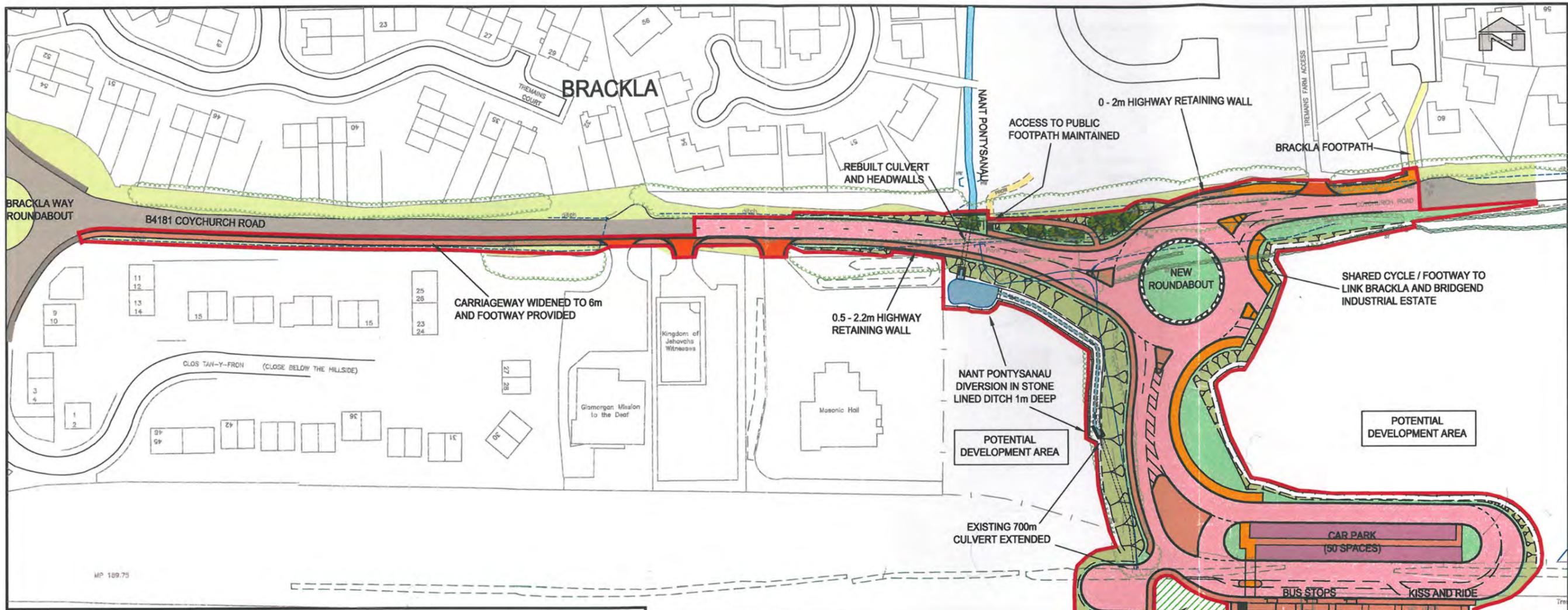
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Appendix C

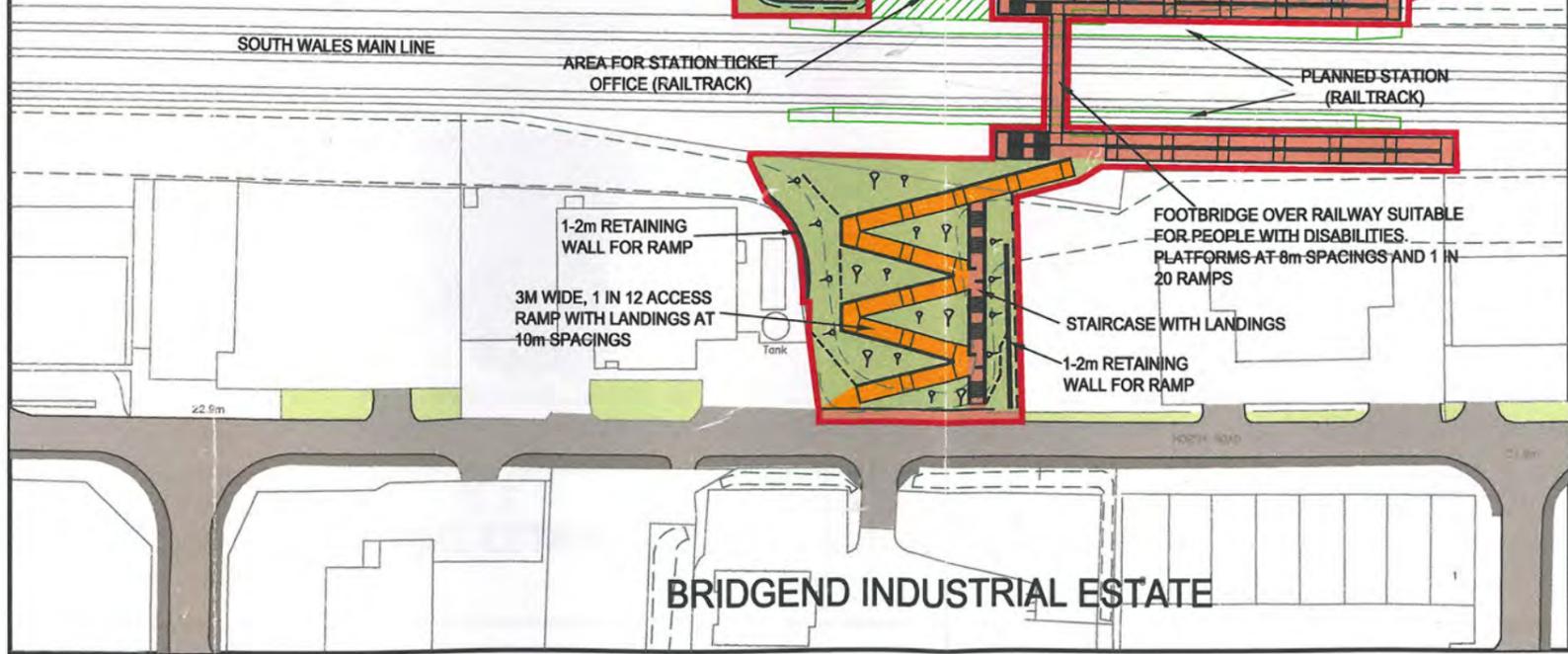


UNALTERED FEATURES

- CARRIAGEWAY
- FOOTWAY
- VERGE / EMBANKMENT
- WATERCOURSE
- PUBLIC FOOTPATH

NEW / REVISED FEATURES

- CARRIAGEWAY
- FOOTWAY
- SHARED CYCLE / FOOTWAY
- PRIVATE ACCESS
- CAR PARKING
- VERGE
- EMBANKMENT
- WATERCOURSE
- STRUCTURE
- CULVERT
- EXTENT OF APPLICATION



| AMENDMENTS | | | | |
|------------|---------|------|---------|---------|
| Rev. Ref. | DETAILS | Date | Made By | Chkd By |
| | | | | |

Client:

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Project:

BRACKLA PARK AND RIDE

Outline Planning Application
 Scheme Layout

| | | |
|---------|---------|----------|
| Drawn | Checked | Approved |
| NJM | AJF | DJO |
| Date | Date | Date |
| Feb '02 | Feb '02 | Feb '02 |
| Scale | | |
| 1/1250 | | |
| Job No. | | |
| R42720 | | |
| Dwg No. | | |
| G/4/3 | | |