

DOES FRIMLEY GREEN NEED TRAFFIC LIGHTS?

FRIMLEY GREEN RESIDENTS



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Foreward

This report provides an analysis of the evidence and decision-making processes relating to traffic lights in Frimley Green. It covers the law, government guidance and technical issues. It provides evidence and argument to support the residents' request for a review.

Background

As part of the Princess Royal Barracks (PRB) development it is proposed, as traffic mitigation, to install full-time 4-way traffic lights at the heart of Frimley Green; potentially the largest infrastructure change in the village for 30 years. This proposal has been approved by Surrey Heath Borough Council (SHBC) and has become a planning obligation.

There is local concern about the aesthetic and practical effects of such an insensitive intervention. Many residents have legitimate fears that this will have an adverse effect on traffic congestion and will cause greater delays. In Nov 2015 an online petition received 1220 votes, which is extraordinarily high for such a small village and is testament to the volume and strength of feeling amongst residents.

This petition was presented to the Surrey Heath Local Committee in Dec 2015. After various meetings, with no one keen to take ownership of this issue, the Local Committee proposed that residents make a formal request for a review to SHBC. This was done on 13th Sept 2016. To date there has been no formal reply to that request, though there has been some minimal response to a few key questions.

Residents are continuing to press for a review. They are seeking three main actions:

- a proper assessment of the various alternatives for traffic mitigation;
- a fair and balanced analysis based on robust and well-rounded evidence; and
- active, participatory consultation with residents, particularly on the traffic mitigation options and on what can and cannot be done on the village green.

Campaigners seek review of traffic lights proposals

OPPOSITION to plans for four-way traffic lights in Frimley Green, as part of the Princess Royal Barracks development, has prompted a request for a local review of the scheme.

Cliff Hilton and Graham O'Connell are leading the campaign to oppose the four-way traffic lights at the heart of the village, which will be installed as part of the Princess Royal Barracks development. They are asking for a local review of the scheme.

The campaigners say the lights will cause delays and increase the risk of accidents. They are asking for a local review of the scheme.

FOUR-WAY
TRAFFIC
LIGHTS
ARE
COMING
TO
OUR
VILLAGE!

STOP or GO?

REGISTER
YOUR
CONCERN!



Cliff Hilton: launching the petition

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The Story so far...

1. How was the proposal for traffic lights arrived at?

1.1 In May 2011 AMEC commissioned a peak-time traffic survey as a precursor to a Transport Assessment (TA). In June 2011 the Defence Infrastructure Organisation (DIO) employed ENTEC, a subsidiary of AMEC, to produce a Transport Assessment Scope of Works. Whilst this broadly reflected the Department for Transport (DfT) and Department for Communities and Local Government (DCLG) guidance on TAs, it set some limiting parameters, such as only focusing on a peak-time assessment.

1.2 Government guidance states that “a TA should normally consider...an off-peak period selected to assess level of greatest change resulting from the development.” No reason is given for excluding off-peak data (and other key items such as pedestrian movements) though it is likely that this would make the assessment quicker, cheaper and easier. In reality the decision had already been made when AMEC only commissioned a peak time survey which was done prior to a specification being agreed.

1.3 AMEC were then commissioned by the DIO to undertake the TA. The essence of their assessment was based on 2011 traffic data, using an industry standard model to forecast likely traffic flows 14-15 years ahead. This is based on just one day's observation - Wed. 18th May 2011. Due to costs selective observations are normal but it does carry with it acknowledged statistical confidence issues. (For more detail see Appx 1).

1.4 It is worth noting that the TA looks only at the potential impact of a single proposal - traffic lights - it does not seek to compare or evaluate different options, so no consideration has been given to any alternatives.

1.5 The TA report, Oct. 2012 (para 11.9) concludes that traffic lights would improve flow on two arms of the junction and overall meets the ‘nil detriment’ test. Of course whether this is the case off-peak, which covers 92% of all traffic movements, we don't know, though it seems unlikely. Also, if pedestrians use any of the four planned controlled crossings this would clearly impact on traffic flow, but again pedestrian movements were not included.

1.6 Government guidance and the Chartered Institute of Highways & Transportation both stress the importance of local factors. Local factors are not mentioned in the report:

- The causes of reduced traffic flows - well known to locals - are not mentioned.
- The problems arising from the location of bus stops - something obvious to any highways expert visiting the site - are noticeable by their absence.
- The potential for rat runs are not covered, even though there is evidence from when temporary traffic lights were in place that rat runs happen and where.
- Most significantly there is no mention of the status of the village green; a fundamental and material factor that should have been addressed before any plan to put up traffic lights was proposed.

1.7 The report might be rich in quantitative peak-time traffic flow data but it is significantly light on everything else; a fact that should have been picked up and challenged by Surrey County Council (SCC) Highways. (For more detail see Appx 2).

1.8 It is worth noting that the accuracy of traffic forecasts is subject to debate. Numerous academic and practitioner reports point out the dangers of over-reliance on transport forecast models, which often under- or over-estimate by around 30%. In any event, there are dangers in relying on just a single source of evidence however valid that might be.

1.9 To illustrate the point about the reliability and consistency in such forecasts it is useful to compare the AMEC TA forecasts with the WSP TA forecasts. For the Guildford Road morning peak the AMEC forecast (for 2026 + PRB development) is a queue of 1 vehicle. In the WSP TA the forecasted queue is 229 vehicles. That is a vast difference; a variation of over 20,000%. Across all data points the average variance is 2,763%. (See Table 1, Appx1). If using the same modelling produces such differences one has to question whether it is wise to rely solely on this data.

1.10 As to consultation, the TA report is explicit about the need to consult with residents as to whether the negative impact on the environment caused by traffic lights is a price worth paying. This was not acted upon. It was also subsequently highlighted by the MFG&D Society in their planning response dated 15th Jan. 2013.

2. How was this proposal validated?

2.1 Two further TAs were commissioned. Using the same parameters and models, it is unsurprising they came to the same conclusion. Once again no local factors were considered, no off-peak evidence, no consideration of alternatives and no addressing of any potential gaps or weaknesses in the original TA. (See the guidance on TAs at Appx 2).

2.2 The TA undertaken for SHBC by WSP in Dec 2012 bases its forecast on one day's observation, though the report admits some of that data was wrongly recorded and had to be substituted by assumptions. It forecasts (2026 baseline) an average morning queue on the Guildford Road of 307 vehicles and a total delay of 152 hours. This is B road not the North Circular. This should have been contested by SCC Highways not used to justify traffic lights. This report was not published and available to residents until after the planning consultation period.

2.3 None of the TAs make any reference to best practice elsewhere, to leading industry reports on traffic lights nor to any other relevant factors that might cast doubt on whether their recommendations are sound. To only have evidence in favour of your proposal may make things neater and easier in a report but it inevitably raises questions about objectivity and the robustness of the conclusions.

2.4 SCC Highways have stated simply that they believe there are no weaknesses in the TAs, though they have not offered any evidence or argument to counter any of the specific points made by residents.

3. Were residents consulted by the developer?

3.1 Residents were not consulted about the traffic lights. The developer employed a communications agency to run a number of consultative activities. These revealed that one

major concern was traffic. However, at no point prior to the decision was the option of traffic lights covered. At the consultation forum 28th Feb. 2015 there was no mention of traffic lights. At the consultation event 23rd July 2015 traffic lights were shown on the display board for the first time. The highways representative at that meeting could not answer most of the queries put forward except to say that the decision had now been made.

4. Did residents have a chance to object to the planning application?

4.1 The traffic mitigation proposal for Frimley Green (ie traffic lights) was shown in the TA that accompanied the planning application. However, there had been no communication with Frimley Green residents and businesses to tell them that traffic lights were being considered, so they had no inkling what to look out for.

4.2 Accessing the proposal was made almost impossible as a result of how documents are stored on the SHBC planning portal pages. The TA comprises 201 documents. These are listed under 'General correspondence' along with many other documents. They are listed in a random order, many with titles that are highly technical. It is not possible to search across these documents so you have to examine them one by one.

4.3 The details of the proposed mitigation are shown in the 130th document, on p.145. The main text makes no mention of traffic lights, so even a search within the document will not bring up this proposal. Even if you were able to find the relevant pages you would need to navigate your way through the technical terminology. There is no mention of replacing the roundabouts and no mention of 'full time' 4-way traffic lights. It is only in the final section on 'sustainable travel benefits' (para 11.9.9) that the term "traffic signals" is eventually mentioned otherwise you would have no idea what was being proposed.

"How are you supposed to object to a proposal no one tells you exists, you can't find even if you search for it and that is not properly defined?"

4.4 More than one resident has used the term 'buried in the long grass'. This is an understatement. If you were intentionally looking to make this information impossible to find you would be hard pressed to do a better job. It is hardly surprising that only one objection received mentioned the proposed traffic lights, and that was from a Deepcut resident objecting to all the traffic mitigation proposals. In all meaningful senses this proposal was so obscured and impenetrable as to prevent any reasonable accessibility to most ordinary residents.

5. How was the traffic lights decision made?

5.1 The PRB Development planning application went before the Local Planning Authority (LPA), SHBC in July 2013. The proposal was supported by SCC Highways on the basis of the TAs. They did not point out any of the weaknesses in TAs, nor did they express any potential downsides from traffic lights. Councillors were also not made aware that the lights would need to go on the village green, which is a designated Green Space and registered

Common Land, and that permission had not yet been sought. Councillors were also not informed that residents had not been consulted.

5.2 Although the local Frimley Green councillors spoke against the traffic lights, without the necessary supporting evidence it can be problematic for the LPA to override expert advice even though we now know that this advice was somewhat more partial and unbalanced than it might have been.

5.3 The question here is whether the withholding of evidence that might have supported local councillors was sufficiently negligent or biased that it may have led to a decision that might not otherwise have been made. This might not be sufficient to set aside or revoke the overall planning decision, but it does support the moral and practical justification for a review.

6. How was the planning obligation formulated?

6.1 The detailed plan for traffic lights was in the developer's TA (Figure 11.7a). This was then crystallised into a formal planning obligation under S106 of the Town and Country Planning Act as a Deed signed by SHBC, SCC and the developer. This sets out the conditions imposed on the developer, such as a requirement to complete the traffic lights before 450 houses are occupied, and commits SHBC to dedicate part of the village green as highway.

6.2 The obligation makes no reference to the status of the village green (see below).

7. Did SHBC consult residents about the planning obligation?

7.1 No. The Government's Planning Obligations Practice Guidance (Ch. 8) sets out very clearly the need to consult with residents and local businesses. SHBC has conceded that this was not followed. The reason given is that there had already been extensive consultation. However, SHBC made no attempt to seek out the results of any earlier consultation in order to take that into account. Had they done so they would have realised that there had been no consultation on the traffic lights; no input at all on this from even a single resident.

7.2 SHBC contravened government guidelines. This raises the question on whether this was unlawful. In Nash v Barnet LBC [2013] EWCA (Civ) 1004, (2013) PTSR 1457 the Judge recognised that in some circumstances there is no statutory obligation to consult but the common law nonetheless imposes one. The Government guidelines makes consultation an 'established practice' - one of the criteria defined in the Nash case - so it would not be unreasonable for residents to have an expectation that they should be consulted.

7.3 Whether you look at this from a legal, moral or practical perspective, we would not be in the position we are now if SHBC had followed Government guidance. Moving forward, in the light of the status of the village green as well as the potential need to modify the S106 agreement, it would be inexcusable to deny residents a proper process of consultation.

8. What is the status of the village green?

8.1 Frimley Green village green has been designated as a 'Green Space' in the Local Plan. SHBC policy (DM15) effectively protects the green from any development not consistent with recreational use. Unfortunately SHBC appears to be breaching its own policy and cannot or is unwilling to justify this to residents.

8.2 The green is also registered under the Commons Act as common land. This offers a high degree of protection to the green. SHBC would need to apply to the Secretary of State for the Environment for two specific permissions before the traffic lights plan could go ahead.

8.3 Firstly, they would need permission to de-register part of the green so that it could be made over for widening the highway. Secondly, they would need permission to change the paths, put up traffic lights and other associated works. In both cases specific criteria have to be met, and that won't be easy. Additionally, there is a statutory consultation requirement so residents would be able to voice their opposition.

8.4 However, SHBC has already entered into a legally binding deed with the developer agreeing to the lights and committing to give over part of the village green. This has been done without consultation and before getting the necessary permissions. This is at best presumptuous and at worst unlawful. It also raises the question as to whether the statutory consultation that is required has been undermined or prejudiced.

8.5 SHBC have failed to answer these important questions. These are serious matters involving competence, integrity and accountability issues and residents deserve an answer.



**Frimley Green Carnival: a local highlight on
and around the green**

What should happen next...

9. What are the residents are seeking?

9.1 Whilst there are clearly some question marks about what has led us to this point, the residents have been consistent in their request to focus primarily on what should happen next. The residents are looking to work collaboratively and constructively with all parties to establish a mutually agreeable solution. To achieve this residents need the councils to take ownership, to step up and work with residents in a more positive way than they have to date.

9.2 In terms of actions the residents are seeking three main things:

- a proper assessment of the various alternatives for traffic mitigation;
- a fair and balanced analysis based on robust and well-rounded evidence; and
- active, participatory consultation with residents, particularly on the traffic mitigation options and on what can and cannot be done on the village green.

10. What alternatives should be considered?

10.1 This needs to be something that is identified and agreed early on. For illustrative purposes options might include:

- basic improvements to the existing roundabouts
- a shared space approach
- peak-time only traffic lights (subject to lights being acceptable on the green)

10.2 The Chartered Institute of Highways and Transportation endorse 'Traffic Management in Villages' produced by Dorset County Council. This offers a useful template on sympathetic approaches to the issue of village traffic. (For this and other best practice alternatives see Appx 3)

10.3 The Department for Transport (DfT) offer a model for evaluating alternatives which, in a simplified form, would provide the basic structure needed to determine the best solution for the village.

11. What sort of evidence should be included?

11.1 The weaknesses in the TA highlight a number of factors that should be given due weight this time around. They include:

- off-peak traffic flow data
- pedestrian movement data
- residents' views on the impact on the environment
- local knowledge, including the current causes of delays, potential rat runs and issues around the bus stop locations

11.2 There is also the question as to timing. If the main substance of the review took place after 400 or 600 houses had been occupied it would be possible to assess the actual im-

pact on local traffic and make a better extrapolation or forecast on the likely position in when the development is fully occupied be that 2026 or other agreed date.

Local knowledge: peak-time deliveries to local shops and thoughtless parking by drivers impedes traffic flow and raises safety issues. Simple queue length data is not enough, intelligent assessment of local conditions is needed.



12. How should the consultation be conducted?

12.1 The residents would like to see real engagement with the community rather than a simple right to object to a pre-determined solution. The Department for the Environment, Food and Rural Affairs (DEFRA) approved guidance on consultation on common land provides a best practice approach to consultation. This could be the template for consultation on the village green and its future, including whether or not any proposed traffic solution can be built on or detract from the village green (see Appx 6).

12.2 DfT guidance sets out the key stages and processes for consultation regarding possible traffic solutions (see Appx 5), which would be a critical part of the review.

13. How might the review work?

13.1 There are many option here and this would need to be negotiated and agreed. The residents are not seeking an overly long, complex and expensive process. However, it would need to be authentic and sufficiently robust to give confidence in the recommendations.

13.2 As an illustrative approach, here is an outline:

- immediate negotiations with SHBC, SCC and the developer with a view to delaying the installation of traffic lights until the outcome of the review;
- conduct an initial consultative exercise, including on the use of the village green
- employ a new, independent traffic specialist to lead the review (the recent and widely publicised case in Morpeth offers a good example; see Appx 3);
- collect the evidence as indicated above;
- identify the best 3 or 4 alternatives along with a balanced assessment of their relative advantages and disadvantages.
- consult with Frimley Green residents and any other identified interested parties;
- determine the preferred option along with any implications;
- review and renegotiate the planning obligation as required with a view to implementing the agreed solution at the appropriate time.

14. Can the planning obligation be changed?

14.1 The Town and Country Planning Act 1990 s.106A(1)(a), as amended, makes specific provision for planning obligations to be modified or discharged by agreement between the local planning authority and the original applicant.

“A planning obligation may be modified or discharged at any time by agreement with the LPA.

Planning Obligations: House of Commons Briefing Paper Number 7200, 19 August 2015; Section 2

14.2 In the Government guidance the Secretary of State makes it clear that an informal agreement to modify an obligation is to be preferred to a formal application or appeal. (For more details see Appx 4).

Conclusion

15. Working together to get the best for the village

15.1 The feeling of residents is very clear as evidenced by the level of response to the competition. There is a lack of confidence that traffic lights will work; the evidence behind the decision is simply not compelling. Given the weaknesses and gaps in the TAs there is more than a little legitimacy to their concerns.

15.2 There is also frustration and disappointment that they were not consulted on a matter of such importance to the village. There is no doubt that had Government guidance been followed they would have had their say.

15.3 There is a strong case for reviewing the traffic mitigation options and securing a better solution for the village. There is also an undeniable need to make sure that the village green is afforded the protection it deserves.

15.4 Consideration should be given to delaying road infrastructure changes until the extent of increased traffic flows can actually be measured. Frimley Green is not a town centre, it is a village. The installation of 4-way traffic lights and the associated congestion and pollution this will cause is considered a step too far in preserving the character of Frimley Green as a village.

15.5 The residents are calling on SHBC and SCC to engage with the local community and agree to work with them on a review of the traffic mitigation options: working with villagers to get the best for the village.

Traffic Forecast Inaccuracy

In one of the largest studies of its kind, published in *Transport Reviews 2014*, traffic forecasts were compared with actual demand. The report conclude that: *"it is clear that demand forecast inaccuracy is problematic for all project types"*.

They add that: *"Traffic on two projects could easily be 30% below the forecast for one and 30% above the forecast for another. In such a case there would be no bias, but the general lack of precision makes it problematic to assess individual projects."*

See: <http://www.planetizen.com/node/69400>

In 'Inaccuracy in Traffic Forecasts' it states: *"For 50% of road projects, the difference between actual and forecasted traffic is more than $\pm 20\%$; for 25% of road projects, the difference is larger than $\pm 40\%$."* See: <http://www.tandfonline.com/doi/abs/10.1080/01441640500124779?src=recsys>

Neither AMEC nor SCC Highways offer any indication as to the statistical accuracy of the forecasts in the TA. Reports with specific detailed figures can give the illusion of precision. However, evidence of inaccuracy is well reported in both the academic and practitioner literature as articulated in the excellent CTthink 2015 paper: 'Who will save us from the misuse of transport models?'. See: <http://bit.ly/2mYeioI>

Table 1: Forecasted traffic queues (number of vehicles) for 2026 + PRB development taken from AMEC TA Table 10.43 and WSP Table 4.17, along with percentage variations between those forecasts.

	AMEC A.M. Peak	WSP A.M. Peak	% Variance	AMEC P.M. Peak	WSP P.M. Peak	% Variance
NORTH R/ABOUT						
FG Road N	83	205	247%	109	136	25%
Wharf Road	96	252	263%	50	197	394%
FG Road S	2	110	5500%	3	87	2900%
SOUTH R/ABOUT						
FG Road N	10	11	10%	7	27	306%
G/Ford Road	1	229	22900%	3	1	300%
Sturt Road	88	183	208%	93	72	29%

The above table shows the considerable variation in forecasted queues despite using the same industry-standard modelling. The range of variation extends from 10% to 22900%. The average variation 2763%. This is well outside of acceptable statistical variation and inevitably brings in to question the confidence one might have in using this as the sole basis for planning.

The residents have suggested a trial period using intelligent temporary lights to give a better approximation of real-life impact. In an email from SCC Highways dated 3rd March 2016 they state: “...in discussions with colleagues over the last day or so, I understand that the technology of temporary traffic lights has evolved such that if the scheme was trialled the results may give a closer representation of the effects of the full scheme than until recently seemed possible.”

In a response dated 10th March 2016 the ‘town planning lead’ wrote: “We would prefer you not to offer the temporary traffic light trial as an option please. It is unlikely we will be able to...justify it to the end user”.

If traffic lights remain as a potential option residents would strongly petition for better, real-life evidence, ideally from actual observation once a third or a half of the new houses are occupied or, alternatively, from a trial period with temporary lights.

Sampled observation by residents have already revealed some of the underlying causes of queues not identified in the TAs. For example on the busiest arm of the junction, Frimley Green Road, the three longest queues observed result from bunches of cars arriving at the junction together having been held at the pedestrian crossing 100 metres away.

On the next busiest arm, Sturt Road, two of the three longest queues result for a line of cars held behind a bus, unable to overtake. The existing junction does not cause these queues and traffic lights would not resolve them. In any event they are tolerable and understandable within normal traffic conditions. Because of the location of the northerly bus stop traffic lights would in fact exacerbate the problem, something obvious to any traffic expert who might be bothered to visit the site rather than simply input data into a model without any local knowledge or insightful analysis.

Further reference:

Hartgen, D. T. (2013). Hubris or humility? Accuracy issues for the next 50 years of travel demand modeling. *Transportation*, 40(6)

Mackinder, I. E., & Evans, S. E. (1981). *The predictive accuracy of British transport studies in urban areas* (No. 699). Crowthorne: Transport and Road Research Laboratory.

Parthasarathi, P., & Levinson, D. (2010). Post construction evaluation of traffic forecast accuracy. *Transport Policy*, 12(6), 428–443.

Rasouli, S., & Timmermans, H. (2012). Uncertainty in travel demand forecasting models: Literature review and research agenda. *Transportation Letters. The International Journal of Transportation Research*, 4(1), 55–73.

Zhao, Y., & Kockelman, K. (2002). The propagation of uncertainty through travel demand models: An exploratory analysis. *The Annals of Regional Science*, 36(1), 145–163.

Transport Assessment and Related Guidance

DfT Transport Assessment Guidance

In the AMEC TA they state (para 1.4.1) “This TA has been produced with reference to the guidance set out in the Department for Transport’s (DfT) ‘Guidance on Transport Assessment’ and in consultation with appropriate planning and highways officers within SHBC and SCC.” Significantly, they do not say that there are key parts of the guidance they have not followed, presumably with no objection from SCC highways.

The following are extracts from the DfT Transport Assessment guidance:

4.3 Mitigation measures – ensure as much as possible that the proposed mitigation measures avoid unnecessary physical improvements to highways and promote innovative and sustainable transport solutions.

This reflects the Eddington Transport Study which encourages the better use of existing infrastructure and avoiding “solutions in search of problems”. See:

<http://webarchive.nationalarchives.gov.uk/20090104005813/http://www.dft.gov.uk/162259/187604/206711/executivesummary.pdf>

4.8 The requirements above are not exhaustive and further supplementary information may be required to take account of local conditions and other material considerations.

Whilst taking account of local conditions is not mandatory, the complete avoidance of them does carry the inevitable risk of missing something important. One such local factor is the status of the village green, which is irrefutably a material consideration. To plan to put up traffic lights on a village green without checking its status says a lot about the level of ignorance of local factors.

4.54 A TA should normally consider the following analysis periods...

- an off-peak period selected to assess level of greatest change resulting from the development;

Clearly it is intended that the TA addresses the need for off-peak mitigation and the forecasted impact. Even if the primary focus is the challenges of peak time traffic, the greatest negative impact is still off-peak and it is important to know the extent of that impact in order to properly assess whether traffic lights, or any proposed mitigation, is suitable.

4.18 Addition counts could include:

- 12-hour/24-hour automatic traffic counts (ATC);
- pedestrian and cyclists counts.

Although not mandatory, if you do not include pedestrian counts in relation to up to four new controlled crossings then when would you? Also, the number of pedestrians crossing the junction will have an effect on the amount of red light time for traffic. This important factor has simply not been included as a consideration, possibly because it would call into question the predicted effectiveness of the traffic lights.

The Government's Transport Assessment Guidance in force at the time is here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263054/guidance-transport-assessment.pdf

Travel Plans, Transport Assessments and Statements

The latest guidance (post Oct 2014) states:

Transport assessments should...be tailored to particular local circumstances (other locally-determined factors and information beyond those which are set out in this guidance may need to be considered in these studies provided there is robust evidence for doing so locally);

Engaging communities and local businesses in Travel Plans, Transport Assessments and Statements can be beneficial in positively supporting higher levels of walking and cycling (which in turn can encourage greater social inclusion, community cohesion and healthier communities).

This latest guide is here:

<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

SCC Transportation Development Control Good Practice Guide

In this Good Practice guide it states that it is the role of LPA (ie SHBC) to consider environmental and amenity impacts, not Highways:

Para 42 states: *It is for the local planning authorities consider these matters, and to take their own view on the environmental and amenity impacts of traffic, albeit in discussion with the highway authority where appropriate.* The SCC guide is here:

https://www.surreycc.gov.uk/_data/assets/pdf_file/0010/16579/Good-Practice-Guide.pdf

Nothing has been forthcoming from SHBC to indicate that it considered any such impacts. The impact of traffic lights on the local environment, as indicated in the AMEC report, is material factor.

DfT Transport Analysis Guidance: transport appraisal process:

This Government Guidance sets out alternative options should be evaluated. It can be scaled according to local circumstances. Key elements include:

Para 2.2.2 on Stakeholder Engagement covers consultation, participation and information. This emphasises the need to work with the local community. This was not done.

Para 2.3.6 covers constraints on the shape of the plan. Clearly had the status of the village green been properly identified and considered this would have affected the proposed plan, possibly even ruling out traffic lights at an early stage.

Para 2.4.10 covers sensitivity tests and alternative scenarios to test the robustness of a proposal. Para 2.5.7 covers consultation and benchmarking. Para 2.8 covers the generating of options. These were not done but should be a cornerstone in the requested review.

Para 2.9.5 describes the Early Assessment Sifting Tool (EAST). Whether this tool should be used or just the principles embodied in it would be a matter for consideration.

Para 2.11 shows how to produce an option assessment report. The assessment of options should be the basis for consultation prior to a decision being made on the most suitable option.

The full DfT guidance is available here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431185/web-tag-tag-transport-appraisal-process.pdf#nameddest=chptr01

Additionally there is the WebTag Guidance which is highly relevant. In the introduction para 2 it states that TAG should serve as a best practice guide for transport analysis. Full details here:

<https://www.gov.uk/guidance/transport-analysis-guidance-webtag>

Environmental factors. There are certain other factors often considered in relation to infrastructure projects, in particular environmental factors. The additional pollution at traffic lights is now well known and traffic generated pollution is now in the spotlight. Whilst this might not be a decisive factor in its own right, it is surprising that it was not covered at all and therefore given no weight.

<http://www.surrey.ac.uk/features/stopping-red-lights-exposes-drivers-high-levels-air-pollution-new-study-finds>

Independent Studies and Best Practice Alternatives

Sadly Traffic Assessments (TAs) rarely make reference to industry-leading reports or current best practices. However, it is surely down to the county highways team to quality assure proposals and take account of their wider industry knowledge in determining what expert advice to offer councillors and, in particular, the local planning authority.

The Chartered Institute of Highways and Transportation cite the *Managing Traffic in Villages* guidance produced by Dorset CC as the standard. This useful document offers a number of best practice examples from around the UK and establishes the importance of working with locals to come up with schemes that are sympathetic to each unique village location. It would be a good template to follow in the review. Rather than large scale binary options, most interventions described consist of a combination of small, cost effective ideas.

http://www.dorsetaonb.org.uk/assets/downloads/Dorset_AONB_Partnership/trafficinvillages-web.pdf

A number of those ideas draw up modern approaches to traffic management contextualised into a village setting. Ideas drawn from *Shared Space* would seem to offer benefits to local businesses and pedestrians as well as to road users. A compelling case is made in *Poynton Regenerated*: <https://www.youtube.com/watch?v=-vzDDMzq7d0>
Lessons learnt from experiences such as this should help inform plans for our village.

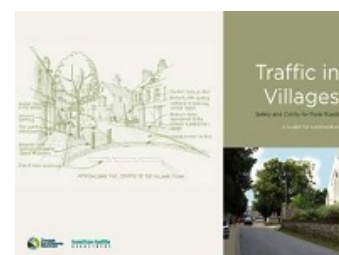
This is part of a more general trend to be more questioning about the claimed benefits of traffic lights. Here are a few examples:

- *Institute of Economic Affairs Report*: <http://www.iea.org.uk/in-the-media/press-release/rip-out-80-of-traffic-lights-to-boost-economy-road-safety>
- *British Infrastructure Group, MPs and Peers*: <http://www.telegraph.co.uk/news/2016/04/29/calls-for-traffic-lights-to-be-switched-off-as-study-finds-drive/>
- *Mythbusters*: <http://www.treehugger.com/cars/mythbusters-roundabouts-vs-4-way-stop-intersection-which-more-efficient-video.html>
- *Portishead example*: <http://thecityfix.com/blog/naked-streets-without-traffic-lights-improve-flow-and-safety/>

There are also plenty of examples where residents have challenged the imposition of traffic lights and won. Including:

- *Morpeth people power*: <https://www.wansbeck-conservatives.com/news/victory-people-power-finally-success-morpeth-residents-against-hated-traffic-lights>
- *Morpeth agreed to a review*: <http://davidwoodard.mycouncillor.org.uk/2013/03/26/morpeths-transport-network-review/>
- *Corsham scrap traffic lights*: <http://www.bathchronicle.co.uk/council-scraps-traffic-lights-plan/story-11335275-detail/story.html>

Whilst these ideas were not aired by the professionals first time around, residents are calling for proper consideration to be given to best practices this time.



Modifying a Planning Obligation

The review will identify the best solution for the village and will be supported by diverse evidence, public opinion and solid, balanced arguments. Armed with this, it will then be time to formally approach the DIO to seek their agreement to voluntarily renegotiate the planning obligation as necessary.

Planning Obligations: House of Commons Briefing Paper Number 7200, 19 August 2015; Section 2 states:

“A planning obligation may be modified or discharged at any time by agreement with the LPA. If there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application can be made to the Local Planning Authority to change the obligation if it “no longer serves a useful purpose”.

See: researchbriefings.files.parliament.uk/documents/CBP-7200/CBP-7200.pdf

It is worth noting that a deed of modification must be entered into by the LPA and all persons against whom the section 106 obligation is enforceable. The latter includes not only the original signatories, but also their successors in title. It may become practically impossible after many plots or units on a large development site have been sold or leased to procure all persons with a land interest to agree and sign the deed of modification. The current obligation allows for up to 450 houses to be sold before the mitigation is put in place.

If there were delays while the traffic lights or village green issues were being contested then this would mean that no more than 450 houses could be sold until this was resolved. In order to minimise the risk of delays to the Mindenhurst development it would be wise to press on with a review at the earliest opportunity.

Fortunately the Government guidance ODPM 05/2005 Annex A A15 confirms the view of the Secretary of State that negotiated variations are preferred to formal applications. So there would be no impediment to negotiating an alternative solution once the review is completed. See: http://realestateappraisal.co.uk/wp/wp-content/uploads/2013/03/Circular_05_05_Planning_Obligations.pdf

For reference, the relevant legislation is:

The Town and Country Planning Act 1990 s.106A(1)(a).

See: <http://www.legislation.gov.uk/ukpga/1990/8/section/106A>

Communications, consultation and engagement

The importance of communications, consultation and engagement is so widely articulated that it hardly seems necessary to repeat it all here. For a council, this is something that should not be part of their DNA. However, in this case, for whatever reasons, there was a failure to properly inform and consult with Frimley Green residents on the specific issue of traffic lights.

There is plenty of guidance indicating the need for consultation such as:

- **The Department for Transport (DfT) Transport Analysis guidance.**
 - See in particular paras 1.1.5, 2.2.5, 2.9.2 and 3.4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431185/webtag-tag-transport-appraisal-process.pdf#nameddest=chptr01 This includes:

“Discuss with key parties / communities how conditions could be used to overcome concerns and how section 106 benefits could be used to address issues relating to the scheme for the benefits of those affected.”

- **The Good Practice Guide to Public Engagement in Planning**
 - See p.15 for recommendation to consult on S106 issues: <http://www.rtpi.org.uk/media/6312/Good-Practice-Guide-to-Public-Engagement-in-Development-Scheme-High-Res.pdf>
- **The Chartered Institute of Highways and Transportation Guidance**
 - This excellent guidance for highways professionals was not followed but should be in the review: <http://www.ciht.org.uk/en/document-summary/index.cfm/docid/8BC0682B-958E-435E-BD5E44ED67E01964>
- **The Planning Obligations Practice Guidance.** See in particular Ch. 8. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7770/151363.pdf This states that:

“Community involvement is one of the key principles at the heart of delivering sustainable development. In the context of planning obligations, the community (i.e. business, residents, voluntary sector and other stakeholder bodies), should be involved wherever possible and appropriate in the setting of planning obligations policies and the negotiation of planning obligations for individual applications. They should be given access to all necessary information to help inform their involvement.”

- **Planning Circular 5/05.** In particular para B41. <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/147537.pdf> This states:

“The process of setting planning obligations policies and negotiating planning obligations should be conducted as openly, fairly and reasonably as possible and members of the public should be given every reasonable assistance in locating and examining proposed and agreed planning obligations which are of interest to them.”

Despite this extensive guidance consultation on the proposed lights did not take place at any stage. Whilst this represents a significant failure of process there is the opportunity to recover the situation through a review.

As well as reasonable expectations of the borough council to consult, this also applies to the county.

We will consult or engage to:

- ***collect local knowledge***
- ***manage expectations***
- ***keep customers informed***
- ***clarify customer priorities and concerns***
- ***assist in the developing of solutions***
- ***prevent later complaints and misunderstandings***

The Surrey CC Roads and Transport Consultation Good Practice Guide gives a very clear promise to consult. See: <http://bit.ly/2IWw4c8> It says:

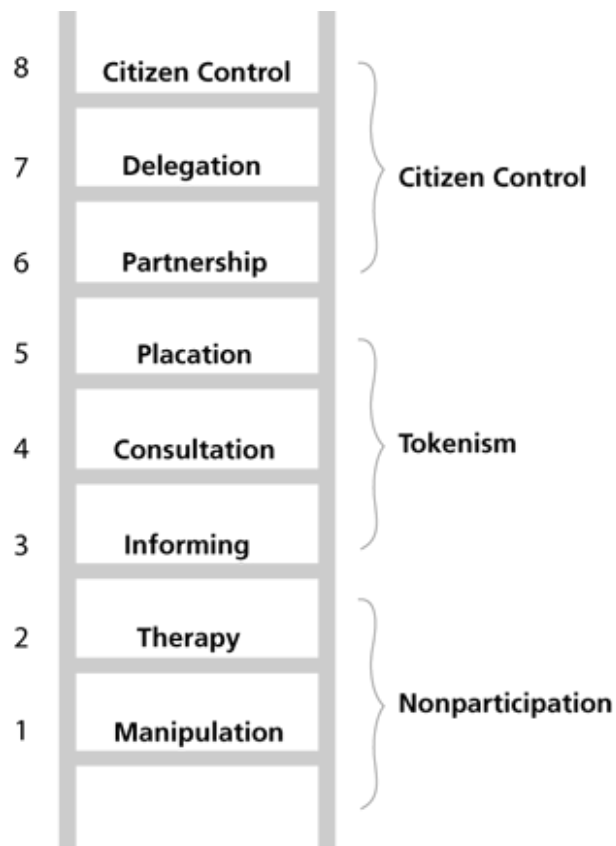
There is no qualification of this promise, such as saying they will not do this if it relates to a S106 Planning Obligation. It sets a reasonable expectation amongst the public that SCC Highways offer ‘a promise to consult’.

With regards to the legal position, in *Nash v Barnet LBC* [2013] EWCA (Civ) 1004, (2013) PTSR 1457 the Judge recognised that in some circumstances there is no statutory obligation to consult but the common law nonetheless imposes one, in order to satisfy the requirements of procedural fairness.

The three circumstances where the common law will impose a duty to consult are:

- (i) where there has been a promise to consult,
- (ii) where there has been an established practice of consultation, or
- (iii) where, in exceptional cases, a failure to consult would lead to conspicuous unfairness.

There can be little doubt that SHBC and SCC together had a serious obligation regarding consultation that has not been fulfilled. Residents are calling for more of a partnership approach (see Arnstein's Ladder model below) as part of the review.



Arnstein's Ladder (1969)
Degrees of Citizen Participation

As well as the need for consultation relating to the S106 agreement and traffic lights, there is also an imperative regarding the village green (see Appx 6).

Protection of Frimley Green Village Green

Frimley Green village green is designated a Green Space in the Local Plan. SHBC Policy DM15 Protection of Green Spaces and Recreational Facilities states:

Green spaces in settlement areas as identified on the proposals map will be protected by restricting development to appropriate informal recreation uses or recreation facilities that are of a scale commensurate with the size of the space.

The Borough Council will resist the loss or fragmentation of small open amenity areas not identified on the proposals map where this would result in adverse impacts on the attractiveness and quality of the built environment.

See: <http://www.surreyheath.gov.uk/sites/default/files/documents/residents/planning/planning-policy/LocalPlan/CoreStrat/PrevCoreStrat/CoreStratDevMngmntPolsDPD.pdf>

SHBC have been silent on this matter. They have clearly failed to follow their own policy but seem reluctant to admit it. Councillors were not told that traffic lights would be put on the village green and nor were they told that part of the village green would be given up to the highway. In planning parlance these are 'material considerations' that might have led councillors to make a different decision at the planning meeting.

The village green is also registered as Common Land under the Commons Registration Act 1965. The land is registered at SCC under unit number CL 20. This offers certain protections under the **Commons Act 2006**. See: <http://www.legislation.gov.uk/ukpga/2006/26/contents>

The two key sections of the Act are:

- S.16 - This covers the permission needed for taking part of green for road widening; and
- S.38 - This covers the permission needed for being able to put up lights on the green.

Planning Inspectorate guidance on reregistration and exchange

See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/475172/S16_notes_on_completion.pdf

In particular:

- Section B, note 5 - this covers the description of alternative courses of action considered and why no need to provide replacement land.
- Section D, note 10 - this requires SHBC to provide options considered and why rejected
- Section H, note 19 - this sets out the need to advertise proposals
- Annex A - covers the need for extensive consultation

Common Land Consents Policy

This sets out the criteria for consents: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/477135/common-land-consents-policy.pdf

Section 29 of the Commons Act 1876 makes it a public nuisance to:

- erect any structure other than for the purpose of the better enjoyment of the green; or
- disturb, occupy or interfere with the soil of the green (e.g. camping) other than for the purpose of the better enjoyment of that green.

<http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/rural/documents/protected/common-land/tvgprotect-faq.pdf>

A Common Purpose is the DEFRA approved guidance on consultation regarding common land. They say that the guidance 'should' be used not 'may'. Residents have asked that this forms a basis for consultation on the future of the village green. This would then determine what if any developments, such as traffic lights, would be allowed on the green.

<https://content.historicengland.org.uk/images-books/publications/common-purpose/common-purpose-guidance.pdf/>

Plan of the junction showing areas of the village green at risk:

http://mindenhurst.co.uk/wp-content/uploads/2015/12/4._s106_highway_plans_junc_frimley_grn_rd_wharf_rd_guilford_rd_sturt_rd.pdf



Proposed new junction:

- The yellow area is the part of the green that would be given over to highway
- Bus stops are not shown (will they be moved?)
- On the green are signals, new paving and path changes