

WILTSHIRE COUNTY COUNCIL

AGENDA ITEM NO.

**OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
13th JANUARY 2006**

CROFT ROAD/HAY LANE LINK ROAD AND M4 JUNCTION 16**Purpose of Report**

1. To consider a request from Mrs. Groom to the Overview and Scrutiny Management Committee, details of which are outlined in **Appendix 1**.

Background

2. Much of the background is covered in the request form from Mrs Groom. Salient points to note are that:
 - (i) Planning permission has been granted by Swindon Borough Council to the developers of the Southern Development Area.
 - (ii) The Wiltshire and Swindon Structure Plan was under a period of review at the time planning consent was sought and determined.
 - (iii) The Structure Plan changes supported the principle of the Croft Road to Hay Lane Link.
 - (iv) The Structure Plan EIP Panel accepted that the road link was not an issue they need consider.
 - (v) Planning permission for the road link as permitted cannot be changed unilaterally by the County Council. Swindon Borough Council cannot revoke permission without compensation.
 - (vi) Impacts of the development at Junction 16 have been considered by the three highway authorities having an interest in the performance of the junction. None was satisfied that a defensible objection to the planning proposal could be sustained at Inquiry.

Main Considerations for the Council

3. The issues pertaining to the County Council's position in relation to the Swindon Southern Development Area (SDA) planning permission have been well tested. In essence there have been matters in which the County Council has had a direct interest. Firstly, the concerns about the Croft Road to Hay Lane Link were raised in the context of the review of the Structure Plan. Objectors to the principle of including reference in the Plan to the road sought to have the matter considered by the Structure Plan Examination in Public (June/July 2004). This was rejected on the basis that the matter was not of significance given the application was approved by Swindon Borough Council in January 2004 subject to the resolution of a legal agreement and the application not being called in for determination by the Secretary of State. In June 2004, the Secretary of State announced that the application would not be called in for determination. The general concerns were considered by Members at the time and the approach of the Councils was deemed to be correct.

Secondly, the detailed proposals of the planning application were not objected to by County Council officers in relation to the future impacts at Junction 16. Officers have delegated authority to respond to planning application consultations, a position endorsed by the Environment and Transport Committee in December 2000.

4. The decision reached by Swindon Borough Council in approving the Southern Development Area proposal was taken in the context of its regulatory responsibilities. It is not a matter for the County Council Overview and Scrutiny Management Committee to review decisions of another authority in such matters. The concern that the decision will have unsustainable transport consequences is likewise not an issue for this Committee. Officers of the County Council were tasked with responding to the planning application consultation on two significant fronts:
 - whether the proposal was generally in accordance with contemporary strategic policy and
 - whether a defensible recommendation of refusal could reasonably be made in relation to the issues associated with transport infrastructure proposals.

Officers' judgements on these issues did not result in adverse recommendations.

5. The capacity limitation of Junction 16 to accommodate peak period flows is recognised. The junction is not dissimilar to many other motorway junctions at the edge of major urban areas. The planning application was permitted with, inter alia, a condition requiring details of proposed modifications at Junction 16 to be submitted to the local planning authority for approval. Wiltshire is the highway authority for the junction and will have a principal role in terms of its response on the proposals to the Borough Council. The response will be determined by the degree to which the developers can minimise the traffic impacts resulting from the new development through the proposed modifications to the junction. It is not the role of the Overview and Scrutiny Management Committee to engage in the technical considerations relating to the junction's performance.
6. Mrs. Groom suggests that it was inappropriate for the County Council to engage Halcrow as consultants to check and advise on the work undertaken by the developer's transport consultants. The County sought tenders to deliver the M4 Junction 16 assessment appraisal work in an appropriate manner. Amongst other reasons, Halcrow were chosen to undertake the commission because of the involvement of Mr. David Lear, who is an acknowledged expert in the specific modelling tools required and has a general familiarity of the workings of Junction 16, having previously successfully assisted the County Council at Inquiry to defend a planning decision to refuse permission for a motorway services area at Hay Lane. The tender information received from those invited is on file for review, if necessary.
7. There appears to be no potential beneficial outcome as a result of the issues raised being considered by the Overview and Scrutiny Management Committee. The further determination of outstanding matters relating to the planning application will be a matter for Swindon Borough Council to consider.

Proposal

8. That the request for matters pertaining to the Swindon Southern Development Area planning permission be not pursued as an Overview and Scrutiny Management Committee topic for consideration.

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The following unpublished documents have been relied on in the preparation of this Report:

None