



## **Report to the Secretary of State for Transport**

**By W S C WADRUP BEng (Hons), CEng, MICE, FIHT.**

**An Inspector appointed by the Secretary of State for Transport**

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372

Date:

**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**ROAD TRAFFIC REGULATION ACT 1984**

**The Council of the County of Somerset (East of Taunton Park & Ride A358) (Side Roads and Other Works) Order 2008**

**THE COUNTY OF SOMERSET (EAST OF TAUNTON PARK AND RIDE) COMPULSORY PURCHASE ORDER 2008**

Date of Inquiry: 22, 23, 24 July 2008

Ref: DN 5073/55/7/7

DN 5073/60/1/14

DPI/G3300/08/5

## GLOSSARY AND ABBREVIATIONS

CCTV	Closed Circuit Television
DMRB	Design Manual for Roads & Bridges of the Department for Transport
ODPM	Office of the Deputy Prime Minister
CPO	Compulsory Purchase Order
SRO	Side Roads Order
CD	Core document of Somerset County Council
ID	Document arising at Inquiry
SCC	Document presented by Somerset County Council
RSS	Regional Spatial Strategy for the South West
PPG	Planning Policy Guidance
Defra	Department of Environment Food and Rural Affairs
pcu	Passenger car unit- a measure of traffic queues in terms of a car=1 unit, a bus or heavy goods vehicle = 3 units and a motorcycle 1 unit

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## CASE DETAILS

- The Side Roads and Other Works Order was made under Sections 14 and 125 of the Highways Act 1980. The Compulsory Purchase Order was made under Sections 239, 240 & 246 of the Highways Act 1980, Section 40 of the Road Traffic Regulation Act 1984 and Parts 2 & 3 of Section 2 of the Acquisition of Land Act 1981. The Orders are known as:

The Council of the County of Somerset (East of Taunton Park & Ride A358) (Side Roads and Other Works) Order 2008, and

THE COUNTY OF SOMERSET (EAST OF TAUNTON PARK and RIDE) COMPULSORY PURCHASE ORDER 2008

- Somerset County Council (hereinafter referred to as "the Council") submitted the Orders to the Secretary of State for Transport as authorising authority for confirmation.
- The Side Roads and Other Works Order and the Compulsory Purchase Order were made on the 13 February 2008. There were three objections to them at the start of the Public Local Inquiries. A further objection was received during the inquiry. There were no letters of support. Three interested parties spoke at the inquiry.
- If confirmed the Side Roads Order would provide powers to stop up and improve lengths of highway, construct new highways and to stop up and/or provide new private means of access.
- If confirmed the Compulsory Purchase Order would authorise the Council to compulsorily purchase land for the construction of the proposed park and ride scheme and to mitigate its adverse effects.

## SUMMARY OF RECOMMENDATIONS

**I recommend that the Orders be confirmed as made.**

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### 1 PREAMBLE

- 1.1 I held concurrent local inquiries on 22, 23 and 24 July 2008 at the Holiday Inn, Deane Gate Avenue, Taunton to hear objections and representations concerning an application made by the Council for confirmation of the above mentioned Orders. These Orders, if confirmed, would authorise the carrying out of works in respect of a Park & Ride development, with associated local highway improvements and alterations, all known as the East Taunton Park & Ride scheme. It is situated at Cambria Farm adjacent to and south of the A358, about 400 metres east of the M5 motorway. A general arrangement plan of the scheme is at inquiry document ID7. A larger plan showing the site relative to Taunton, nearby villages, the M5 motorway and the A358 principal road is document ID6. There was no request for any adjournment of the inquiry.

- 1.2 The purpose of the Park & Ride scheme would be to reduce congestion on roads within Taunton and free up existing town centre car parks for shoppers by providing commuters with an alternative means of accessing the town centre, which would not cause them to occupy town centre car parking spaces.
- 1.3 The scheme, to which the full Orders relate, would involve the construction of a new horseshoe shaped Park & Ride facility with 1,000 car parking spaces encircling an information and a waiting centre for customers. The site would be landscaped and contain four storm water run off attenuation ponds. The access for buses and cars would be located immediately off the A358, which, accordingly, would be widened and improved near its junction with Ruishton Lane.
- 1.4 I was instructed to conduct these inquiries in accordance with Section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980 and to report to the Secretary of State for Transport as confirming authority. The concurrent inquiries are, for convenience, referred to as "the inquiry" in this report.
- 1.5 I made an unaccompanied site inspection on 21 July 2008 and at peak and off peak traffic periods on 23 July 2008 and a formal accompanied site inspection also on 23 July 2008.
- 1.6 Of the three objections to the Orders at the start of the Inquiry, one was a statutory objection to the Compulsory Purchase Order, another was from the Ruishton and Thornfalcon Parish Council and the third from an individual nearby resident. A fourth objection was received at the inquiry, from a business located within a lay-by of the A358 adjacent to the proposed site.
- 1.7 The main grounds for objection were that the scheme would not achieve its aims, the land could be put to better alternative use, the consultation process was flawed, the site was not geographically optimum, proposals for cyclists would be dangerous and air pollution would be made worse.
- 1.8 Planning permission for the scheme was granted on 13 February 2008 subject to conditions as set out in Core Document (CD51). There were no legal challenges to it.
- 1.9 This report contains a brief description of the scheme and its surroundings, the gist of the cases presented together with my conclusions and recommendations. Lists of Appearances and documents are attached at Annex A & B respectively. All documents submitted to the inquiry including proofs of evidence are attached.
- 1.10 The proofs are as originally submitted and unless so marked do not take account of how the evidence was affected by cross-examination and other aspects of the inquiry.

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## **2. PROCEDURAL MATTERS & LEGAL SUBMISSIONS**

- 2.1 The inquiry was conducted in accordance with both the Compulsory Purchase (Inquiries Procedure) Rules 2007 and The Highways (Inquiries Procedure) Rules 1994. The Council confirmed that it had complied with all necessary statutory formalities (CD05, CD06 & CD11). No procedural issues of substance were raised at the inquiry.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The site of approximately 10ha (24ac) comprises three grassland agricultural fields, and the margins of another, immediately south of the A358 County Road which links Taunton and Ilminster. It lies about 300-400m east of the M5 motorway junction 25 (J25). It is bounded to the north by the A358 and a substantial tree lined wide highway verge, to the east by the grounds of Ruishton Court nursing home and by a small stream to the south. Its layout is that of a right angle triangle with the stream forming the hypotenuse. To the west of the site are farm buildings and farm land of Cambria Farm.
- 3.2 At its north eastern corner the site is at approximately the same level as the A358 rising to about 6m above the level of the highway at its westernmost point as the A358 descends to link to the roundabout of J25 which itself runs below the level of the motorway.
- 3.3 The existing ground rises from the A358 boundary to a gentle ridge 40m to the south before falling gently towards its southern periphery formed by the stream. A flood plain alongside the stream encroaches about 40m into the site on its southern side.
- 3.4 The A358 east of J25 is a single carriageway all-purpose road flanked by a cycle track on its southern side and hedges on both sides. On its northern side it forms a T-junction with Ruishton Lane, a narrow road serving the village of Ruishton and beyond, which meets it at right angles approximately 300m east of J25. On the southern side of the A358, just opposite and east of Ruishton Lane, is a large and long lay-by, which originally was part of the old road, but is now segregated from the existing, and which currently contains the Blackbrook snack bar.

## **4. THE CASE FOR THE SOMERSET COUNTY COUNCIL**

### **The Material Points were:**

#### The Proposed Scheme

- 4.1 The Park & Ride facility would accommodate 1,000 vehicles. It would have access direct onto the A358 facilitated by a new signal controlled crossroads junction. This would enable access to be gained for traffic approaching from the west, with a one-way "left in" slip road servicing traffic from the east. The detailed proposals are shown at ID7.
- 4.2 Egress from the site for cars would be controlled by use of the signalled

junction but buses from the Park & Ride hub would travel towards the A358 and Taunton on a dedicated merging slip road uncontrolled and unimpeded by the signals.

- 4.3 The proposed junction on the A358 would serve as the main access and egress to the site. Its signalisation would control the two lanes approaching from the M5 and the west and cater for traffic wishing to proceed due east towards Ilminster, and the further two lanes that facilitate right turning access into the Park & Ride area. Traffic approaching from the east would be filtered off into the Park & Ride area on a dedicated one way (inbound) slip road with two lanes provided for through westbound traffic at the signals. Ruishton Lane would approach the junction as a single lane. Westbound traffic on the A358 would be banned from turning right off the A358 into Ruishton Lane. The junction signals would incorporate pedestrian and cycling phases for crossing of the A358.
- 4.4 Within the site there would be segregation of buses and cars with pedestrians and cycle links from the A358 to the core facilities of the site. Dedicated bus lanes and entry arrangements at the A358 signals would give buses priority. Virtually the whole of the site would occupy agricultural land, which is currently pasture. Apart from the Ruishton Court nursing home and Cambria Farm there are no nearby dwellings.
- 4.5 A secure information building, with toilets and a coffee vending machine and secure cycle parking, would be incorporated at the centre of the layout. The site would be manned during operational hours and regulated through CCTV cover.
- 4.6 Surface water run off from the widened A358 and the impervious car parking/roadway area would be carried through a pollution interceptor before discharge to a local stream. The rate of discharge would be controlled to green field run off rates by use of oversize pipes, attenuation ponds and controls. The Environment Agency has approved these arrangements (CD46). The majority of the site would not be prone to flooding (CD35).
- 4.7 The site would be illuminated, whilst darkness prevails, usually between the hours of 0700–1900, except on Sundays when the park and ride facility would be closed.
- 4.8 Within the boundaries of the site the existing ground profile would undergo significant excavation and mounding. The access and egress routes would cut through the natural ridge to a depth of about 6m, leaving bunds of higher ground screening the A358. To increase screening dense broadleaf trees would be planted to supplement hedgerows. The plane of the parking area would be below existing ground level at its northern point, rising to about 3m above ground level at its southern-western edge. Soft landscaping would surround the attenuation ponds, one of which would be designed to be permanently wet to promote ecological colonisation.

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- 4.9 The definitive, but overgrown, public right of way (footpath T22/18) which currently runs within the grounds of Ruishton Court would be rerouted from private land, as a new non surfaced footpath within the eastern boundary of the site, thereby linking the A358 with the existing public footpath alongside the bank of the stream to the south of the site.
- 4.10 Outside the confines of the scheme the A358 would continue to run as a single two-lane carriageway in both directions. Junction 25 of the M5 motorway would remain in its current form, as would the associated motorway slip roads.
- 4.11 Improved pedestrian and cycle facilities would be built alongside the carriageway of the A358, near the site access and westwards on the southern side of the A358 towards and across junction 25 of the motorway.
- 4.12 The scheme has generally been designed in accordance with the national Design Manual for Roads & Bridges (DMRB), using a design speed of 60 mph for the A358. Its detailed layout has been refined over the last year or so. A reduction in the speed limit through J25 from 40 mph to 30 mph would be promoted through a subsequent Traffic Regulation Order.

### The Scheme Background

A full description of the scheme background is set out in SCC2.

- 4.13 The emerging need for town centre transport improvements in Taunton was initially recognised in 1994 by the Somerset County Council and Taunton Deane Borough Council who jointly produced a local transport strategy up to 2011. The strategy was based on encouraging and providing for non-car based travel and was linked to the development of the Taunton Deane Local Plan.
- 4.14 The Taunton Transport Strategy Review (2004) identified the need for measures to reduce the growth in traffic congestion in the town centre of Taunton, to counteract predicted congestion growth of between 300%-400% between 2001 and 2011. At the time the town centre had significant inexpensive commuter occupied car parks.
- 4.15 In recognition of its policy to encourage commuting car users to switch to public transport for town centre bound trips the Council proposed an East of Taunton Park & Ride facility to supplement a similar facility that has been successfully established at Silk Mills to the west of the town. In line with the provision of these two Park & Ride schemes the County Council proposed large increases in commuters car parking charges in the town centre. Following the opening of the Silk Mills park and ride facility demand for long term town centre parking has fallen (SCC2).
- 4.16 Regional Planning Guidance for the South West of 2001 (CD17) identified Taunton as a Principal Urban Area, which implies that there would be a significant period of growth for the town over the following 20 years. This growth is evident from a wide range of projects that are currently

programmed in the town centre with the aim of substantially regenerating it. This approach makes the improvement of transport infrastructure necessary for the success of the regeneration programmes without the inducement of further congestion (SCC2).

#### National Policy

- 4.17 The scheme would fully accord with advice set out in paragraphs 59, 60 & 61 of PPG13 Transport (CD14).

#### Regional Policy

- 4.18 The scheme is one of several measures identified in the Somerset Local Transport Plan 2006-2011 (CD26) forming the Urban Passenger Transport Programme – paragraphs 6.2.4, 6.2.7 & Figure 6.13 of CD26 refer. This Plan also identifies the policy of materially increasing long stay parking charges in Taunton.
- 4.19 The emerging draft Regional Spatial Strategy for the South West (CD21) identifies Taunton for growth and generally recognises a net inflow of commuters to it from the strategic road network. Draft RSS policy SC1 seeks to encourage the stabilisation of the region's ecological footprint by minimising the need to travel, particularly by car.
- 4.20 The Somerset and Exmoor National Park Structure Plan Alternative 1991-2011 Policy STR1 requires development to have a pattern of land use and transport that maximises the use of public transport, as set out at Section 6 of CD18. In promoting a shift from the car to the bus the scheme accords with policies SP39, SP40 & SP45. These, in turn, are set out at pages 104 & 105 of CD18. Policy SP49 requires developments to make appropriate improvement to the highway infrastructure that would serve them. In improving the A358 the scheme would accord with that policy. Access from the strategic road network to a development should only be permitted where there is a special need for and benefit of a particular development. As there is a need and benefit in policy terms for the Park & Ride scheme it can be accommodated by the application of this policy SP49.

#### Local Policy

- 4.21 The Taunton Deane Local Plan of November 2004 (CD19) also encourages a reduction in reliance on the car and a shift to the bus. Between 15% and 25% of peak hour journeys could potentially be transferred to public transport by 2011 and the transport strategy for the town aims to achieve this modal shift, as set out on page 3 of CD24. The scheme would form an integral part of the programme to fulfil such an aspiration. It is advocated in policy LTP T27 & T28 in respect of bus priority infrastructure at and from Junction 25 of the M5 and in respect of the development of a Park & Ride scheme "in the vicinity of Junction 25 of the M5 ...". The scheme is specifically identified at page 20 of Transport Strategy for Taunton (CD24) and at paragraph 5.135 of Taunton Transport Strategy Review 2004 (CD25).

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### Consultations and Planning Permission

- 4.22 Both the Local Transport Plan and the Taunton Deane Local Plan were subject to extensive consultations as part of their respective development (CD27). Consultations in respect of the scheme were carried out following the publication of the Local Transport Plan. These included a meeting with the Ruishton & Thornfalcon Parish Council at which progress with the site options appraisal report was described. Later in October 2007 the Leader and Officials of the County Council met and discussed relevant matters with the Parish Council. A similar presentation was given at that time to the adjacent parish council of Stoke St Mary.
- 4.23 Public exhibitions of the proposals were held on 13 & 25 September 2007 at the village hall of Ruishton & Thornfalcon and in Taunton town centre after press advertisements, and questionnaires were distributed to about 187 attendees. A mail drop of about 1700 letters took place in Ruishton, nearby Henlade & Creech St Michael. Generally the public favoured Park & Ride but some were opposed to the particular site chosen. 187 people attended the exhibitions. Of the 53 questionnaires returned only 1/3<sup>rd</sup> would make use of the Park & Ride. The Ruishton & town centre questionnaire returns indicated a general balance of views over the issue of whether the site was or was not the best location, with a majority of Ruishton residents not favouring it as the preferred location whilst town centre participants did. Details of the responses are set out at CD61 and CD46.
- 4.24 Taunton Deane Borough Council were consulted and raised no objections to the scheme subject to the five conditions set out at paragraph 5.1 of CD49. All these conditions would be met by the scheme.
- 4.25 Following consultation the Ruishton & Thornfalcon Parish Council objected to the scheme on grounds set out before the Regulation Committee of the Somerset County Council on 5 February 2008 and itemised in detail at paragraph 5.2 of the Council's report to the Regulation Committee (CD49).
- 4.26 Following detailed consideration by the Regulation Committee of the Council on 5 February 2008 the Council granted planning permission with a number of conditions. All were met with the exception of the condition whereby the Council needed to demonstrate and have an acceptance by the Highways Agency of "no significant detrimental impact to the local and strategic road network". The major responses from statutory consultees, with the exception of that from the Highways Agency, are set out at paragraph 5.3 of CD49. The Highways Agency response, and thereby acceptance of the scheme, was received by the Council after the commencement of the inquiry. This response is set out at ID3 and ID4.

### The Objectives of the Scheme

- 4.27 The objectives of the scheme would be:

- to reduce commuting car traffic driving into Taunton town centre
- to facilitate a release of town centre parking for shoppers use
- to encourage integration of different modes of travel
- to encourage a modal transfer from car to bus, cycling and walking.

### Traffic Assessment

- 4.28 The traffic implications of the scheme were assessed from output from a computer based traffic model using data from the local network (CD37). The model was successfully validated for robustness and reality (CD37). The study area included Taunton, the outlying villages to the east and the A38 trunk road in the north, the M5 motorway junctions 23 to 26, the towns of Wellington and Bridgwater. Traffic flow forecasts were produced for the network with and without the scheme in place for the peak hours in years 2009 and 2017. Assessments of traffic impact were also made with and without a potential by-pass of Henlade (just east of the site) and improvements, including signalisation, to J25 of the M5.
- 4.29 The model assumed an increase in car parking charges within Taunton town centre in the order of doubling compared to 2002 charges, free car parking at the proposed Park & Ride site, a bus fare of £1.50 (return) and a bus frequency of about 10 minutes.
- 4.30 It is acknowledged that the introduction of a Park & Ride facility at Cambria Farm would change traffic patterns on the local network. The resultant model traffic predictions are set out at Tables 1, 2 & 3 of The Traffic Modelling Final Report (CD37). The 2009 morning peak hour vehicular flow into the Park & Ride site is predicted to be 308 vehicles and the evening peak flow from the site 342 vehicles. There would be modest growth in usage of the site from 2009 to 2017.
- 4.31 The model predictions lead to the conclusion that overall the scheme would have a beneficial effect on network operating conditions, including congested lengths of the network although some additional car trips would be induced. These beneficial impacts would be widespread throughout the network. In particular there would be:
- reduced queuing in Taunton
  - reduced travel distances in most cases
  - a significant increase in average network speeds
  - a significant reduction in delays along the A358 on its immediate approach to J25 of the M5. Currently in the morning peak about 100 passenger car units (pcus) queue along the A358 with delays of 7 minutes per vehicle being common. However this reduction would be in part due to the relocation of the queue to the east of

the traffic signalled junction proposed for the site access

- a decrease in the average time lost in delays on the network of between 5% and 6%, and
  - a decrease in commuter based demand for parking within the town centre.
- 4.32 The adverse impact of the scheme would be limited and confined but traffic flows would increase on Ruishton Lane, through Ruishton village and on St Michaels Road in Creech St Michael as drivers divert towards the Park & Ride site access of the A358 opposite Ruishton Lane. Traffic calming along these two country lanes would improve safety along them and may deter some traffic. The magnitude of the impact of this additional traffic would be modest, details of which are set out at SCC4, paragraphs 14-20.
- 4.33 Flows would also increase by about 60 vehicles on the southbound off-slip to J25 of the M5 motorway in the 2009 morning peak thereby increasing the existing degree of saturation at the junction.
- 4.34 In the evening peak flows along the A358 approaching J25 would increase by 15% but with naturally lighter westbound flows in the evening peak the additional queue would only be in the order of 8 vehicles.
- 4.35 Elsewhere the scheme would have relatively little impact on the local highway network, the details of which are set out in CD37.

#### Environmental Impact

- 4.36 The Council deemed the scheme to be local and not subject to the requirements of EC Directive 85/337/EC in respect of the need to produce an Environmental Impact Assessment. However a series of environmental assessments were carried out to facilitate a consideration of the impact that the scheme would have at the planning application stage. These detailed assessments are set out at CD37 to CD44.
- 4.37 The site would require about 10ha of mainly pasture that currently does not have much ecological value. The site would be mounded, landscaped, positively drained (including pollution interceptors), and incorporate wetland areas that would improve the ecological footprint of the area affected. Details are set out in the Ecological Survey report (CD41).
- 4.38 The site would be lit with full cut-off lighting which would give low light pollution and which would be switched off in the early evening of the winter months at about 7pm (CD39). An air quality assessment of the proposals has been undertaken which indicated that there would be no threat to air quality in the surrounding area as a result of the scheme (CD38).

- 4.39 The scheme, which would sit next to a busy road, would not give rise to any discernable additional vehicular noise (CD40).
- 4.40 Following a survey involving trial trenching no significant archaeological finds were made on the site (CD44).
- 4.41 Surface water run off would be collected and passed through an interceptor before being discharged to the Blackbrook at an existing A358 outfall for the northern half of the scheme and to the unnamed stream that runs along the southern periphery of the site for the southern half. Attenuation pond storage would regulate the discharges to green field run off rates thereby negating any exacerbation of flooding in the area and downstream (SCC2).

#### Funding and Timing

- 4.42 The scheme would cost in the order of £4.3m at 2008 prices, inclusive of land and statutory undertakers costs. The estimated cost has been based on updated rates from the similar Silk Mills Park & Ride scheme constructed in 2004 to the west of Taunton. Appropriate land and compensation costs, based on the current state of negotiations between the parties, have been included in the estimate (SCC1). The funding of the scheme would be covered by the Somerset County Council's Local Transport Plan integrated transport block budget of £22.98m for the period between 2006 & 2011. To date there have been only moderate demands on the budget. An allocation of £4.427m has been identified by the Council to cover the scheme.
- 4.43 Construction is programmed to start in 2008 with a view to the site being operational by the end October 2009. A construction period of 10 months would be achievable.

#### Site Security

- 4.44 The site would be gated and made secure outside operational hours. It would be manned during the hours of operation with staff having a responsibility for security and assistance. The site would have CCTV coverage.

#### Operational Practice

- 4.45 When operational buses from the Park & Ride at Cambria Farm would link to the Park & Ride facility now successfully established at Silk Mills. This operation would provide an east-west public transport service that together with north-south conventional bus services would provide drivers with an alternative mode of access to the town centre other than by car.
- 4.46 A contract with the bus company was already in place. This would facilitate early use of the site following construction.

### Modification to the Orders

4.47 The Council sought no modification to the Orders.

### The Compulsory Purchase Order

4.48 The Compulsory Purchase Order (CPO) would authorise the Council to acquire new rights on 7 plots, as set out in detail in the Schedule to the CPO (CD01). No land falls within the special categories to which the Acquisition of Land Act 1981 applies. At the Inquiry it was anticipated that the land would be required for construction work commencing in the Autumn of 2008.

### The Side Roads & Other Works Order

4.49 The effect of the Side Roads & Other Works Order would be to improve existing highways, create new highways, stop up a length of highway and private means of access and provide new means of access. No highway or private means of access would be stopped up until a reasonably convenient alternative was provided. The Order would authorise the Council to:

- improve Ruishton Lane northwards from its junction with the A358
- stop up Footpath T22/18 southwards from the boundary of the A358
- create a replacement length of footpath parallel and adjacent to the current line of footpath T22/18 clear of private land
- create new highways southwards from the A358 to facilitate access and egress from the site from and to the A358
- stop up two private means of access to agricultural land from the A358, and
- create a new private means of access from the A358 to land south of Ruishton Court.

4.50 The details of the Side Roads & Other Works Order is set out at CD02.

## **5. THE CASE FOR THE OBJECTORS**

### **The material points were:**

#### The Ruishton and Thornfalcon Parish Council (O1)

5.1 The Parish of Ruishton & Thornfalcon lies substantially just north of the A358. Road access to the village is gained from three narrow roads leading from the A358 namely Ruishton Lane (which would be situated

directly opposite the proposed site access), Bushy Cross Lane and Lipe Lane. The Parish has a population of about 1400. At present, during the peak hours traffic stacks back from Ruishton Lane. The Parish Council fear that should the scheme proceed further traffic problems at Ruishton Lane would ensue both at the A358 junction and through the village. Traffic would be drawn through the country lanes to the north and east of the village as drivers would perceive this route, overall, as the most efficient to the Park & Ride facility at Cambria Farm.

- 5.2 The Parish Council is not opposed to the principle of Park & Ride but an alternative site further east along the A358 should be promoted. In this regard the Parish Council considers that although many potential sites were once identified, the public consultation exercise carried out by the County Council was severely flawed in that they had already effectively closed their minds to any alternative to the Cambria Farm site.
- 5.3 The County Council's questionnaire was itself deficient but even so there was a majority of local people opposed to the Cambria Farm site. The Parish's own survey had shown 75% of the respondents were against the scheme on the proposed site.
- 5.4 The criteria used to assess the relative merits of all potential sites were subjective although it is accepted that all material factors were covered.
- 5.5 The County Council failed in its duty to carry out detailed testing of traffic impact that would occur at Junction 25 of the M5 before considering the planning application and site identification. The motorway junction is badly congested and further traffic loading would aggravate the situation.
- 5.6 If traffic calming is introduced on Ruishton Lane there would be a diversion of traffic to Lipe Lane which being substandard could not adequately take it. The County Council's traffic figures may be underestimates of what might happen. More realistically traffic calming would not deter drivers from using the lane. Any additional traffic through Lower Henlade and Haydon Lane is unacceptable. The proposed Henlade bypass may never be built and as set out in the final traffic report that would cause a substantial increase of about 20% in levels of network congestion and significant additional queues along the A358 (CD 37).
- 5.7 A cycle lane would be required along Ruishton Lane as a direct consequence of the Park & Ride scheme. No provision has been made in the scheme.
- 5.8 The Parish Council also has detailed concerns about the proposed layout of the eastbound exit from Junction 25 towards the A358 where two lanes merge into one and about the need to widen the motorway roundabout and about the succession of design changes that have occurred for the junction and site over time and made it difficult for the Parish Council to keep up to date.

5.9 There would also be environmental concerns arising from the site in respect of air quality, noise, security, visual impact and the perceived detrimental effect of the Park & Ride bus service on the existing bus service, although it is accepted that all night illumination would not take place as originally feared.

Mrs Angela Northcott and Mr Patrick McHale (O3)

5.10 Mrs Northcott and Mr McHale are respectively longstanding owner and manager of the Blackbrook Snack Bar located in the large lay-by off the westbound lane of the A358. The lay-by and business would be removed should the scheme proceed.

5.11 Although it is accepted that there was now no disadvantage in presenting the case to the inquiry no one knew about the inquiry programme and location until just after the start of the inquiry.

5.12 The Snack Bar provides an essential roadside facility. It is open 24/7 and the business employs 18 staff. Lorry parking facilities are scarce and many park overnight in the lay-by adjacent to the business. The Snack Bar has permanent telephone, water and electricity, all provided by the owner who has a 12 month rolling licence with the Council in the form of a Street Trading Permit. It is accepted that Condition 58 of the Permit gives the Council power to revoke consent at any time.

5.13 The principle of Park & Ride is acceptable but the site is unsuitable and impracticable because the existence of the park would add traffic chaos onto traffic chaos and the rapid cycle of the access and egress signals would induce a dangerous situation, particularly during the peak hours when congestion on the A358 tails back well along the dual carriageway to the east. This is illustrated in the photographs attached to document O3. These show peak and off-peak conditions. The main problem is the inadequate capacity at J25 of the M5. Traffic signals were introduced there several years ago but some were removed by the Highways Agency because they made conditions deteriorate. An alternative site located well away from Junction 25 should therefore be investigated and built. The proposed site would cause pollution particularly when drivers start engines at times of peak usage.

5.14 The business has the support of the Taunton Deane Borough Council who are keen for it to carry on and have suggested an alternative location but one not so advantageous or commodious. The Management of the Ruishton Court nursing home also support continuance of the Snack Bar that offers facilities for their visitors.

5.15 The lay-by alongside the business is also used for a local trader who manufactures wooden garden ornaments and sells them at the site.

## WRITTEN OBJECTIONS

### Statutory Objection from Bovis Homes Limited

- 5.16 Bovis Homes Limited object to the CPO because an alternative form of development would be more appropriate for the proposed CPO land.
- 5.17 A Park & Ride facility to the east of Taunton is unnecessary and would be unjustifiable, but if one is required the proposed site is inappropriate. Other processes for reducing the need to travel should be advanced. There is no compelling case for the scheme and there is no purpose in the Secretary of State making (i.e. confirming) the Order.
- 5.18 Arrangements for a private means of access are unsafe in respect of the proposed access marked C on the Side Roads Order Plan and conflict would arise.
- 5.19 The scheme should not proceed because funding has not been confirmed, there has been no assessment of the relative benefits of the scheme against continued agricultural use or alternative development. Pollution has not been investigated and the proposed junction may not operate properly whilst the impact of the scheme on the M5 motorway has not been explained.
- 5.20 No evidence in respect of a safety audit has been presented.

### Mr Alex Sully of Bushy Cross Lane, Ruishton (O2)

- 5.21 Mr Sully is a local resident and an international consultant specialising in cycling matters.
- 5.22 No objection is made to the principle of Park & Ride but there should be no confirmation of the Compulsory Purchase Order because the scheme fails to safeguard the safety and convenience of cyclists and pedestrians. Such dangers do not currently exist. In particular, the proposals would create problems for cyclists emerging from Ruishton Lane to travel across the A358 into the Park & Ride area or turn right along the A358 cycle track towards Taunton. Travel to work by cycle in Taunton is four times the national average.
- 5.23 The majority of cyclists from Ruishton Lane would not use the proposed signal controlled crossing facilities. They would remain on the dangerous carriageway instead, because such a route would save time and obviate potential interference with the free flow of cyclists that may occur on the off-carriageway route. A clear solution would be to provide an advance stop line for cyclists leaving Ruishton Lane with a cycle lane extending back along the lane beyond the longest queue of motor traffic. Such provisions would minimise potential cycle/motor vehicle conflict. If necessary the CPO area should be extended to accommodate these provisions. This is particularly important in respect of the need to provide a visibility splay north along Ruishton Lane, on its eastern side, to aid cyclists returning to the Ruishton Lane carriageway from the point

where the proposed cycle track meets the carriageway. The carriageway, at that point, should have a "Keep Clear" marking and the cycle lane approach take the form of a "jug handle" in plan.

- 5.24 The Council should have undertaken a separate cycle safety audit in accordance with good institutional practice, or DMRB practice, and been aware of Dutch guidance and Danish research. Despite repeated requests the Council has not yet released material requested in respect of safety.
- 5.25 Because of its restricted width Ruishton Lane should be widened over its undeveloped frontage on its eastern side to create a shared use cycle track as far as the built-up area of the village.
- 5.26 The proposed cycle track on the northern side of the A358 of Ruishton Lane would be unattractive and ineffective and funding should be diverted from its construction to the improvement needed at Ruishton Lane.

### INTERESTED PERSONS

#### Mrs Audrey Callen of Ruishton (oral observation)

- 5.27 The single lane merge of two eastbound lanes at J25/A358 east would present danger as flows increased because of the scheme.
- 5.28 The yellow box at the site entrance junction would prevent vehicles emerging from Ruishton as at present where there is currently a dedicated central merge lane on the A358.

#### Mr John Allistone of Ruishton Court Nursing Home (oral observation)

- 5.29 Whilst Mr Allistone is satisfied that the CPO would not affect the Nursing Home he is concerned that there is a frequency of accidents at Ruishton Lane and an extra 20 vehicles per hour may exacerbate that. The Blackbrook Snack Bar would be adversely affected. It should remain as it is now as it serves the Home's visitors well.

#### Mrs Lori Busch & Mr Raymond Busch (oral observation)

- 5.30 Mr & Mrs Busch, after inspecting the plans at the Inquiry, confirmed that they were content that the scheme did not affect them.

## **6. RESPONSE BY THE COUNCIL**

### **The material points were:**

#### The Ruishton & Thornfalcon Parish Council

- 6.1 The response of the Council to the Parish Council's objection was mainly by way of cross examination of the Parish evidence, the County Council's closing submission (ID11) and evidence in chief (SCC02). There is no inquiry reference document dealing exclusively with the response.

- 6.2 The Parish Council's objection was not backed up with technical evidence and its sustained objection did not evolve throughout the process from planning application to the inquiry to reflect changes to the scheme. It was bland, relying on local views rather than technical analysis.
- 6.3 It is accepted that the scheme would increase some traffic flows along Ruishton Lane but these are at worst modest in the morning peak and relatively insignificant in the evening (paragraph 14 of SCC4 refers). These flows are well within the carrying capacity of the lane but there would be queues at the proposed traffic signals. If necessary traffic calming would be introduced to deter excessive use of the lane and make it safer (SCC2). The signals would allow traffic to emerge from Ruishton Lane under control and relative safety.
- 6.4 Some 11 sites were investigated before the Cambria Farm site was chosen but most of the alternatives were disregarded early on because of obvious flaws. Details of the technical analysis of these sites are set out at CD30. It emerged through the process that Cambria Farm was clearly the better of two remaining feasible sites following an objective technical analysis. Other sites would not have traffic attraction compatibilities. Buses from sites located further to the east along the A358 would have to crawl through the peak hour traffic whereas those emerging from Cambria Farm would effectively by-pass most of the queues and thereby present an obvious attraction for public transport. Details of the analysis of the relevant factors affecting the potential sites are set out in the substantial report on Site Options Appraisal of September 2006 (CD30). The Parish Council was periodically kept informed about developments with the scheme and its objection to the planning application and of those individuals was made known to the Council before planning permission was granted (CD50, CD51).
- 6.5 The questionnaire used in the Consultation exercise was clear; the result of which showed a clear difference of opinion between views expressed in the town centre and the village.
- 6.6 The Council cannot accept that 75% of people responding to the Parish Council's survey opposed Cambria Farm because it had never seen the survey. It was not presented in evidence to the Inquiry.
- 6.7 The traffic effects on Junction 25 of the M5 have been thoroughly analysed and various scenarios reported in CD37 and SCC4. The Highways Agency does not oppose the scheme although signalisation would now not be pursued (ID4).
- 6.8 The planning permission was conditional on obtaining the Highways Agency approval (CD51). There would be no proposals to widen the roundabout until a Henlade by-pass is built. It is accepted that without signalisation there would be no public transport advantage from "signal-vehicle detection" of buses which would have triggered the signals green at J25 but that advantage would be experienced at the site access signals to some extent.

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- 6.9 A cycle lane along Ruishton Lane could not be justified in terms of land acquisition from dwellings and the removal of vegetation, including protected trees (SCC2).
- 6.10 It is accepted that the proposals would induce some additional traffic through villages but this would be offset by the widespread benefits of the scheme. Traffic patterns would be affected wherever the site was located.
- 6.11 Changes to air quality, noise and illumination would only have a minor impact on the surroundings to the site. Security measures are acceptable to the Police and there has been no trouble at Silk Mills (CD46, SCC2). The Environment Agency has accepted the drainage proposals and that flooding would not be exacerbated by the scheme that has green field runoff rates designed into the system (CD46). The ecological footprint would be beneficial relative to the current pastureland (SCC2).
- 6.12 All the considered sites were in open countryside and the Council in considering the Planning Application was aware of the visual impact of the scheme on the landscape (CD50). There has been no objection from the Campaign to Protect Rural England or the Open Spaces Society.

Mrs Angela Northcote & Mr Patrick McHale

- 6.13 The response by the Council to the objectors was only by way of cross-examination.
- 6.14 It is accepted that the objection was based on legitimate business concerns and local knowledge and that the A358 is a very busy road. It is accepted that there are acute traffic conditions on the A358 occurring during the peak hours and substantial flows at other times. Some traffic approaching the Park & Ride in the morning and emerging from it in the evening would not be in the same direction as the main "tidal" flows. The County Council considered such matters and all relevant evidence in granting planning permission.
- 6.15 The Park & Ride at Cambria Farm would actually remove traffic from the network overall and particularly along Tone Way, through J25 roundabout and in the town centre. A site to the east of Cambria Farm would be less beneficial because it would be less attractive to drivers and offer a less reliable bus journey time for customers.
- 6.16 The Council complied with all statutory requirements and Mr Needs personally erected a notice advising the public of the inquiry. From his discussions with the Council Mr McHale would have been well aware of the proposals.
- 6.17 The Air Quality report for the Scheme (CD38) shows that air quality at Cambria Farm would not be an unacceptable problem. The detailed Traffic Modelling Report (CD37) demonstrates how the access and egress to the site would work efficiently and safely.

## COUNCIL'S RESPONSE TO WRITTEN OBJECTIONS

### Bovis Homes Limited – a statutory objector (O4)

- 6.18 The objection was devoid of any evidence showing why the scheme should be rejected. It is insufficient to simply state that alternative development would be more appropriate. The type of alternative development was not even identified. No application for any other form of development has been made and there is no public authority encouragement for any other form of development in development plan policies.
- 6.19 No technical evidence has been forwarded to dispute the need for a Park & Ride facility east of Taunton. In any event such an argument would be contrary to planning and transportation policy at all levels. The proposal for an east of Taunton Park & Ride is part of a statutory development plan in planning terms.
- 6.20 No alternative site has been identified at all by the objector.
- 6.21 The argument that the lack of an assessment of the proposal against agricultural use is incompatible with arguments advanced in respect of alternative development on the land. At about 10 ha the area of the site is well below that (25ha) on which any formal consultation with Defra over the agricultural impact of the scheme, in accordance with the Town and Country Planning Act, would be necessary.
- 6.22 With tangible improvements in the town centre CO<sub>2</sub> emissions and car mileage would reduce because of the scheme.
- 6.23 The funding for the scheme is secure (SCC4).
- 6.24 The issue of junction safety was considered at the planning stage with Condition 4 ensuring a safe and efficient junction arrangement (CD51).
- 6.25 The private means of access advanced in the Side Roads and Other Works Order meets all safety tests and criteria, as described at the Inquiry.
- 6.26 A Stage 1 Safety Audit has been completed (ID5) and would be used to inform the detailed design should the scheme be confirmed.

### Mr Sully

- 6.27 Whilst appreciating the advantage to cyclists of an advanced stop lane for cyclists this particular design feature was rejected because it would impede the efficient operation of the junction for motor traffic. The view that cyclists would have to re-enter the carriageway of Ruishton Lane through gaps in static traffic, which would be dangerous, is contested because queues only occur during peak hours when traffic would be moving slowly. At other times such a conflict is unlikely to occur because little traffic uses the lane.

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- 6.28 Mr Sully's concern in respect of cyclists crossing into Ruishton Lane from the southern side of the A358 relates to an earlier access design that has now been superseded (ID7).
- 6.29 The absence of a cycle audit cannot be reason for claiming any proposal is unsafe. A cycle audit is not mandatory and its absence cannot of itself be reason to reject the Orders. The scheme has undergone a general stage 1 safety audit and its design would be amended to reflect the audit (ID5, ID8).
- 6.30 The scheme has been advanced on the basis of reconciling and balancing the demands of all road users, not solely cyclists. The interests of local residents and owners of land and property are also important. The proposals would work well for cyclists and to take further land from individuals to enhance them is not justifiable. If Ruishton Lane were widened traffic speeds and danger would increase.
- 6.31 The proposed cycle track east of Ruishton Lane on the northern side of the A358 is not part of the scheme. It is a freestanding scheme justified in its own right as part of a wider cycling strategy being promoted by the Council and funding should not be diverted from it to fulfil unjustifiable additions to the scheme.
- 6.32 It is accepted that some material requested by Mr Sully has only recently been made public (ID5, ID8).

#### COUNCILS RESPONSE TO INTERESTED PERSONS

##### Mrs A Callen

- 6.33 The existing two into one lane merge eastbound on the A358 at J25 is a recognised local problem but it would not be made worse by the scheme as traffic is controlled by existing traffic signals at that arm of the junction. Widening the road to facilitate improvements would be expensive because of the need to widen the Blackbrook bridge alongside the merging lanes and therefore could not be justified as a charge against the scheme (SCC2).

##### Mr J Allistone

- 6.34 The proposed signals and layout at Ruishton lane would adequately cater for the safety of traffic. It is accepted that an inevitable consequence of the scheme would be the removal of the Blackbrook snack bar (SCC2, ID7).

##### Mr and Mrs Busch

- 6.35 Their property would not be physically affected by the scheme [5.30].

## CONCLUSIONS

### Introduction

- 7.1 Bearing in mind the submissions and representations I have reported I have reached the following conclusions, references being given in brackets to earlier paragraphs of this report where appropriate.
- 7.2 In the case of land to be acquired under the Compulsory Purchase Order and having regard to the statutory criteria and advice contained in ODPM Circular 6 of 2004, I must be satisfied that there is a compelling need in the public interest which justifies interfering with the human rights of those with an interest in the land affected. I must also be satisfied that the Somerset County Council has a clear idea of how it intends to use the land it seeks to acquire, that the necessary resources to carry out its plans would become available within a reasonable timescale and the scheme is unlikely to be blocked by any impediment to implementation. In respect of land to be compulsorily purchased under the provisions of the Road Traffic Regulation Act 1984 I need to be satisfied that such provision is necessary to reduce or prevent congestion of traffic in the area and that the means of access and egress proposed to off street parking is reasonable.
- 7.3 With regard to the Side Roads & Other Works Order it must be shown that alternative routes for highways proposed for stopping up are reasonably convenient and that where private means of access are to be stopped up that another reasonably convenient alternative is available or would be provided.

### Conclusions with regard to the scheme as a whole

I turn firstly to my consideration of the overall scheme and the associated issues.

### Background, Policy and Consultations

- 7.4 There is overwhelming evidence to show that the scheme would consistently accord with all relevant national, regional and local policies that have been established over a number of years and are still current [4.13-4.21].
- 7.5 It is clear that after a widespread technical consideration and analysis, and the discounting of a number of early options, the scheme was subject to a very limited consultation, in September 2007, during which broad views from the public and Parish Councils were sought at two locations only – the town centre and the village of Ruishton. This followed an exhibition of the proposals at Stoke St Mary, discussions with the Ruishton & Thornfalcon Parish Council and a substantial County Council organised letter drop in villages local to the proposed site [4.22-4.23].

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- 7.6 It is also clear that of the many potential locations the case for the proposed site alone was put to the Parishes and public, because by then the Council had formed the view that the case for the Cambria Farm site was obviously the best from a technical point of view. In these circumstances I can understand the Parish Council's concern about what they considered was an inadequate and biased consultation [4.22, 4.23, 5.2-5.4]. In my opinion though, and accepting the limited nature of the consultation, these consultations were sufficient to alert the local public to the proposals and enable them to make representations to the Somerset County Council at the time of its consideration of the planning application for the scheme. Indeed, the Parish Council and a number of local individuals did object to the Council before planning permission was granted. There is clear evidence that these views were taken into account by the Council before granting planning permission [6.4, 4.23, 4.25].
- 7.7 Overall the public response to the consultation was limited but there was no evidence save for an assertion by the Parish Council representatives, based their own undisclosed survey, that significant numbers of the local population were seriously opposed to the scheme [4.23, 5.3, 6.4, 6.6]. Based on this, the evidence presented to the Inquiry and because the Council were obviously made aware of local views, I conclude that no case has been established for rejecting the confirmation of the Orders and thereby frustrating the planning permission because of the limited local consultation.
- 7.8 Conditional planning permission is in place. The Council have already addressed the planning conditions [1.8, 4.26].
- 7.9 There is unchallenged evidence that traffic congestion in and on the approaches to Taunton town centre is severe. It is likely to grow substantially as a result of development and concentration upon the town as a regional centre. Traffic generated by new developments would worsen the problem, which if left unchecked, would impede the town's efforts for regeneration [4.13, 4.16].
- 7.10 There is also evidence to support the probability that the local authorities favour an increase in long term car parking charges in the town centre in order to deter commuter parking and free up spaces for shoppers [4.15, 4.29].
- 7.11 The scheme would satisfactorily channel traffic into the Park & Ride facility at Cambria Farm and commuters onto public transport. In turn, and whilst I accept that there would be some additional car journeys generated by the scheme, largely by the action of drivers diverting to make use of the Cambria Farm Park & Ride facility, it is clear that road traffic congestion in and approaching Taunton town centre would reduce as a result of the operation of the Park & Ride facility. Town centre car park spaces would become less burdened by commuters and thereby available for shoppers. It is quite evident that the twin site at Silk Mills is operating well and contributing to a reduction in long term car parking demand from commuters [4.15, 4.28, 4.30].
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7.12 In my view the scheme would substantially meet its objectives in that regard and the meeting of those objectives would amount to a considerable public benefit [4.27, 4.31].

#### Changes to the Scheme

7.13 Throughout its recent history there have been a number of changes to the design of the scheme [4.12]. I accept that this would have meant that at times it would have been difficult for both the Parish Council and individuals to be aware of the latest developments as they occurred [5.8, 6.28]. However I also accept that refinement of earlier designs is often a natural evolution on a project of this size. I heard no evidence of any serious disadvantage to the public as a result of design developments.

7.14 However the lateness of crucial correspondence from the Highways Agency in respect of J25 of the M5 was obviously disturbing to those concerned with the scheme and to the administrative process of the inquiry [4.26]. The effect of this correspondence set out in a letter of 21 July 2008 (but received by the Council after the commencement of the inquiry and therefore seen even later by witnesses, objectors and the inquiry itself) was to reject an important part of the scheme by ruling out proposed signalisation from the A358 approach to the roundabout at J25 (on which the Council's evidence largely relied). Such a decision negates a potential advantage for buses over other traffic as they would have carried signal activation devices. It seems to me that this is bound to make the scheme less successful in its endeavours to encourage a change of mode and the case for it is thus weaker.

7.15 The planning permission granted on 13 February 2008 was clearly conditional on the Highways Agency "accepting" the proposals in respect of Junction 25. At the start of the inquiry no such acceptance was evident. Consequently objectors had no option but to suppose that the Highways Agency would accede to the known public position of the County Council. Objectors would have spent considerable time and effort in preparing evidence accordingly. All the evidence prepared for the inquiry, much of it at public cost, including the Council's Statement of Case and Statement of Reasons, was prepared on the assumption that signalisation of the A358 approach to J25 would form part of the scheme.

7.16 No adequate public explanation about the late despatch of this crucial information was given to the inquiry. But it caused the Council to eject an important part of the proposals after the start of the inquiry and well after the Parish Council and other objectors had put much effort into preparing and submitting evidence in accordance with The Highways (Inquiries Procedure) Rules 1994. This unfortunate situation was compounded by the fact that the Highways Agency wrote two letters on 21 July, from the same author but to different recipients at the Council. The one supported the scheme, the other objected to a crucial part of it. Such an occurrence does little, in my view, to credit those involved and I fully understand the Parish Council's frustration over this matter [5.8].

7.17 In consequence of this the latter part of the inquiry had to concentrate

on the effects and effectiveness of the materially changed scheme without signalisation of the A358 approach to J25. It is to that situation, which represented the position that existed at the conclusion of the inquiry that I therefore now turn.

### Traffic Analysis

7.18 Traffic modelling of the scheme has been thorough, but has its limitations. The question is whether these limitations are so unsatisfactory as to prevent the Orders being confirmed. In this regard I conclude that the traffic modelling and report is sufficient to enable an assessment of the impact of the scheme, without A358/J25 signalisation, to be made. I accept that the effect of potential traffic calming through Ruishton and elsewhere, whilst objectively calculated in the model, is bound to be subject to individual driver perception and reaction, but overall the output from the model is quite sufficient to enable a judgement to be taken about the scheme and its effects [4.28-4.35].

### The local traffic effects of the scheme

7.19 There was sufficient evidence (based on the changed scheme without A358/J25 signalisation) that the scheme would alter traffic patterns in the area. In my view, it would do nothing to improve flow on the A358. This flow, in the morning peak, is impeded by traffic on the roundabout at Junction 25 and that problem would remain without A358 entry signalisation. However the imposition of a new traffic signalled junction at the site entrance is unlikely to make conditions for traffic travelling westbound in the morning worse since the delays at Junction 25 would simply be relocated by the signals, not added to [4.30, 4.31].

7.20 Eastbound flows on the A358 in the evening peak hour would though be restrained at the new site access signals, by the demands of the site egress and Ruishton Lane traffic respectively. In the absence of contrary evidence, I conclude that such delays, as are so clearly evident today, should not be made substantially worse overall along the A358.

7.21 I note that the Highways Agency in one of its letters of 21 July 2008 accepts the scheme and therefore must have been content with the consequences of additional traffic loading on the motorway slip roads for which it is the responsible authority [4.26, 4.33]. However, in my view, this is clearly a matter which should be kept under review by both the Somerset County Council and the Highways Agency because, principally, of the possibility of evening peak hour "back up" causing problems at Junction 25 and morning peak hour delays along the A358 and on the M5 southbound off-slip road becoming unacceptably long. However I stop short of concluding that the Orders should not be confirmed because of the need for continual review of this part of the road network even though it is already under stress.

7.22 Traffic would grow on Ruishton Lane southbound in the morning peak and northbound in the evening but such growth would be partly offset by reductions in flow in the opposing direction [4.30]. There was no

convincing evidence that these changes in local traffic patterns both in Ruishton Lane, Ruishton and St Michaels Road at Creech St Michael would constitute a serious local problem and I therefore conclude do not constitute a reason to not confirm the Orders providing that the County Council keeps conditions under review and introduces traffic calming measures as appropriate. I take the Council's expressed intention to undertake such considerations as a binding promise upon which I base my recommendation that the Orders should be confirmed [6.3].

### Environmental Effects

- 7.23 The site is confined, well away from substantial dwellings, adjacent to a busy and noisy road and would be landscaped and shielded by way of mounding to reduce its noise and visual impact further [4.8, 4.36]. The site would not be illuminated beyond the early evening and I am convinced that pollution arising from vehicles has been accurately considered and dismissed as a concern of substance [4.38]. Pollution and flooding from surface water run off has been positively considered and satisfies the Environment Agency. Flood control and attenuation measures have been designed to avoid worsening the existing green field situation. Pollutants from the car park area and roadways would be isolated before they enter the watercourses [4.6, 4.37].
- 7.24 In my opinion the environmental impact of the scheme is minor and well offset by its advantages. There is no environmental reason to not confirm the Orders.

### Access to the site

- 7.25 I fully accept that providing access to the site from the A358 directly opposite Ruishton Lane would be complicated because of the need, within a confined area, to cater for buses and cars entering and exiting the site and all other motor traffic movements at the proposed crossroads, including the needs of pedestrians and cyclists. However the design advanced by the Council has, to a large extent, overcome these difficulties by filtering off traffic approaching from the east early, and that emanating from the site westbound, away from the heart of the junction. Arrangements within the site are clear and commodious for all types of vehicle and particularly efficient for buses. Based on the traffic model predictions I am convinced that the proposed traffic signalled junction would work both satisfactorily and safely for drivers using the A385, Ruishton Lane and the Park & Ride site. With separate signal time provision for cyclists and pedestrians needing to cross the A358 I am also convinced that this provision offers a significant improvement on the uncontrolled current situation. [4.2, 4.3, 5.18, 5.21-5.23].
- 7.26 I conclude that the proposed access arrangements are satisfactory and reasonable.

### Funding for the Scheme

- 7.27 I am content that the cost of the scheme, based on a very similar recent

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project at Silk Mills, Taunton, is reasonably costed at about £4.3m. I accept that inevitably at this stage there is uncertainty over the precise level of compensation and service providers costs but I note that land purchase negotiations are advanced, the construction is uncomplicated from an engineering point of view and substantially in open generally level and dry ground [4.42].

- 7.28 I am content that the Council, in earmarking part of its £22.98m LTP block budget, has adequately recognised the need for funding within the required period [4.43].

### CONCLUSIONS ON INDIVIDUAL OBJECTIONS

- 7.29 My conclusions in respect of the objection of the Ruishton & Thornfalcon Parish Council and Mrs Northcott & Mr McHale who appeared at the Inquiry are:

#### Ruishton & Thornfalcon Parish Council

- 7.30 I accept that the Parish Council have sincere concerns about the impact which they perceive the scheme would have on their locality, in terms of the environment and in particular traffic through the village and its approach roads. They also have a concern about the way the consultation exercise was undertaken. However I also accept the Council's evidence in respect of the environmental impact of the scheme which I conclude would have minor effects on the Parish. For the reasons mentioned above I have concluded that the traffic model provides a reasonable basis for the assessment of the impact of traffic arising because of the scheme. Flows on Ruishton Lane would alter but their impact would be modest as would the effects of traffic change elsewhere. Traffic speeds would remain low and I heard no compelling justification for the provision of a cycle lane through the lane or why the improvement of the A358/J25 eastbound merge should be attributed to the scheme. I understand the Parish Council's annoyance in respect of the way in which the County Council undertook the consultation exercise but I am convinced that it served to inform the Council of local views before the decision to grant planning permission was taken. There was no evidence to show that normal bus services would be disrupted by the scheme. Accordingly I do not see the Parish Council's objection as offering any reasons why the Orders should not be confirmed [5.1-5.9, 6.1-6.12].

#### Mrs Northcott and Mr McHale

- 7.31 I fully accept the genuine objection of Mrs Northcott and Mr McHale whose established and respected roadside business would be removed by the scheme and with that the long standing service that they have offered to motorists. I also accept that the A358 is a very busy road throughout much of the working day and also that the scheme would change traffic flow patterns to concentrate flows towards it in the morning and away from it in the evening. However overall I am convinced the scheme would offer a reduction in vehicular travel and

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congestion within Taunton without unacceptably loading any particular part of the network relative to the current situation.

- 7.32 I am not convinced that the Park & Ride site would worsen pollution to any unacceptable extent locally. However it would contribute towards reduced pollution elsewhere. In my view the Council has demonstrated that the access would work safely and efficiently and I see no argument arising from Mrs Northcott and Mr McHale's objection as persuasive reasons for not confirming the Orders as the scheme would provide wider public benefits [5.10-5.15, 6.14-6.17].

### CONCLUSIONS WITH REGARD TO WRITTEN OBJECTIONS AND INTERESTED PERSONS

#### Statutory Objector: Bovis Homes Limited

- 7.33 No convincing evidence was presented to show that the land should, in the public interest, be devoted to an alternative use, that the land was included in any Local Plan for such alternative purposes or that any current planning application had been received by the Authorities for purposes other than the Park & Ride scheme. On the contrary, the Park & Ride scheme accords with local transport policies and is a clearly defined proposal. I therefore dismiss an unspecific potential alternative use for the land as a ground to frustrate the confirmation of the Orders.
- 7.34 No convincing case was advanced of any substance to offset the evidence of the Council in terms of the need for Taunton to be relieved either of congestion or the current blockade of available car parking by commuters and the role that a Park & Ride scheme at Cambria Farm would play in achieving that. When set against the evidence advanced by the Council in support of its case, and at the inquiry, no real evidence was advanced in respect of the effects that the scheme would have on pollution, agriculture, the operation of road junctions or safety. In my view the Council demonstrated at the inquiry that the Side Roads and Other Works Order proposals were perfectly safe and therefore I dismiss the objector's arguments as reasons to not confirm the Orders. I also set aside the issues of funding and safety audit aspects. The Council satisfied me on these matters [5.17-5.20, 6.19-6.26].

#### Mr Sully

- 7.35 Mr Sully's evidence is geared towards what he considers as an improvement in safety for cyclists by alteration to the proposed layout at the Ruishton Lane/A358 junction coupled with an enhancement of the extent of the Compulsory Purchase Order to achieve his proposals northwards from the junction along Ruishton Lane. I note that in arguing for a rejection of the confirmation of the Compulsory Purchase Order he does not advocate removal (as unnecessary) of any particular part of it.
- 7.36 I have considered these issues very carefully, in the knowledgeable detail advanced by Mr Sully [5.21-5.26].

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- 7.37 First I recognise that cyclists, particularly frequent cyclists, who would in my opinion make up the bulk of cyclists approaching the junction along Ruishton Lane, would be tempted to ignore the safe crossing provision that would be made for them at the signals and instead keep within the carriageway when crossing the A358. In that circumstance I agree with Mr Sully that an advanced stop line would constitute an advantage for cyclists. Against that benefit I accept that setting vehicles waiting at the signals back from the advanced stop lane, whether or not cyclists were present, would, because of the critically short green time at these signals (for traffic emanating from Ruishton), reduce the efficiency of the junction. This could cause frustration to motorists as queues lengthen, leading to risk taking and therefore danger. In considering these competing points I am mindful of the well defined off carriageway crossing provision proposed for cyclists as part of the scheme. Clearly such a facility would be safe and to my mind reasonably convenient. Therefore, on balance, I accept the Council's arguments that the junction would perform more efficiently and overall more safely without an advanced stop lane for cyclists.
- 7.38 I turn now to the proposed provisions for cyclists travelling from the A358 towards Ruishton Lane, some of whom inevitably would be doing so whilst traffic is queuing back from the junction. This would inconvenience cyclists and to some small extent cause a degree of potential danger as they pass between southbound queuing vehicles with northbound traffic approaching the crossing point from the A358. I therefore conclude that the carriageway along Ruishton Lane should be marked "Keep Clear" as suggested by Mr Sully [5.23, 6.27]. In my opinion that would not cause a reduction in the efficiency of the junction because of its position well back from the signal stop line.
- 7.39 I fully appreciate Mr Sully's proposal to provide a "Jug Handle" layout for cyclists as indicated in his evidence. There may well be some advantage in that but it would be, in my opinion, of only limited benefit to cyclists relative to the Council's proposed layout, which is sound. In the circumstances the Council should determine what is achievable by way of minor detailed realignment of the proposed cycle track layout but I stop short of saying that further land should be acquired from individuals, or vegetation and trees removed, to provide such a minor adjustment, or improved visibility. However I see merit in considering suitable signing on Ruishton Lane to warn drivers of cyclists crossing ahead (preferably in both directions) and to warn cyclists to have regard to traffic approaching along the lane. Such matters are for detailed design [5.23, 6.27].
- 7.40 That brings me to consider whether any additional land should be compulsorily acquired in order to widen Ruishton Lane and thereby provide for cyclists. As things stand the lane is of varying confined width and narrow over much of its length from the village southwards to the A358. It is clear that vehicles do have difficulty passing and this coupled with the adjacent combined hedge and bank causes drivers to take extra care. On the face of it widening would enhance the carriageway for
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drivers, cyclists and pedestrians but I accept the Council's view that speeds would inevitably increase thereby increasing the threat to cyclists, pedestrians, those accessing adjacent property driveways and other road users. Such widening would be contrary to traffic calming measures and may therefore induce further flows through the village. In the circumstances I cannot conclude that Ruishton Lane needs to be widened because of the scheme, not least from the point of view of removing precious land from householders alongside [5.23, 6.30].

- 7.41 Following assurances at the inquiry I am satisfied that the Council has had regard to the Stage 1 Safety Audit and the scheme design will be further refined to reflect the advice contained within the report. That being the case and mindful that, in accordance with standard practice, two further audits would be undertaken in due course, should the scheme progress, I see no overriding need for an additional audit dedicated to cycling issues alone. There is no case for frustrating the confirmation of the Orders because no cycling safety audit has been undertaken to date.

Mrs Callen

- 7.42 I note that the two into one lane merge on the A358 just east of J25 is far from satisfactory but am satisfied that, although traffic patterns would alter, the position would not be made worse by the scheme because the junction's signal control of traffic would remain. My consideration of the Orders is therefore unaffected by this matter. It remains an issue for the Somerset County Council and the Highways Agency to resolve [5.28, 6.33].

Mr Allistone

- 7.43 I accept the inevitability of the removal of the snack bar should the scheme proceed but the disadvantage of doing so would be offset by public advantages accruing from the scheme. There was no convincing evidence to persuade me that the scheme would be dangerous locally [5.30, 6.34].

Mr and Mrs Busch

- 7.44 I note that there would be no physical effect on their property.

## THE ORDERS

### Conclusions with regard to the Compulsory Purchase Order

- 7.45 I have studied the provisions of the CPO in detail including the Schedules and Plans and also the engineering layout plans. As a consequence I have formed the view that the CPO provides for no more land than is necessary for the scheme. I am also satisfied that the Somerset County Council has a clear idea of how it intends to use the land included in the CPO. The County Council has earmarked funding for the scheme consistent with its programme for construction in 2008 and 2009 for which reason I am

satisfied that no land would be acquired prematurely for the scheme [4.42, 4.43].

- 7.46 The land required for off street parking and its proper access arrangements is justified in accordance with the tests set out in the Road Traffic Regulation Act 1984. I am therefore satisfied that a compelling case in the public interest has been made for compulsory purchase of all the land concerned [4.2, 4.3, 4.30].
- 7.47 At the inquiry it was demonstrated that the Council had granted planning permission with conditions and that these conditions had been fulfilled [4.26]. I am therefore satisfied that there is no impediment established to the implementation of the scheme.
- 7.48 In my view and having regard to ODPM Circular 6 of 2004 there is a compelling case for the scheme to be implemented in order to promote a switch from the car to public transport, to reduce congestion and to free up parking spaces in Taunton town centre for shoppers, whilst adequately catering for the needs of commuters and satisfying national, regional and local transport policy [4.14, 4.15, 4.27, 4.31]. Therefore, in the public interest, I am satisfied that there is a compelling case in the public interest for the land's compulsory purchase. Loss of any interest could be met by compensation. I see no reason why the CPO should not be confirmed without any modification.

#### Conclusions with regard to the Side Roads & Other Works Order

- 7.49 I am satisfied that the proposals for stopping up of highways and for stopping up private means of access in the Orders have been justified. With regard to highways, other reasonably convenient highways would be available before highways are stopped up and with regard to private means of access those replacement means of access still required would become available before each stopping up takes place, and would be safe. I see no reason why the Side Roads & Other Works Order should not be confirmed.

#### Summary of Overall Conclusions

- 7.50 Based on the findings that I have outlined above I conclude that there is a compelling case in the public interest for the construction of the scheme. The case for a new Park & Ride scheme and its associated road improvements to the A358 is in my view persuasive, becoming increasingly urgent and should be allowed to proceed.
- 7.51 I have considered each of the formal points of the scheme against the criteria set out and conclude that they would be met. The scheme would not, to my mind, have any disproportionate adverse impacts. I have had regard to these and all other matters raised at the inquiry, and in written representations, but they do not outweigh the conclusions I have reached.

## **7 RECOMMENDATIONS**

8.1 I recommend that:

**The Council of the County of Somerset (East of Taunton Park & Ride A358) (Side Roads and Other Works) Order 2008, and**

**THE COUNTY OF SOMERSET (EAST OF TAUNTON PARK AND RIDE)  
COMPULSORY PURCHASE ORDER 2008**

be confirmed as made.

*W S C Wadrup*

**W S C WADRUP**

**INSPECTOR**

## **ANNEX A APPEARANCES**

### **Appearing on behalf of the Somerset County Council**

Mr Roy Pinney Solicitor of Davitt Jones Bould	Instructed by The County Solicitor of Somerset County Council
Mr Richard Needs	Major Projects Manager Somerset County Council
Mr Tim Child	Senior Valuer Property Services Department of Somerset County Council
Mr Roger Hale	Senior Managing Consultant of Atkins, Epsom.

### **Objectors**

Mr M J Marshall	Vice Chairman of Ruishton & Thornfalcon Parish Council, of 13 Lawn Meadow Ruishton.TA3 5JQ
Mr R Bulgin	Ruishton & Thornfalcon Parish Council, of 9 Newlands Grove, RuishtonTA3 5JJ
Mr Patrick McHale	On behalf of Mrs Northcott of The Shambles, Bow Street, Langport TA10 9PQ and himself of Blackbrook Snack Bar

### **Interested Parties**

Mrs Lori Busch & Mr Raymond Busch	Of Hartley Way, Ruishton
Mrs Audrey Callen	Of Country Fair, Barton Lane ,Ruishton.TA3 5JW
Mr John Allistone	The Director of Ruishton Court Nursing/Care Home, Henlade. TA3 5LT

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## **ANNEX B CORE DOCUMENTS AND INQUIRY DOCUMENTS**

### **CORE DOCUMENTS**

#### **Orders and related documents**

CD01	The County of Somerset (East of Taunton Park & Ride) Compulsory Purchase Order 2008
CD02	The Council of the County of Somerset (East of Taunton Park & Ride A358) (Side Roads and Other Works) Order 2008
CD03	Report to Executive Board 6 February 2008
CD04	Minutes of Executive Board 6 February 2008 (extract)
CD05	Copies of Notices
CD06	Copies of Advertisements

#### **Legislation**

CD07	Highways Act 1980 Sections 14, 21, 125, 239, 240 and 246
CD08	Road Traffic Regulation Act 1984 Section 40
CD09	Acquisition of Land Act 1981 Schedule 2 Parts II and III
CD10	Compulsory Purchase (Inquiries Procedure) Rules 2007
CD11	Highways (Inquiries Procedure) Rules 1994

#### **Planning Policy Guidance/Statements and Circulars**

CD12	PPS1 Delivering Sustainable Development
CD13	PPS6 Planning for Town Centres
CD14	PPG13 Transport
CD15	PPS23 Planning and Pollution Control (inc Annex A Air and Water Quality)
CD16	PPS25 Development and Flood Risk
CD16A	Circular 06/2004 Compulsory Purchase and the Crichel Down Rules (October 2004)

#### **Planning Policy Documents**

CD17	Regional Planning Guidance for the South West (RPG 10)
CD18	Somerset and Exmoor National Parks Structure Plan Alteration 1991-2011
CD19	Taunton Deane Local Plan 2004
CD20	Taunton Deane Local Plan Inspector's Report
CD21	Draft Regional Spatial Strategy for the South West (2006-2026)

**Highways and Transportation Documents**

CD22	Design Manual for Roads and Bridges
CD23	DfT Traffic Advisory Leaflet TAL 8/93 Advanced Stop Lines for Cyclists (DfT 1993)
CD24	Transport Strategy for Taunton 1994
CD25	Taunton Transport Strategy Review 2004
CD26	Somerset Local Transport Plan 2006-2011
CD27	Local Transport Plan 2006-2011 Final Report on Consultation (February 2006)
CD28	Bus Based Park and Ride A good Practice Guide 2 <sup>nd</sup> Edition (English Historic Towns Forum) May 2000

**General Policy Documentation**

CD29	Taunton Town Centre Area Action Plan (emerging)
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**Site specific documents**

CD30	Site Options Appraisal Report September 2006
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**Documents – Planning Application**

CD31	Application form
CD32	Application drawings
CD33	Design and Access Statement November 2007 (Version 2.0)
CD34	Design Concept Statement
CD35	Flood Risk Assessment (and related documents)
CD36	Transport Assessment November 2007 (and Addendum A)
CD37	Traffic Modelling Final Report 16 October 2007 (plus Annex A 12 November 2007)
CD38	Air Quality Assessment September 2007
CD39	Street Lighting Typical Details (Orion)
CD40	Noise Assessment September 2007
CD41	Ecological Surveys July 2006-April 2007
CD42	Draft Soft Landscape Design Statement September 2007
CD43	Draft Soft Landscape Management Plan September 2007
CD44	Archaeological Field Evaluation
CD45	List of consulted organizations
CD46	Copies of Consultation Responses
CD47	List of properties consulted
CD48	Copies of Representations on Application
CD49	Report to Regulation Committee 5 February 2008

CD50	Minutes of Regulation Committee 5 February 2008 (extract)
CD51	Planning Permission

### **Submissions and evidence**

CD52	Somerset County Council Statement of Reasons – Compulsory Purchase Order
CD53	Somerset County Council Statement of Reason – Side Roads Order
CD54	Proof of evidence of Richard Needs, Somerset County Council [CD54A – Supplementary proof of Evidence of Richard Needs]
CD55	Proof of evidence of Tim Child, Somerset County Council [CD55A – updated schedule to Proof of Evidence of Tim Child]
CD56	Objection by Alex Sully
CD57	Proof of evidence of Alex Sully
CD58	Objection by Ruishton and Thornfalcon Parish Council
CD59	Objection by Bovis Homes Limited
CD60	A further statement submitted by Bovis Homes Limited

### **Miscellaneous Documents**

CD61	ETPR Public Exhibition Feedback Report (13 and 25 September 2007)
CD62	Invisible Infrastructure by Alex Sully (Transport Initiatives LLP) (PTRC and Contributors 2005)

### **SOMERSET COUNTY COUNCIL DOCUMENTS**

SCC1	Proof of evidence of Mr Child (also CD55 & CD55A)
SCC2	Main Proof of evidence of Mr Needs (also CD54)
SCC3	Summary Proof of evidence of Mr Needs (also CD54A)
SCC4	Supplementary Proof of evidence of Mr Needs

**INQUIRY DOCUMENTS**

ID1	Questions/Observations from/of the Inspector to the County Council
ID2	Letter from Davitt Jones Bould, Solicitor to the County Council, in answer to questions/observations of Inspector
ID3	Highway Agency's letter to Richard Needs, Transport Development, Environment Department
ID4	Highway Agency's letter to Bob Mills, Planning Authority
ID5	Road Safety and Technical Audit – Stage I
ID6	Overview Plan - Taunton
ID7	General Arrangement Plan
ID8	Original Safety Audit Plans
ID9	Original plans of proposals (later modified) 2 no.
ID10	Letter Mrs Northcott/Richard Needs
ID11	Closing Submission on behalf of the Somerset County Council by Mr Pinney

**OBJECTORS DOCUMENTS**

O1	Proof of evidence of Mr Marshall of the Ruishton & Thornfalcon Parish Council
O2/1	Evidence of Mr Alex Sully IEng FIHIE, MIHT of 9 March 2008
O2/2	Letter Mr Sully/County Solicitor of 19 June 2008
O2/3	Proof of Evidence of Mr Sully
O2/4	Letter Mr Sully/Inspector with email attached 23 July 2008
O3	Proof of evidence of Mrs Angela Northcott & Mr Patrick McHale with photographs
O4/1	Letter Bond Pearce LLP/Secretary of State of 13 March 2008 on behalf of Bovis Homes Limited
O4/2	Further correspondence from Bond Pearce
O4/3	Further correspondence from Bond Pearce
O4/4	Ditto but Bond Pearce/Secretary of State of 3 April 2008