SANDOWN PARK
SURREY

PROOF OF EVIDENCE PREPARED BY
IAN KEITH CAMPBELL MITCHELL OF
MAYER BROWN LTD
APPEAL REFERENCE:
APP/K3605/W/20/3249790

OCTOBER 2020

the journey is the reward

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Sandown Park

Surrey

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Appeal Reference: APP/K3605/W/20/3249790

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1 Introduction

1.1 My name is Ian Keith Campbell Mitchell. I am a Member of the Chartered Institute of Logistics and Transport and hold an MSc in Transport Planning and a BSc (Hon) in Civil Engineering. I head the Strategic Project Section of Mayer Brown advising on a number of major development projects. I have over 30 years' experience in transport planning, specialising for over 20 years in development related issues.

1.2 I have been instructed by Elmbridge Borough Council to provide Evidence on Transport for the Sandown Park Appeal.

1.3 I have considerable experience in relation to redevelopments, housing development and the implementation of mitigation for new developments. My work has been recognised by the Department for Transport in respect of their guidance *'Making residential travel plans work: guidelines for new development'* (September 2005). My work in respect of the introduction of new bus services for residential developments has been recognised by the Department for Transport as Best Practice in their guidance '*Building Sustainable Transport into New Developments*', dated April 2008.

1.4 My Evidence deals with the Transport aspects of reasons for refusal of Elmbridge Borough Council objections to the scheme. In particular the benefits of the Transport proposals in the context of reason 1. Whilst reason 5 relates to transport, this would be fully addressed through my clients entering into a S106 Agreement with the Appellants and is therefore not considered in my evidence.

1st Reason for Refusal

The proposed development represents inappropriate development in the Green Belt which would result in definitional harm and actual harm to the openness of the Green Belt and it is not considered that the very special circumstances required to clearly outweigh the harm to the Green Belt and any other harm, including impact on transport (highway and public transport capacity), air quality and insufficient affordable housing provision, have been demonstrated in this case. The proposed development by reason of its prominent location would be detrimental to the character and openness of the Green Belt contrary to the requirements of the NPPF, Policies CS21 and CS25 of the Elmbridge Core Strategy 2011, Policies DM5, DM7 and DM17 of the Elmbridge Development Management Plan 2015.

5th reason for refusal

Due to the lack of a legal agreement to secure a financial contribution towards the accessibility improvements at Esher Railway Station and monitoring fee associated with the Travel Plans, the proposed development would result in adverse highway and transport implications in the local area of Esher. As such, the proposed development is contrary to the aims of Policy CS25 of the Elmbridge Core Strategy 2011, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.

1.5 I have in my Evidence, set out the following

- In Section 2, the background of the proposals for the site
- In Section 3, the detailed highways and transport case
- In Section 4, the conclusions

1.6 I have in the process of preparing my evidence, held discussions with the Appellants to prepare a Statement of Common Ground (SoCG) and set out the Matters of Disagreement, identifying both the Appellants and my views.

1.7 I enclose as Appendices to my Evidence:

- **Appendix A:** Secretary of State Decision for a Green Belt Site dated 10th September 2012
- **Appendix B**: Surrey County Council Recommendation
- **Appendix C**: PTAL Calculation and Guidance
- **Appendix D**: Extract from Guildford Station Application Officers Report

2 The Background

2.1 My Evidence supports Reason 1 of the Council's Grounds for refusal namely:

"The proposed development represents inappropriate development in the Green Belt which would result in definitional harm and actual harm to the openness of the Green Belt and it is not considered that the very special circumstances required to clearly outweigh the harm to the Green Belt and any other harm, including impact on transport (highway and public transport capacity), air quality and insufficient affordable housing provision, have been demonstrated in this case. The proposed development by reason of its prominent location would be detrimental to the character and openness of the Green Belt contrary to the requirements of the NPPF, Policies CS21 and CS25 of the Elmbridge Core Strategy 2011, Policies DM5, DM7 and DM17 of the Elmbridge Development Management Plan 2015."

2.2 My evidence does not dispute that there are no grounds for a highways refusal when set against the criteria of NPPF paragraph 109, on the basis of the Appellants entering into a S106 Agreement. Namely I am not raising a concern that severe harm will occur.

2.3 I have given previous evidence in relation to the matter of harm caused through the development of land within the Green Belt. A copy of the Secretary of State's decision forms **Appendix A** to my evidence. What is clear from the decision of the Secretary of State is that there is a difference between:

a) Considering whether there are strict grounds for refusing development in accordance with the NPPF… and

b) Whether harm to the Green Belt would occur.

2.4 The Secretary of State stated in relation to the decision contained in **Appendix A**, paragraph 20:

"the Secretary of State also concludes that the increased traffic movements and the need for some drivers to seek alternative routes would result in some increased travel costs and that, although the proposals would not result in any unacceptable travel impacts, their effect has to be regarded as weighing slightly against Appeal A"

2.5 The Inspector Stated in paragraph 636 (page 132):

"It is inevitable, however, that the increased traffic movements and the need for some drivers to seek alternative routes would result in some increased travel costs such that it

is not possible to regard the "with development" scenario as an improvement, or even having a neutral impact, in traffic terms. I therefore conclude that although the proposals would not result in any unacceptable travel impacts, their effect has to be regarded as weighing slightly against the appeal proposals in the overall Green Belt balance."

2.6 My evidence therefore considers the harm in respect of transport impacts, which should be considered in the balance of harm to the Green Belt.

Highway Authority Application Response

2.7 During the consideration of the application, the Council consulted the County Highways Authority. The final consultation response (contained in **Appendix B**) noted that *"Central Esher is a known congestion blackspot*" (Page 1). The officer noted that, given the existing traffic flows, the number of vehicles using Portsmouth Road, More Lane, Lower Green Road and Station Road, would be unlikely to increase significantly. There was an important qualification by the Local Highway Authority to this point, where they stated *"due to the existing congested nature of the local highway network this does not necessarily mean that the impact will not be significant*." (page 3 of the Highway Authority report dated 13th June 2019, **Appendix B**).

2.8 The NPPF at paragraph 109 advises that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*." The Council does not suggest that the residual cumulative impact of the development would be severe, to the extent that a standalone reason for refusal on highways grounds would be warranted.

2.9 However, with regard to paragraph 144 of the NPPF when considering development within the Green Belt there is a requirement to consider whether any other harm might occur. In this instance this relates to whether any harm to the network in terms of highways capacity and public transport capacity would occur. The NPPF is clear that "*any other harm*" (in addition to harm to the Green Belt) arising from the development must be weighed in the overall balance.

2.10 The County Highways Authority recognises that "*even a relatively small uplift in trip rates can result in a significant impact when applied to a network operating close to, or at, capacity as is the case within Central Esher*." (Page 4). Whilst ultimately they did not object to the proposal subject to the agreed mitigation package, it is clear that the Local Highway Authority are of a view that there would be a residual impact on the capacity of

the local highway network arising from the Proposed Development and therefore some harm as a result of the Proposed Development, even with the implementation of the mitigation measures.

3 The Detailed Highways and Transport Case

3.1 I do not dispute the conclusion drawn by the Local Highway Authority that there are no grounds to restrict development from coming forward when set against the strict criteria of NPPF Paragraph 109. Namely:

"Development should only be presented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"

3.2 As stated, my evidence considers whether the development of this site in the Green Belt would give rise to material harm to highways capacity and public transport capacity. The NPPF is clear that "*any other harm*" (in addition to harm to the Green Belt) arising from the Proposed Development must be weighed in the overall balance to determine whether the Proposed Development should be permitted.

3.3 In considering the level of harm that might occur, I have examined:

- The Sustainability of the Development
- The Highways Assessment which supported the application
- The operation of the local highway network

The Sustainability of the Development

3.4 The Appellants state in paragraph 1.1.7 in their Statement of Case:

"The proposed development is located in a sustainable location where residents would have access to a range of sustainable modes of transport. In addition, it also provides numerous transport measures to make it more attractive for both the future and existing residents to walk, travel by bus and make train journeys in place of car trips. These measures would not only reduce the number of car trips made by future residents but should also make it more attractive for existing residents to use non-car modes."

3.5 And at paragraph 1.1.9 in the Appellants Statement of Case that the proposed transport improvements:

"…would have a significant positive benefit for the local area by:

- *Improving access by sustainable modes of transport for residents of the development, visitors to the Racecourse and existing residents and*
- *Improving safety for pedestrians, cyclists and drivers on the local road network."*

3.6 Furthermore, at paragraphs 3.3.9 and 3.3.10 the Appellants State:

"…These measures should reduce the number of car trips by residents of the development and should also make it more attractive for existing residents to use non car modes"

"… This compares with a local population of approximately 5,000 that we estimate could benefit from the proposed improvements for walking and public transport"

3.7 In relation to pedestrian and cycle improvements, the Appellants state in paragraph 2.3.2:

"The regulations that govern CIL require that this payment be used to fund the provision of infrastructure to support the development of the charging authority's area. The definition of infrastructure includes transport improvements and therefore there is money available from this development for the council to improve cycle infrastructure in the area. We understand that SCC would expect to submit bids for additional measures to improve conditions for pedestrians and cyclist in the area when the CIL funding from the Racecourse becomes available."

3.8 And at furthermore at paragraph 2.3.5:

"Taking account of the facilities close to the Racecourse and the nearby towns, it is apparent that there is significant potential to encourage cycling in the area both by future residents of the development and existing residents in the area. This would be in line with the SCC and EBC transport policies which are set out in chapter 6 of this Statement of Case."

3.9 And at paragraph 4.2.16 and 4.2.17:

"At paragraph 9.10.4 of the committee report EBC confirm that a Community Infrastructure Levy (CIL) of £4,553,176.34 will be charged against the proposed development. The regulations that govern CIL require that it be used to fund the provision of infrastructure to support the development of the charging authority's area. The definition of infrastructure includes:

- *roads and other transport infrastructure;*
- *flood defences;*
- *schools and other educational facilities;*
- *medical facilities;*
- *sporting and recreational facilities; and*

- *open spaces.*

The Community Infrastructure Levy of £4.5 million resulting from the proposed development is a substantial sum and a proportion of it could be used to fund additional sustainable transport improvements such as further improvements to the pedestrian network, additional measures to encourage public transport and additional cycle parking, cycle lanes and routes. This could be used to fund measures currently proposed in Esher to improve conditions for pedestrians. In addition we understand that SCC would expect to submit bids for additional measures to improve conditions for pedestrians and cyclist in the area when the CIL funding from the Racecourse becomes available."

3.10 It is clear that the Appellants claim that there is *significant positive benefit* arising from the Proposed Development, which should be considered in the Green Belt balance.

3.11 I have examined their points in the following paragraphs.

The sustainability of the site

3.12 Surrey County Council do not have a tool to compare accessibility, for example the PTAL tool used in London.

3.13 It is noted that in their response to the application, SCC stated in relation to the location of the site '*In this respect it is considered Sandown Park is a very sustainable location' (Page 4).*

3.14 However, it is noted that SCC do not have an index to calculate the relative sustainability of an area, and therefore the sustainability is based upon judgement and knowledge of an area. However, given the proximity to a London Borough (approximately 3km) the TfL PTAL calculation provides a comparative indicator of the relative sustainability of the site.

3.15 Using the TfL PTAL methodology set out in *'Assessing transport connectivity in London (April 2015)'*, we have calculated the PTAL for the site, which would have an average PTAL of 1b (on a scale from 0 (worst) to 6b (best)). The PTAL calculation and guidance is contained in **Appendix C.** In this calculation, we have applied the Appellants estimate of the walk distance from Site 3 to the station, for which at the time of drafting my evidence I have sought clarification regarding its delivery.

3.16 As a comparison, the approved Guildford Station redevelopment (Reference: 14/P/02168) was noted in the officer's report that the site is in a '*highly sustainable location'* (Officers Report, page 22, paragraph 1) **(Appendix D).** Using the same

methodology, we have calculated the PTAL for Guildford Station, which shows that Guildford Station would have a PTAL of approximately 3 to 4 **(Appendix C).**

3.17 For a further comparison, Surbiton Station (which is the next station towards London on the line from Esher) is within a London Borough and the PTAL for this area is 5 (WebCAT database).

3.18 In that context, I do not consider that the development with an equivalent PTAL of 1b in comparison to other areas within Surrey, can be considered to be a 'very sustainable' location in the context of the release of land from the Green Belt. I have considered this fully in the following sections.

Bus Services and Stops from the site

3.19 In relation to bus services, the Appellants state at paragraphs 2.4.3 and 2.4.4 of the Statement of Case:

"The bus services also provide interchange with railway stations in the area and other bus routes, further increasing the range of destinations that can be reached and providing alternative routes. For instance a journey from Esher town centre to Wimbledon could be made by using the 515 to Kingston upon Thames Station and then South Western Trains to Wimbledon or walking and catching the 515/715 towards Esher Station and then South Western Trains to Wimbledon. Kingston can be reached using the K3, 458, 715, 513, 514 or 515 bus routes. Many of the services also provide mobility and pushchair access and this will be improved by the measures proposed as part of the Racecourse

Taking account of the destinations served by the local bus services close to the Racecourse it is apparent that there is significant potential to encourage bus travel both by future residents of the development and existing residents in the area. The development proposals would fund a number of improvements to bus stops adjacent to the development as set out in chapter 4 of this report. This would be in line with the SCC and EBC transport policies which are set out in chapter 6 of this Statement of Case and would encourage greater use of existing bus services."

3.20 However, I have considered the bus routes referenced by the Appellants and the frequency of each of these services.

3.21 I have shown in **Figures 3.1** to **3.5**, the different bus stops for each site quoted by the Appellants in their Statement of Case (Table 2.6, 2.8, 2.10, 2.12, 2.14) and the frequency of services at each of these stops. (Table 2.3)

Figure 3.1: Site 1 Bus Stops

Figure 3.2: Site 2 Bus Stops

Figure 3.3: Site 3 Bus Stops

Figure 3.4: Site 4 Bus Stops

Figure 3.5: Site 5 Bus Stops

3.22 **Table 3.1** summarises the bus stops and number of services at each stop.

Site	Bus Stop	Distance from Site Access	Total Services Per Hour Peak Period (Min to Max)
1	Esher Green	150m	2
2	Council Office	150m	2
3	Lower Green	200m	2
4	Littleworth Common	150m	2
5	Sandown Park	200m	2

Table 3.1: Bus Service Details

3.23 **Table 3.1** shows that there is an average of two buses per hour at each of these bus stops. The irregular services at some of the stops will not be encouraging in creating a culture of bus travel at the Proposed Development.

3.24 There is a regular bus service (K3) from the High Street Bus Stops, which runs every 15 minutes. **Figure 3.6** shows the location of these stops in relation to the proposed sites.

Figure 3.6: Distance from High Street Bus Stops

3.25 **Figure 3.6** shows that approximately 20% of dwellings are within 400m of a regular bus service from the High Street, with sites 3-5 being between 850m-1.2km from these stops.

3.26 The Appellants state at section 3.10 of their Statement of Case:

"There around 6 additional bus trips predicted by the Census data at peak times. If the TRICs data is used the number of additional bus trips would be around 30 in the AM peak and 20 in the PM peak. This would have a very limited impact on the existing bus services and may make some services more viable.

The overall impact of the development proposals on bus travel are expected to be positive. This is because the development includes a range of measures to improve bus stops that will benefit both the mobility impaired and other passengers. These measures are described in further detail in Section 4 of this Statement of Case."

3.27 It is clear that only the High Street bus stops have a high level of bus service and the Appellants have no proposals to upgrade bus services. I would state that with the considerable walk distances from the site to a regular bus service, the benefits are limited. I have also considered the Census data for the immediate area (Elmbridge 013 Middle Layer Super Output Area).

Mode	Modal Split
Underground	1%
Train	29%
Bus	2%
Taxi	0%
Motorcycle, Scooter or Moped	1%
Driving a Car or Van	54%
Passenger in a Car or Van	2%
Bicycle	3%
On Foot	6%
Other	2%
Total	100%

Table 3.2: Census Data for the immediate area (Source: Appellants Statement of Case Table 3.2)

3.28 This demonstrates that there is a low bus modal share for the area surrounding the site. I consider that this should be considered against the Appellants claim that "*that there is significant potential to encourage bus travel both by future residents of the development and existing residents in the area."* (Appellants Statement of case, paragraph 2.4.4).

3.29 Whilst I note that the scheme proposes improvements to various bus stop and pedestrian facilities in the vicinity, it is clear that these will not improve the bus services or frequency of services at these stops.

Rail Services

3.30 In relation to rail services, the Appellants state at paragraph 2.5.5 of their Statement of Case:

"Taking account of the destinations served by the local rail services from Esher Station and the ability to interchange to other services, it is apparent that there is significant potential to encourage rail travel both by future residents of the development and existing residents in the area."

3.31 The Appellants are providing improvements welcomed by the Council in terms of to the accessibility of the station. However, I would note that over 55% of dwellings are 1km or more from the railway station. This is shown in **Figure 3.7.**

Figure 3.7: Distance from Railway Station

3.32 Whilst I note that the Appellant is proposing some pedestrian improvements to these routes towards the station, I do not believe that all of the dwellings will benefit these improvements due to the distance.

3.33 In relation to Site 3 we have used my measured distance to the railway station, since as explained at the time of drafting my evidence I have sought clarification regarding the delivery of the improvement proposed by the Appellant.

3.34 The Council has welcomed the proposals by the Appellants to improve the accessibility of Esher Station. However, these proposals seek to address the accessibility of the rail station and not the capacity of the railway services.

3.35 **Figure 3.8** shows the capacity at Esher Railway Station for trains towards Waterloo Station in the morning peak period. This demonstrates that between 07:02 and 08:00 there is standing room only, based upon data between May and July 2019 (source: South Western Railways Website).

Departure	Arrival	Number of carriages	Seat capacity
06:52	07:22	8	Seats available
07:02	07:24	12	Some seats available
07:22	07:41	12	Standing room only
07:33	07:53	12	Standing room only
07:52	08:16	12	Standing room only
08:03	08:24	12	Some seats available
08:13	08:34	12	Some seats available
08:21	08:44	12	Some seats available

Figure 3.8: Train Capacity for Esher Station for trains towards Waterloo Station in the AM Peak (Source: South Western Railways Website)

3.36 I note that the Appellants state in their Statement of Case (paragraph 3.7.1 and 3.7.2):

"… train has the highest non-car person trip generation. This equates to 82 and 72 person trips in the AM and PM peak hours respectively. There are 8 rail services that stop at Esher Station in the AM peak hour and therefore the development equates to approximately 10 additional person trips per train. This is not expected to have an adverse impact on the rail services and amounts to approximately 1 passenger per carriage on a 12 carriage train.

If the TRICS mode split rates were applied there would be fewer rail trips in the order of 40 in the AM peak and 15 in the PM Peak hour. This would reduce the number of additional rail trips per train in the morning peak hour to around 5 and in the evening peak hour it would be less than this."

3.37 And furthermore, at paragraph 3.7.4:

"Overall the development is expected to have a positive impact on the railway network. This is because it would also be providing measures to improve pedestrian access to Esher Station and contributing towards measures to improve access for the mobility impaired. These measures are described in section 4."

3.38 As I set out in paragraph 3.34, the Council has welcomed the improvements to Esher Station, however these improvements do not in any way improve the capacity to peak

period trains at the station (or indeed any period). I therefore consider that the Appellants' claim that the Proposed Development will have a positive impact on the rail usage is not justified. The Proposed Development will facilitate greater pedestrian access to the railway station, with no improvement in capacity.

Context of the site in terms of maximum walk distances

3.39 The Appellants consider in their Statement of Case (Paragraph 2.2.1) that the data shown in **Table 3.3** represents reasonable walking distances to bus stops and railway stations (Source: "*How Far Do People Walk",* July 2015)

Journey purpose	Education	Shopping	Bus stops	Stations	Main mode
Mean walking distance	1,000m	1,000m	580m	1,010m	1,150m
85th percentile walking distance	1,600m	1,600m	800m	1,610m	1,950m

Table 3.3: Mean and 85th percentile walking distances (Source: Table 2.1 of the Appellants Statement of Case)

3.40 I have considered in **Tables 3.4** and **3.5** how the walk distances from the different sites to the High Street Bus Stop where a regular bus service stops and Esher Station, compared with the maximum walking distances for bus stops and railway stations, relied upon by the Appellants in their Statement of Case.

Site (no. of dwellings)	Distance to Bus High Street Stop	Above or below Mean Walking Distance of 580m	Above or below 85th Percentile Walking Distance of 800m
1 (15)	350m	Below	Below
2 (49)	350m	Below	Below
3 (114)	1.2km	Above	Above
4 (72)	1.2km	Above	Above
5 (68)	850m	Above	Above

Table 3.4: Comparison of Walk Distances for High Street Bus Stop

3.41 **Table 3.4** shows that over 75% of dwellings are outside of the mean and 85th percentile walking distances from a regular bus service, against the distances considered as representative by the Appellants.

Site (no. of dwellings)	Distance to Bus High Street Stop	Above or below Mean Walking Distance of 1,010m	Above or below 85th Percentile Walking Distance of 1,610m
1 (15)	1.7km	Above	Above
2 (49)	1.1km	Above	Below
3 (114)	1.25km	Above	Below
4 (72)	250m	Below	Below
5 (68)	650m	Below	Below

Table 3.5: Comparison of Walk Distances for Esher Station

3.42 **Table 3.5** shows that over 55% of dwellings are outside of the mean walking distance from Esher Station, against the distances considered as representative by the Appellants.

3.43 As stated, I note that the Appellants are providing a shorter route from Site 3 to the railway station and I have sought clarification from the Appellants that this can be delivered.

3.44 It is clear from the Tables above, that using the data considered representable of walking distances by the Appellants, the majority of the Proposed Development is outside of the mean walking distances to a regular bus service and potentially the railway station.

Cycling

3.45 The Appellants state in relation to cycling at section 3.9 of their Statement of Case:

"There around 10 additional cycling trips predicted. These are not expected to have a noticeable impact on the cycle network.

Overall the development has the potential to have a positive impact on cycling in the area. This is because it is making a contribution of £4.5 million towards the Community Infrastructure Levy (CIL) for the area. The local authorities could choose to spend this money on cycle and other transport improvements in the immediate area.

We understand that SCC would expect to submit bids for additional measures to improve conditions for pedestrians and cyclist in the area when the CIL funding from the Racecourse becomes available."

3.46 It is clear that the Appellants do not consider that cycling will be a major mode of travel in this location when considering their projection of the number of cycle journeys.

Conclusions in relation to sustainability

3.47 I do not dispute that the site is in a sustainable location in the context of consideration as to whether severe impacts will occur. However, as set out in this section of my

evidence, it is clear that the Appellants' statements in terms of benefits are exaggerated due to the fact that:

- The nearest bus stops to the individual sites have limited regular bus services except Sites 1 and 2
- The majority of the Proposed Development is over the mean walking distances to a regular bus service and potentially Esher Station, based upon data considered representable by the Appellants
- Whilst improvements are proposed in relation to the accessibility of the station, there are no improvements to the capacity of trains at the station, which is standing room only for a substantial part of the peak period

The Highways Assessments which support the application only assesses whether severe harm would occur

3.48 Pre-application discussions were held between the Appellant and the Local Highway Authority, in which the assessment requirements of the TA were discussed and agreed. In relation to the impact assessment, SCC stated in their application response: (Page 4)

"…it is also recognised that the micro simulation models require significant time and resources to build and run, and that they themselves (as is the case with all modelling) have faults. A balance has therefore been made by the CHA and it is considered that mitigation in the form of that laid out below will offer significant opportunities for future occupiers to limit the impact of the development on the local highway network to a level that is not significant/severe".

3.49 The Appellants claim in their Statement of Case in paragraph 1.1.21:

"There would be no harm caused by the proposed development as a result of its traffic generation or otherwise, and in particular no harmful impact on transport (highway and public transport capacity) as alleged in Reason for Refusal 1."

3.50 The Appellants then in their Transport Assessment (Core Document CD5.45) have phrased this slightly differently, saying as contained in paragraph 4.1.1 of their Statement of Case:

"It has been shown from the analysis in the Transport Assessment (Core Document CD5.45) that the proposed development will not have a noticeable impact on the local transport network. However, it is recognised that the existing local road network is already congested at peak times and that, from a planning policy perspective, the development should seek to encourage sustainable modes of transport. Therefore a

range of measures to improve conditions for those using public transport and pedestrians have been agreed with SCC and EBC. These measures were set out in the EBC committee report and are shown on Figure 10 and summarised below"

3.51 And at paragraph 7.4.4 of the Statement of Case:

"The impact of the development was considered in the associated Transport Assessment, the contents of which were agreed in extensive discussions with SCC and EBC. The Transport Assessment (Core Document CD5.45) demonstrated that the proposed development would not have a noticeable impact on highway capacity or the transport network. SCC concluded that the development is in a sustainable location and is acceptable subject to a number of measures to improve access by sustainable modes of transport. These measures are considered in chapter 4 of this document."

3.52 It can be seen that the Appellants' conclusion is contrary to that of the local highway authority, who stated that *"due to the existing congested nature of the local highway network this does not necessarily mean that the impact will not be significant*." (page 3 of the Highway Authority report dated 13th June 2019).

3.53 Therefore, the claims of the Appellants are unsubstantiated. In particular they have undertaken no wider network analysis to demonstrate their contrary view to that of the local highway authority and it is an assertion and not proven that no harm will be caused by the Proposed Development.

The Operation of the Local Highway Network and the vulnerability of the network to minor changes in traffic

3.54 All parties have accepted in the Statement of Common Ground that the local highway network is congested, particularly at peak times, and indeed the Appellants state in paragraph 3.3.11 in their Statement of Case:

"It is accepted that the local road network can become congested at peak times. In these conditions, it might be quicker and more convenient for residents to walk or cycle for short journeys, particularly because all of the development sites are within easy walking distance of the station, Esher town centre and local schools. In addition if the road network is congested this might also result in residents not making journeys or making them at different times of the day"

3.55 The view of the Appellants as set out in paragraph 3.3.5 of the Statement of Case:

"As can be seen from Table 3.10 the increase in traffic would be minimal on the local road network. The additional development trips on Portsmouth Road would travel in both directions and therefore the increase on any one section is less than one vehicle every minute which is expected to have a negligible impact on this road. The additional development trips on Lower Green Road, Station Road and More Lane would travel in both directions and therefore the increase on any one section would equate to approximately one vehicle every three minutes on each road. This is not expected to have a noticeable impact on these roads."

3.56 During the consideration of the application, the Council consulted the County Highways Authority. The final consultation response noted that "*Central Esher is a known congestion blackspot*" (page 1 of the Highway Authority report dated 13th June 2019). The officer noted that, given the existing traffic flows, the number of vehicles using Portsmouth Road, More Lane, Lower Green Road and Station Road, would be unlikely to increase significantly. There was an important qualification to this point, however: whilst the number of vehicles might not significantly increase, "*due to the existing congested nature of the local highway network this does not necessarily mean that the impact will not be significant."* (page 3 of the Highway Authority report dated 13th June 2019).

3.57 The County Highways Authority concluded that "*even a relatively small uplift in trip rates can result in a significant impact when applied to a network operating close to, or at, capacity as is the case within Central Esher*." (page 4 of the Highway Authority report dated 13th June 2019).

3.58 As a network becomes more congested, it becomes more vulnerable to the impacts of minor changes in traffic. An explanation can be seen in the TfL Traffic Manager and Network Performance Best Practice (2010) - Version 3.0 Traffic Modelling Guidelines states:

"It is useful to be aware of the relationship between traffic delay and DoS in order to best optimise junction performance during proposal development. The relationship illustrated within Figure 8 strengthens the considerations outlined in Part A, which highlight the role stable network performance can play in maintaining journey time reliability. Engineers should be mindful that delay begins to increase exponentially above approximately 85% DoS. At junctions operating close to zero Practical Reserve Capacity (PRC), corresponding to approximately 90% DoS, small reductions in capacity can result in a significant increase in delay. For this reason a DoS of 90% represents an upper limit of

practical capacity for signalised junctions. Unsignalised junctions typically have a lower practical capacity limit, with DoS in the range 80-85%. Junction capacity relationships are important when designing schemes in order to ensure that new proposals perform capably within the existing network."

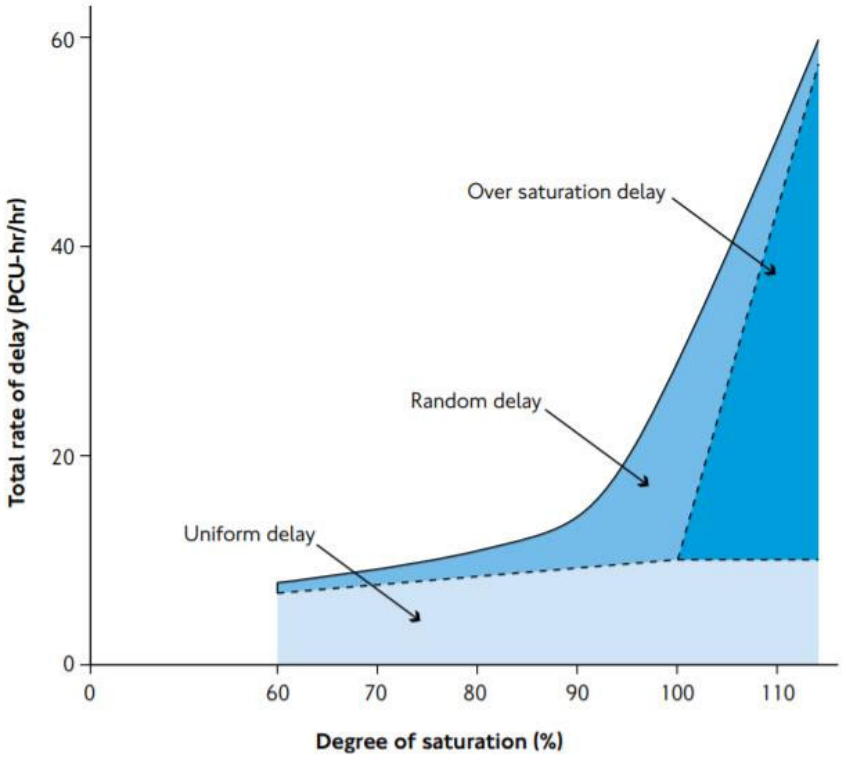

Figure 8: Relationship between junction delay and degree of saturation.

3.59 Whilst, like the Appellants, I have not undertaken any area wide network analysis, it is clear that this is a congested network, where any minor delay will cause harm.

3.60 I note the proposed improvements to the local highway network by the scheme, which involves:

"The Widening of the carriageway of Lower Green Road between 58 and 130 Lower Green Road and the provision of full on street parking bays" (Appellants Statement of Case, paragraph 4.2.1).

3.61 It is clear that this is aimed at improving conditions for pedestrians and not aimed at improving the capacity of the network.

Conclusions to Highways Impact

3.62 As I have set out, it has been accepted by all parties that there is existing congestion in the vicinity of the site. The Appellants have not had to undertake any local highway network modelling in order to demonstrate that there will not be severe harm.

3.63 However, without any local highway modelling, it cannot be concluded that there will not be any harm as a result of the Proposed Development. Furthermore, I have demonstrated that even minor impacts can have a material impact on a congested network, which was also confirmed by SCC where they state "*even a relatively small uplift in trip rates can result in a significant impact when applied to a network operating close to, or at, capacity as is the case within Central Esher*." (page 4 of the Highway Authority report dated 13th June 2019).

4 Conclusions

4.1 As explained in my Evidence, I have appeared as an Expert Witness at a previous Inquiry, where whilst highways was not considered a grounds for refusal, transport impacts were considered a relevant matter of harm caused through the development of land within the Green Belt.

4.2 In addressing, the level of harm that would occur for this Appeal, the Appellants have concluded at paragraph 6.5.2 in their Statement of Case, in relation to the Measures that they are proposing for journeys by non-car means and because of the accessibility of the site that they will ''…*not only encourage residents of the development to use non-car modes but also make these modes more attractive to existing residents;"*

4.3 Furthermore, the Appellants State at paragraph 2.5.5 in their Statement of Case '…*it is apparent that there is significant potential to encourage rail travel both by future residents of the development and existing residents in the area.'*

4.4 However, I have established in my evidence:

- That excepting Sites 1 and 2, the remaining Sites within the Proposed Development are only located close to stops with limited frequency bus services.
- That the Appellants are not providing any improvements to Bus Frequencies.
- That whilst the Appellants are providing welcome pedestrian improvements for people to walking to the Station, 2-3 of the sites are located further away than the Mean walking distances to the Station
- That seats are not available for passengers for a number of services within the peak period.
- The Proposed Development offers no improvements to the capacity of services at Esher Station."

4.5 It is clear that the Appellants have optimistically presented the accessibility of the site in terms of the ability to travel by Non-Car means.

4.6 Despite having undertaken no wider area traffic modelling, the Appellants state their conclusion in terms of Harm, in relation to the local highway network, namely '*This is not expected to have a noticeable impact on these roads."* (Paragraph 3.3.5 of the Appellants Statement of Case)

4.7 However, this is a different view to the Local Highway Authority who have stated "*even a relatively small uplift in trip rates can result in a significant impact when applied to a network operating close to, or at, capacity as is the case within Central Esher*." (page 4 of the Highway Authority report dated 13th June 2019). The Highway Authority concluded that *"due to the existing congested nature of the local highway network this does not necessarily mean that the impact will not be significant."*

4.8 I conclude that the Appellants have not adequately demonstrated that there will not be any harm in terms of transport impacts as a result of the Proposed Development.