

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

Appeal by A C Goatham & Son

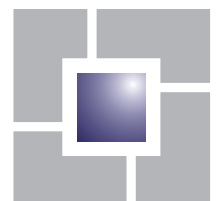
Land off Pump Lane, Rainham

Summary Proof of Evidence on Access, Safety, Transport and
Accessibility

Prepared by Simon Tucker BSc (Hons) MCIHT
on behalf of the Appellant

PINS Ref: APP/A2280/W/20/3259868

LPA Ref: MC/19/1566



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Land off Pump Lane, Rainham

*Summary Proof Of Evidence of
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25th January 2021

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1.0 Qualifications And Experience

- 1.1 My name is Simon John Tucker. I am a Director of DTA Transportation Ltd, Transportation Planning Consultants. The consultancy specialises in expert advice on transport related issues throughout a broad range of projects for both the public and private sector. In particular, our expertise lies in evolving transportation strategies, identifying solutions and negotiating agreements.
- 1.2 I am a Member of the Chartered Institute of Highways and Transportation, a graduate member of the Institution of Civil Engineers. I hold an Honours Degree in Civil Engineering from the University of Manchester.
- 1.3 I have 20 years' experience in the field of Transport Planning. I have prepared transport and traffic reviews, Transport Assessments and contributed to the process of Environmental Impact Assessment for a wide range of projects for both the public and private sector. I have appeared as an expert witness at numerous Section 78 and Local Plan Inquiries and Hearings.
- 1.4 I have been instructed on behalf of the appellant since April 2018. The evidence which I have prepared and provide for this appeal reference APP/A2280/W/20/3259868 in this proof is true and I confirm that the opinions expressed are my true professional opinions.

2.0 Summary of Evidence

- 2.1 My evidence has been prepared on behalf of the appellant in support of its appeal against the refusal by Medway Council of an application for

“Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for redevelopment of land off Pump Lane to include residential development comprising of approximately 1,250 residential units, a local centre, a village green, a two form entry primary school, a 60 bed extra care facility, an 80 bed care home and associated access (vehicular, pedestrian, cycle)..”

- 2.2 The application was supported by a significant and detailed transport evidence base which



I refer to in my proof where relevant. This includes the original Transport Assessment and various technical notes prepared in support the application. The applicant sought to continue dialogue with the Council's highway authority (LHA) through the process and the appropriate evidence base is set out in Table 1 of my evidence.

- 2.3 More recently, since the Case Management Conference a number of requests have been made of Medway to confirm their position in respect of various matters. These are summarised in my proof.
- 2.4 As at the time of drafting my evidence the appellant is still waiting for comments on the Statement of Ground and therefore a number of assumptions are made in respect of those matters which may require rebuttal in due course.
- 2.5 There are a number of highway and transport related reasons for refusal and these are all considered in detailed in my proof. By way of summary, the position in relation to each of them is set out below:

Reason 4

The applicant has failed to satisfy Highways England that the development will not materially affect the safety, reliability and / or operation of the Strategic Road Network (SRN). This is contrary the tests set out in department for Transport Circular 2/13 paragraphs 9 & 10 and the NPPF at paragraph 109.

- 2.6 Significant progress has been made with Highways England and the current position is that the trip generation assumptions from the site as defined in the original Transport Assessment and subsequent responses to HE are agreed. The distribution of those movements is also agreed and the absolute number of additional trips on the Strategic Road network is also agreed.
- 2.7 Highways England have confirmed that they see no reason to prevent planning being granted but have recommended that Medway secure a proportional and appropriate contribution towards Junction 4 of the M2. The appellant agrees to this and the issue is



discussed in more detail in Section 7. This reason is therefore not being pursued by Highways England.

Reason 5

The cumulative impact from the increased additional traffic cannot be accommodated on the highway in terms of overall network capacity without a severe impact. This is contrary to Local Plan policy T1 and the NPPF at paragraph 109.

- 2.8 Fundamentally, as I set out in detail in my evidence, Medway have applied the wrong policy test with respect to NPPF paragraph 109 and Local Plan Policy T1.
- 2.9 The modelling approach that Medway Council have taken is wholly flawed in that it did not properly assess the scheme which has been submitted to the Council. This has been partially rectified by the provision of the Pump Lane and Lower Rainham Transport Impact Appraisal Addendum (16th December 2020) – CD 12.3, but significant issues still remain with the work.
- 2.10 In short, the modelling outputs cannot be properly scrutinised and the decision maker is expected to reach conclusions on the basis of an evidence base which is un-auditable and, therefore meaningless.
- 2.11 The Base model on which all the Medway submissions are founded does not validate appropriately and the Model Validation Report (CD12.5) confirms that it is intended only to assess Local Plan growth, with further validation necessary if it is to be used for planning applications. That process has not been undertaken.
- 2.12 The inspector is therefore invited to adopt in preference the evidence base in the Transport Assessment (CD CH5.25) Addendum (Appendix 1 of CD8.1) and Technical Note 4 (CD12.7) which sets out a coherent and auditable assessment of traffic generation, distribution and detailed junction models of each of the junctions where impacts are forecast.
- 2.13 This work concludes that the proposed development is wholly in accordance Paragraph



109 of the NPPF and Local Plan Policy T1. Mitigation is proposed where necessary and that can be secured by planning condition.

Reason 6

The cumulative impact from the increased additional traffic from the development is unlikely to be able to create a safe highway environment. This is contrary to Local Plan policy T1 and the NPPF at paragraph 109.

2.14 In their Statement of Case (**CD9.1**), the LPA confirm that:

5.38 While it is not agreed that the accident assessment as set out in the original TA covered a sufficient area to enable a proper assessment to be undertaken the expanded assessment contained in the applicants Transport Addendum appended to their Statement of Case does cover a sufficient area.

5.39 Given the importance of road safety issues the Council's request for additional safety information was entirely appropriate. The number of accidents cannot be completely immaterial for any scheme. Although the number of accidents in the area may increase due to increased traffic volumes it is accepted that the applicant's transport addendum, supplied with the Appeal documentation, shows this development is unlikely to significantly increase accident risk.

5.40 Given the new information now supplied by the Appellant, the Council has decided to withdraw this reason for refusal.

2.15 On this basis it is now agreed that the application is consistent with the requirements of the NPPF 109 and Policy T1 in respect of highway safety.

Reason 7

No assessment nor technical details have been provided regarding the two new access points along Pump Lane to serve the proposed development, therefore it has not been possible to appropriately assess the adequacy of these access points. This is contrary to Policy T1 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

2.16 As set out in the Transport Assessment Addendum (Appendix 1 of CD8.1), the following drawings set out the proposals in terms of the access arrangements (Appendix E of Addendum CD8.1):



20230-05 Rev E Overall Access Strategy and Key network. This shows the overall access strategy which includes a new right ghost island junction to the north of the site to Lower Rainham Road, a connection to Pump Lane south and two interim crossing points on Pump Lane itself. The detailed plans of each arrangement are thus:

20230-05-2 Rev E – Proposed Right Turn Lane Lower Rainham Road.

20230-05-6 Rev E – Northern Pump Lane crossing arrangement

20230-05-5 Rev E – Southern Local Access / Spine Road Junction

20230-05-1 Rev E – Pump Lane Proposed Railway Bridge Improvements

2.17 The strategy and the detail contained therein was subject to Road Safety Audit Stage 1 on 18th October 2019 (Appendix F). The design office response to that is attached at Appendix G of the Transport Assessment Addendum). It is clear from the Audit that there are no substantive issues raised and all can be dealt with through the normal detail design progression at the Section 278 stage, post consent. It is demonstrated that safe and suitable access to the site can be provided (NPPF paragraph 108).

2.18 Medway confirm in their Statement of Case that :

5.44 If the Appellant can clearly set out which plans should be considered to be the definitive drawing upon which the Development Proposal should be decided, and can demonstrate that the inclusion of any new drawing would not unduly prejudice any interested party, then the Council is prepared to withdraw this reason for refusal.

2.19 The applicant confirmed by email on 23rd November 2020 that these were the correct drawings and it is therefore assumed this reason for refusal is no longer pursued. It is therefore agreed that the applicant meets the necessary tests in NPPF 109 and Policy T1 with respect of achieving appropriate and safe access for all users.

2.20 In terms of other matters, none of the reasons for refusal are specifically related to public transport, however specific comments on the bus network were included in the committee report.



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- 2.21 Further discussions have taken place with Arriva and it has been confirmed that during the current Covid-19 pandemic period services are being maintained at pre-pandemic levels based on special government funding support. While there is uncertainty regarding exact service levels in the post-pandemic period, Arriva expect to provide services in the Medway area broadly equivalent to today's route network. In particular in relation to the development site it agreed that the core services already running to the south of site will be maintained and provide significant opportunity for residents to use them.
- 2.22 In order to further enhance access to public transport, Arriva have proposed the most efficient solution would be to extend the existing Service 1 (or some future variant of it) to the site. This has been costed and based on current patronage forecast will be self supporting in the long term for a development of this scale. The cost of "pump-priming" the service in the early years is agreed with Medway and this is reflected in the Statement of Common Ground.



3.0 Overall Conclusions

- 3.1 On this basis, my evidence demonstrates that the appeal scheme is wholly acceptable in relation to highway matters.
- 3.2 It is further demonstrated that in the context of the Medway Council Area as a whole, the site can be considered an accessible and wholly sustainable location for development, and residential development in particular.
- 3.3 This conclusion is agreed by the LHA who have confirmed no objection on such matters.
- 3.4 This evidence concludes that the appeal scheme is fully consistent with the requirements of Paragraphs 108 / 109 of the NPPF and Policy T1 of the adopted Local Plan in that it provides safe and secure access by all modes, direct access to public transport and local public realm improvements to reduce conflict between vehicles and other road users.
- 3.5 The highway safety and traffic impact issues have been fully tested through a comprehensive Transport Assessment, Addendum and Road Safety Audits. There is no credible competing technical evidence in front of the inspector that refutes this in any credible way and nor was there at the time of the determination of the original application.
- 3.6 On this basis, it is clear that there are no highway or transportation reasons why planning consent should be withheld.

SJT//20230-19_ Summary POE Tucker

25th January 2021