



**LAND OFF PUMP LANE, RAINHAM  
APP/A2280/W/20/3259868**

**ADDENDUM PROOF OF EVIDENCE**

April 2021

Medway Council

<b>Project Name:</b>	Land off Pump Lane, Rainham
<b>Document Reference:</b>	502.0109/APOE/2
<b>Document Name:</b>	Addendum Proof of Evidence
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## 1. INTRODUCTION

- 1.1 This Addendum Proof of Evidence (PoE) has been prepared on behalf of Medway Council (MC) in relation to a planning appeal (ref APP/A2280/W/20/3259868) by A C Goatham & Son pertaining to a site known as Land off Pump Lane, Rainham, Kent, ME8 7TJ.
- 1.2 I have previously prepared a Proof of Evidence (CD10.9) which sets out the background, my role and scope of evidence. Sweco prepared a Proof of Evidence (CD10.10), covering detailed and technical matters relating to the development and application of the Medway Aimsun Model (MAM). In response to the appellant's Proof of Evidence (CD10.4), Sweco also prepared a rebuttal Proof of Evidence (CD10.16).
- 1.3 The purpose of this Addendum PoE is to set out the Council's position on Reason for Refusal (RFR) 5, following the submission of additional off-site highway mitigation works by the appellant during the Inquiry. The Inquiry was adjourned so that the implications of these additional mitigation works could be fully understood and considered.
- 1.4 Following discussions with the appellants, Sweco have undertaken further modelling assessments, incorporating the additional mitigation works. The results of the additional modelling assessments are presented in Lower Rainham Report Addendum 3 (IDXX). As previously, I defer matters relating to the development and application of the MAM to Sweco.

## 2. IMPACT ON THE LOCAL ROAD NETWORK

- 2.1 My original PoE mainly focused on the modelling scenarios most favourable to the appellant, known as LRR Scenario 6. The corresponding scenario in Sweco's additional modelling assessments (IDXX) is LRR Scenario 6A. The sole difference between LRR6 & LRR6A is that the latter includes the additional mitigation works introduced by the appellant during the Inquiry. LRR6A is therefore the scenario most favourable to the appellant and forms the basis of the following assessment, unless specifically stated otherwise. This mirrors the structure of my original PoE (CD10.9), which should be read in conjunction with this document.

## Subnetwork 7

### **Travel Times**

- 2.2 Para 3.16 on p.10 of my PoE (CD10.9) outlined that in my view, the magnitude of the increase in AM peak travel time westbound along Lower Rainham Road as a result of the development, constituted a severe impact on the operation of the road network. That increase, comparing the reference case to LRR6, was from c. 7 minutes to c. 16 ½ minutes, or a 131% increase.
- 2.3 The inclusion of the additional mitigation works results in a marginal improvement, but the development still results in a 127% increase in westbound travel time (Table 35, p.41, IDXX). The predicted travel time is now c. 16 ¼ minutes, and in my view this still constitutes a severe impact on the operation of this part of the road network, with the additional mitigation now proposed offering little in the way of improvement to journey time.

## Subnetwork 2

### **Level of Service / Average Delay at Junctions**

- 2.4 Table 2 and para 3.20 on p.11 of my PoE (CD10.9) outlined that LoS and the underlying average delay values would worsen such that I considered there would be a cumulative severe impact on the following junctions within the subnetwork:
- A289 Pier Road/Maritime Way Roundabout
  - A289 Pier Road/Gillingham Gate Road West
  - A2/Woodlands Road/Rotary Gardens
  - A2 Bowaters Roundabout
  - A289 Ito Way/A2 Sovereign Boulevard Roundabout
- 2.5 Table 2 and para 3.21 on p.11 outlined that I also considered there to be a residual cumulative severe impact at the Lower Rainham Road/Yokosuka Way/Gads Hill roundabout. Despite the appellant's original mitigation, the delay values significantly worsened, travel times increased and the LoS remained at F.
- 2.6 The additional mitigation works proposed by the appellant are at junctions within Subnetwork 2, including:
1. Configuration of the Toucan crossing east of Bowaters Roundabout
  2. Signal timings for the Bowaters Roundabout
  3. Lane marking & additional lane at Will Adams Way/A2/Ito Way Roundabout

2.7 The LoS results for scenario LRR6A at junctions within Subnetwork 2 are presented in Tables 7 & 9, pp. 18 & 19 (IDXX). This shows that the additional mitigation works make no difference to the LoS results, compared to LRR6. I therefore still consider that there would be a cumulative severe impact on the 6 junctions previously identified within this subnetwork. This is supported by inspection of the average delay values underpinning the changes in LoS for LRR6A, which are presented in **Table 1**. The average delay values have been extracted from the MAM.

	ID	AM Peak		PM Peak	
		LoS	Average delay (sec/veh)	LoS	Average delay (sec/veh)
A289 Pier Road / Maritime Way Roundabout	2			C -> <b>F</b>	30 -> 82
A289 Pier Road / Gillingham Gate Road West	4	D -> E	41 -> 59	D -> <b>F</b>	50 -> 83
A289 Pier Road / Gillingham Gate Road East	5			B -> C	17 -> 27
A289 Pier Road / Church Street / Strand	6			B -> C	19 -> 29
A289 Lower Rainham Road/Yokosuka Way/Gads Hill Roundabout	7	<b>F -&gt; F</b>	102 -> 112		
A2 / Woodlands Road / Rotary Gardens	8	D -> <b>F</b>	36 -> 166	C -> E	33 -> 75
A2 Bowaters Roundabout	9	B -> <b>F</b>	20 -> 109	D -> <b>F</b>	52 -> 181
Eastcourt Lane / South Avenue	10	<b>F -&gt; F</b>	1237 -> 1231	D -> <b>F</b>	28 -> 1074
A2 London Road / Bloors Lane	11			C -> D	32 -> 36
A289 Ito Way / A2 Sovereign Boulevard Roundabout	12	A -> <b>F</b>	10 -> 197		
A2 / Pump Lane	14	A -> E	2 -> 46	A -> D	9 -> 35

**Table 1:** Subnetwork 2 junctions that are at LoS F or experience change in LoS due to appeal scheme (comparing 2028 Reference Case to Scenario LRR6A)

2.8 Comparison of the average delay results to those including only the appellant's original mitigation works (see Table 2, p.11, CD10.9) shows that the additional mitigation works have very little impact. Indeed, the additional mitigation schemes at Bowaters Roundabout and the Will Adams Way/A2/Ito Way roundabout have resulted in increased average delay values.

2.9 It should also be noted that when considering the scenario using the MAM trip rates that incorporates the additional mitigation works (LRR5A), the development results in a worsening of the LOS to F in the PM peak at the A2/Woodlands Road/Rotary Gardens junction. Pp. 17-18 and Para 3.1.4 of Sweco's latest modelling report (IDXX) analyse the reasons for this.

### Travel Times across the subnetwork

- 2.10 Para 3.22 on p.12 of my PoE (CD10.9) outlined that I considered the magnitude of the increase in travel time on routes within the subnetwork illustrated the severe impact to which the development would give rise. Specifically, in Scenario LRR6, travel times would substantially increase on the A2 Eastbound (Watling Street to Sovereign Boulevard) by 113% and 94% in the AM and PM peak respectively. On the A289 (Church Street) to A278 (Hoath Way) route, this figure was 66% and the additional travel time was c. 9 minutes in the AM peak.
- 2.11 These routes pass through the Bowaters roundabout and the Will Adams Way roundabout, which are the subject of the additional mitigation works now proposed by the appellant. The travel time results for LRR6A, including the additional mitigation works, are shown in Tables 11 & 13, pp. 22 & 23 (IDXX). For ease of comparison, the travel times across the routes are reproduced below in **Table 2** for the 2028 Reference Case, LRR6 & LRR6A.

	AM Peak			PM Peak		
	2028 RC	LRR6	LRR6A	2028 RC	LRR6	LRR6A
A289 Church Street – A278 Hoath Way	13m 20s	22m 10s	16m 59s	9m 25s	12m 20s	12m 20s
A278 Hoath Way – A289 Church Street	10m 4s	10m 15s	13m 52s	6m 42s	9m 12s	13m 29s
A2 WB Sovereign Blvd – Watling Street	6m 40s	7m 6s	12m 1s	6m 24s	6m 36s	11m 42s
A2 EB Watling Street – Sovereign Blvd	11m 12s	23m 53s	21m 13s	7m 3s	13m 41s	15m 26s

**Table 2:** Travel Times on Subnetwork 2 Routes in Minutes & Seconds

- 2.12 The increase in travel time versus the reference case are shown in **Table 3**, expressed in time & percentage, for both LRR6 & LRR6A. The table also includes the differences in the percentage increase to demonstrate the impact of the additional mitigation works in LRR6A.

	AM Peak			PM Peak		
	LRR6	LRR6A	+/-	LRR6	LRR6A	+/-
A289 Church Street – A278 Hoath Way	66%	27%	-39%	31%	31%	0%
	8m 50s	3m 39s		2m 55s	2m 55s	
A278 Hoath Way – A289 Church Street	2%	38%	+36%	37%	101%	+64%
	11s	3m 48s		2m 30s	6m 47s	
A2 WB Sovereign Blvd – Watling Street	6%	80%	+74%	3%	83%	+80%
	26s	5m 21s		12s	5m 18s	
A2 EB Watling Street – Sovereign Blvd	113%	89%	-24%	94%	119%	+25%
	12m 40s	10m 1s		6m 38s	8m 23s	

**Table 3:** Increase in Travel Times on Subnetwork 2 Routes versus RC 2028, in Minutes & Seconds and percentage

- 2.13 The additional mitigation works mean that the increase in travel time is of a smaller magnitude than was previously the case in the AM peak for A289 Church Street – A278 Hoath Way and A2 EB Watling Street – Sovereign Boulevard. However, for these routes, there is still a 27% (3m 39s) and 89% (10m 1s) increase in travel time respectively. Whilst the additional mitigation works have resulted in a small improvement compared to LRR6, the residual cumulative severe impact is still severe.
- 2.14 Furthermore, the additional mitigation works have meant the increases in travel time on other routes are of a greater magnitude. For example, the impact on travel time on the A2 Eastbound in the PM peak was previously identified as a 94% increase (6m 38s). As a result of the additional mitigation works, this has increased to 119% (8m 23s). I therefore remain of the view that the impact on travel time on this route illustrates the severe impact of the development on the operation of the road network.
- 2.15 Finally, the additional mitigation works have increased the magnitude of the changes in travel time on other routes, such that they now constitute a severe residual cumulative impact. Most notably, the percentage increases in travel time on the A2 Westbound were previously single digit but are now of such a magnitude that they are considered to constitute a severe impact. This is also the case for A278 Hoath Way to A289 Church Street.
- 2.16 With the development traffic in place, the increase in travel time on routes within Subnetwork 2 previously constituted a severe residual cumulative impact. The inclusion of the additional mitigation works does not change my view, and in fact worsens the performance of Subnetwork 2 as a whole. Para 3.1.4 of Sweco’s latest modelling report (IDXX) analyse the reasons for this. The development therefore still results in a severe residual cumulative impact on the operation of Subnetwork 2.

Subnetwork 3

**Level of Service / Average Delay at Junctions**

- 2.17 Table 3 and para 3.25 on p.12 of my PoE (CD10.9) outlined that LoS and the underlying average delay values would worsen such that I considered there would be a cumulative severe impact on the A2/Otterham Quay Lane/Meresborough Road signalised junction.
- 2.18 The appellants provided signal timings derived from their LINSIG model of the A2/Otterham Quay Lane/Meresborough Road signalised junction, for inclusion in the revised modelling assessment.
- 2.19 Tables 19 & 21, pp.28-29 of IDXX show the LoS results for LRR6A, taking into account the revised signal timings. These are replicated with with the underlying delay values in **Table 4**.

	AM Peak		PM Peak	
	LoS	Average delay (sec/veh)	LoS	Average delay (sec/veh)
A2 High Street / Mierscourt Road	C -> E	33 -> 76	D -> E	41 -> 60
A2 / Otterham Quay Lane / Meresborough Road	D -> <b>F</b>	53 -> 85	D -> <b>F</b>	38 -> 148
A2 / Maidstone Road	C -> D	33 -> 38	C -> D	28 -> 36
A2 / Station Road	C -> D	34 -> 40	C -> D	33 -> 44

**Table 4:** Subnetwork 3 junctions that experience change in LoS due to appeal scheme

- 2.20 Comparison of the average delay results to those including only the appellant’s original mitigation works (see Table 3, p.12, CD10.9) shows that the additional mitigation works have a small positive impact in the AM peak, and minimal impact on delay in the PM peak.
- 2.21 The LoS is still F with the additional mitigation works at the A2/ Otterham Quay Lane / Meresborough Road junction in both peaks, and the cumulative residual impact of the development is still severe.

**Travel Times across the subnetwork**

- 2.22 Para 3.26 on p.13 of my PoE (CD10.9) outlined that in my view, the increase of c. five minutes’ travel time in the PM peak westbound along the A2, as a result of the development, constituted a severe impact on the operation of the road network. That increase, comparing the reference case to LRR6, was from c. 7 minutes to c. 12 ¼ minutes, or a 64% increase.

- 2.23 Tables 23 & 25, p.33 of IDXX show the travel times on the paths in Subnetwork 3, using the appellant's revised signal timings. In these tables, the appellant's revised signal timings have been applied to the reference case and LRR5A & LRR6A. The results for LRR5 & LRR6 do not include the revised signal timings. The results show that the mitigation works reduce the impact of the development on travel times along this part of the A2 such that this is no longer in and of itself considered to constitute a severe impact.
- 2.24 However, as outlined above, the LoS at the A2/Otterham Quay Lane/Meresborough Road junction is still F, despite the improvement in travel time along the A2. As outlined by Sweco in para 3.2.3 & Figures 15 & 16, pp. 31-32 of IDXX this is because the revised signal timings provide additional green time to traffic on the A2, at the expense of traffic on Otterham Quay Lane & Meresborough Road. The average delay value for vehicles at the junction as a whole does not improve in the PM peak, only improving marginally in the AM peak, and is still categorised as LoS F.
- 2.25 The overall statistics for the subnetwork are shown in Tables 15 & 17 on p.25 of IDXX. These tables show that the additional mitigation works result in overall increases to travel time, delay and mean queue across the whole subnetwork, despite the improvement to the travel time along the A2. These increases are such the residual cumulative impact on this subnetwork remains severe.
- 2.26 Furthermore, this analysis illustrates the importance of considering the network holistically, rather than assessing individual junctions in isolation, and justification in the MAM assessment approach promoted by the highway authority throughout the application and appeal process.

#### Summary

- 2.27 As part of my original proof of evidence (CD10.9), I considered that the development resulted in a severe residual cumulative impact on the operation of the following junctions, based on assessment of average delay values, as categorised by LoS:
1. A289 Pier Road/Maritime Way Roundabout (Subnetwork 2)
  2. A289 Pier Road/Gillingham Gate Road West (Subnetwork 2)
  3. A2/Woodlands Road/Rotary Gardens (Subnetwork 2)
  4. A2 Bowaters Roundabout (Subnetwork 2)
  5. A289 Ito Way/A2 Sovereign Boulevard Roundabout (Subnetwork 2)
  6. A2/Otterham Quay Lane/Meresborough Road (Subnetwork 3)
  7. A289 Lower Rainham Road/Yokosuka Way/Gads Hill Roundabout (Subnetwork 2)



- 2.28 The additional mitigation works proposed by the appellant make no difference to the Level of Service results at the above 7 junctions. The change in underlying delay values resulting from the additional mitigation works are minimal, and the cumulative residual impact remains severe.
- 2.29 In the modelling scenario most favourable to the appellant, the additional development traffic still results in a significant worsening of the operation of 6 junctions, despite the mitigation works proposed, taking them over capacity as summarised by the change in Level of Service relating to average delay values. The 7<sup>th</sup> junction is already over capacity in the AM peak, and the addition of development traffic further exacerbates delays, despite the mitigation works proposed by the appellant. The cumulative residual impact of the development on each of these 7 junctions remains severe.
- 2.30 In my proof of evidence (CD10.9), the conclusion of severity was also supported by inspection of travel times on various routes showed that the severe impact was not just isolated to the junctions, but to links between them as well. Routes that were of specific concern included Lower Rainham Road westbound, A2 Eastbound (Watling Street – Sovereign Boulevard), A289 (Church Street) – A278 (Hoath Way) and A2 Westbound (Moor Street – Sovereign Boulevard).
- 2.31 The additional mitigation works proposed by the appellant improve the travel time along some of these routes compared to the previous assessment, but the development will still result in a severe residual cumulative impact on these routes. Furthermore, the additional mitigation works result in a significant worsening of travel times along other routes, which in my view also constitute a several residual cumulative impact. This is supported by comparisons of the average travel time across the subnetworks.
- 2.32 Despite the additional mitigation works, the significant worsening of the operation of the network across a large number of junctions and routes arising from the development is considered to individually and cumulatively constitute a severe residual cumulative impact, contrary to NPPF para 109. The development also fails to meet the requirements of T1 of the Medway Local Plan.

### 3. OTHER MATTERS

#### S106

- 3.1 Discussions have been ongoing between the Council and the appellant in relation to a S106 agreement since the Inquiry was adjourned. During these discussions, the Council requested a contribution towards junction improvements at Pier Road. This was requested in error and for the sake of clarity I have set out below why this was erroneous and would not meet the relevant obligations.
- 3.2 The Council is developing its Local Plan, and as part of this is undertaking work exploring the highway implications, which is at an early stage and ongoing. The Council undertook a high-level modelling assessment of the impact of potential housing and employment allocations in the emerging Local Plan. As a result of this work, a number of junctions in Medway are being considered for potential highway improvement works, the closest to the appeal site being Pier Road. High level concepts have been briefly explored as to what mitigation works might be possible at Pier Road.
- 3.3 This is a preliminary assessment, and no detailed plans have been produced for any mitigation works. Moreover, the impact on the Pier Road junction, and the need for mitigation, was affected by potential employment allocation related trips. In light of this, the potential Local Plan employment allocations are currently being reviewed, in order to reduce the number of vehicle trips at source. This is to reduce and potentially negate the need for mitigation at the Pier Road junction arising from the Local Plan.
- 3.4 It is not appropriate to either include mitigation works at Pier Road within the MAM assessment of the appeal scheme, nor to request a contribution, for the following reasons:
- It is not yet clear whether works will be required at Pier Road to mitigate the impact of traffic associated with Local Plan allocations
  - If mitigation works will be required, the level of mitigation required is unknown, as is the timing of delivery
  - The high level concepts for mitigation schemes have been considered as potential mitigation for traffic arising from the Local Plan allocations, not the appeal scheme
  - Neither the appellant nor the Council's modelling assessments to date include any traffic growth associated with the emerging Local Plan

- 3.5 It is therefore far too premature to account for within any assessments the possibility that yet undefined mitigation works to Pier Road might come forward as part of the Local Plan at an undefined time. Furthermore, a contribution towards such a scheme would therefore fail to meet the CIL regulations in that it would not be directly related to the development, nor would it be related in scale to the development.

#### Appeal Decisions

- 3.6 Mr Tucker's Rebuttal Proof of Evidence (CD10.13) contains reference to appeal decisions as follows:
- Land at Pinn Court Farm Pinn Hill, Exeter, APP/U1105/A/13/2208393 (CD4.14) 20 March 2015
- 3.7 The appellants have also sought to introduce additional appeal decisions relating to highway and transport matters during the Inquiry as follows:
- Land off Silver Street, Willand (APP/Y1138/W/17/3172380) (ID23) 3 November 2017
  - Land at The Hollies, School Lane, Hartford (APP/A0665/W/19/3220360) (ID31) 2 October 2019
  - Land at Grange Farm, Hartford (APP/A0665/A/12/2179410 & APP/A0665/A/12/2179374) (ID31) 18 November 2013
  - Land South of A196, Stobhill, Morpeth (APP/P2935/A/14/2212989) (ID31) 15 December 2014
- 3.8 All of the above have been introduced in relation to their consideration of severe impact in highways terms. The Inspector and/or Secretary of State have reviewed the facts of each case and judged whether or not the highways impact was severe. These judgements have to take into account the specific circumstances of each case, not least because there is no agreed upon threshold beyond which a highways impact is considered severe. A wide range of factors have to be taken into account to judge the severity of impact, including existing traffic conditions, the nature of the road network, the geographical extent of the impact, and so on. I have commented further on each of the appeal decisions below, but for these reasons it is not appropriate to simplistically apply conclusions drawn on the severity threshold in other cases to the present appeal. For example, an increase in delay that may not have been considered severe in one instance can be severe in another – depending on the circumstances of the case.

3.9 In my Proof of Evidence (CD10.9 para 2.6, p.6) I referred to a case in Leckhampton. This was not to compare the circumstances of that case, but in support of the principle that para 109 of the NPPF focuses on the residual cumulative impact on the capacity of the highway network, and not solely the extent to which the proposal would impact on that capacity. This principle was supported by the judge's comments when noting that in principle, a development could "wash its own face" in terms of highway impact, but the residual cumulative impacts could still be severe.

**Land at Pinn Court Farm, Pinn Hill, Exeter (APP/U1105/A/13/2208393) (CD4.14)**

3.10 Mr Tucker's Rebuttal Proof (CD10.13) at para 2.3.2, p.2, emphasises that in the Exeter appeal, congestion & inconvenience was not sufficient to trigger the 'severe' test, but that it was rather the consequences of congestion. I cannot comment on the circumstances in that particular case, but I agree in so much as the mere fact that there would be an increase in queueing is not itself necessarily sufficient to be severe. However, the extent of queueing – particularly where the extent would be significant – is clearly one of the relevant considerations when determining whether the "residual cumulative impacts of development are severe.

3.11 In this current appeal case, it is the residual performance of the road network as a whole, in terms of capacity and congestion, which I consider to be severe. This is illustrated by the magnitude and geographical extent of queues and delay at junctions, as well as the extent of travel times on links across the three subnetworks. Taken as a whole, the proposal would lead to a significant deterioration in the capacity of, and congestion on, a local highway network which is already highly congested, even more so by 2028. The residual cumulative impact would be severe.

3.12 At para 2.4, pp.2-3 of CD10.13, Mr Tucker also quotes from the Exeter appeal decision that the consequence of queueing was considered in terms of driver behaviour, risk and safety. He relies upon this to subsequently claim that as there are, in his words, no impacts in this case on amenity or highway safety, it can be concluded from this fact alone that no severe impact arises from the appeal scheme. However, the fact that severity was considered in terms of driver behaviour, risk and safety in the Exeter appeal does not mean that these are the only ways in which severity can or should be considered. These were simply the issues in question in that particular appeal.

3.13 Mr Tucker also states that it is agreed common ground that there are no impacts on amenity or highway safety arising from the appeal scheme, referencing my Proof of Evidence (at para 1.8, CD10.9) and the SOCG (para 6.7, CD11.4). To state that a conclusion of no severe impact should therefore be drawn on this basis, as Mr Tucker does, is wholly misleading because:

- Neither my Proof of Evidence nor the SOCG reference amenity and the quoted paragraphs pertain simply to the fact that RFR 6, relating to highway safety, is not being pursued by Medway Council; and
- The issue of severity can be considered in many terms, not just those referenced in the Exeter appeal decision.

3.14 It is pertinent to consider the wording of paragraph 108 of the NPPF, as quoted by Mr Tucker at para 2.5 (p. 6). This explicitly requires the impact of the development to be considered “*in terms of capacity and congestion,*” (which was not expressly required by paragraph 32 of the 2012 NPPF, with which the Exeter decision was concerned). The Council’s (and the appellant’s) modelling shows that a severe residual impact arises from the development on the transport network in these terms. Para 108 of the NPPF goes on to state that decisions should take account of whether these significant impacts “*can be cost effectively mitigated to an acceptable degree*”. Given the modelling assessments incorporate the multiple mitigation schemes proposed by the appellant, none of which are considered to mitigate the development impact to an “acceptable degree” and no other mitigation is before the Inspector, it follows that the appeal scheme fails to meet the requirements of the NPPF.

**Land off Silver Street, Willand (APP/Y1138/W/17/3172380) (ID23)**

3.15 Mr Tucker references this appeal in ID23, stating that queueing in that circumstance extended c. 600m through a number of junctions, and that subject to an appropriate travel plan, the Inspector concluded that no severe cumulative impact would arise.

3.16 Each scheme must be judged on its own merit and whilst I cannot comment upon the specifics of that particular appeal, the scheme in question was for 259 dwellings, approximately a fifth of the present appeal scheme. The magnitude of the impact on the local road network is unlikely to be comparable. Indeed the Inspector states within the decision notice that the development will result in an additional 32 vehicles per hour (para 25) at the junction under consideration. This is significantly less than the key junctions will experience as part of the present appeal (see appellant traffic flow diagrams, p.6, CD6.7).

- 3.17 Furthermore, at para 30 the Inspector states that vehicle delays because of queueing are in the region of 93 seconds, which was not considered to be a significant delay in that instance. However, this was at one junction only, with no consideration being given to links between junctions. In the current appeal there are 7 junctions at which the LoS would be F (indicating forced or breakdown flow, where demand exceeds capacity), and where the delays would in some instances, significantly exceed that amount of delay. Furthermore, as explained above, the proposal would have a significant impact on travel times on links between junctions, which are already substantial in the reference case.
- 3.18 Finally, in that case the Inspector in that instance decided that the sustainable transport measures proposed would achieve an acceptable modal shift such that there would be no severe residual cumulative impact. Whilst the appellant in the present appeal has submitted a Travel Plan, the magnitude of the highways impact is such that it is likely to remain severe, even if the targeted modal shift of 10% is achieved.

**Land at The Hollies, School Lane, Hartford (APP/A0665/W/19/3220360) (ID31)**

- 3.19 Each scheme must be judged on its own merit and whilst I cannot comment upon the specifics of that particular appeal, the scheme in question was for 258 dwellings, although the net figure was 187 dwellings (para 6). This is approximately 15% of the present appeal scheme development quantum. The magnitude of the impact on the local road network is unlikely to be comparable and para 13 outlines that the increases in average journey time are likely to be “very small.” The same cannot be said for the present appeal scheme.

**Land at Grange Farm, Hartford (APP/A0665/A/12/2179410 & APP/A0665/A/12/2179374) and Land South of A196, Stobhill, Morpeth (APP/P2935/A/14/2212989) (ID31)**

- 3.20 The Inspector and SoS allowed these appeals, and the Morpeth appeal decision quotes the Hartford decision, following similar logic in respect of the conclusion on severity of impact. The references below are therefore to the Hartford appeal decision. In neither case was the council seeking to argue that the impact on the highway network would be severe (Hartford para 9.26, 14.63), if a bypass were to come forward (Morpeth para 44, 254).

- 3.21 At para 14.48, the Inspector states that the development would result in an additional delay of 1 minute to existing delays of 6 minutes at one junction. At paragraph 14.50, the Inspector concludes that although the proposals would have a noticeable adverse impact on queue length, it could not be characterised as severe because of *“the number of additional vehicles and queue lengthening compared to the existing situation, the fact that existing queues are very short lived and the small average increase in journey time across the cordon.”*
- 3.22 In the present appeal, the existing queues are not short-lived as evidenced by the appellant’s queue length surveys (CH5.25, pp. 309-317, 384-387), the increase in journey time across a wide area is significant (IDXX Tables 3 & 5, p. 14, Tables 15 & 17, p. 25, Tables 27 & 29, pp.35-36) and the appellant’s own modelling submissions show that queue lengths will in some instances more than double. Furthermore, the impact is not isolated to one arm of one junction, rather 7 junctions and various links are severely adversely impacted by the present appeal scheme.
- 3.23 Finally, the Inspector at para 14.63 stated that the trip rates would likely be further reduced due to the proximity of education facilities, suppressed demand, and the implementation of Travel Plans. Adjustments for education facilities have already been factored into the appellant’s trip generation calculations, there is no evidence of suppressed demand and the magnitude of the highways impact is such that it is likely to remain severe, even if the targeted modal shift of 10% is achieved.

#### 4. SUMMARY

- 4.1 This Addendum Proof of Evidence (PoE) has been prepared on behalf of Medway Council (MC) in relation to a planning appeal (ref APP/A2280/W/20/3259868) by A C Goatham & Son pertaining to a site known as Land off Pump Lane, Rainham, Kent, ME8 7TJ.
- 4.2 The purpose of this addendum PoE is to set out the Council’s position on Reason for Refusal (RFR) 5, following the submission of additional off-site highway mitigation works by the appellant during the Inquiry. The Inquiry was adjourned so that the implications of these additional mitigation works could be fully understood and considered.

- 4.3 The additional mitigation works proposed by the appellant make no difference to the Level of Service results at the 7 junctions previously identified as being subject to a severe residual cumulative impact. In the modelling scenario most favourable to the appellant, the additional development traffic still results in a significant worsening of the operation of 6 junctions, despite the additional mitigation works proposed, taking them over capacity as summarised by the change in Level of Service relating to average delay values. The 7<sup>th</sup> junction is already over capacity in the AM peak, and the addition of development traffic further exacerbates delays, despite the mitigation works proposed by the appellant. The cumulative residual impact of the development on these 7 junctions remains severe.
- 4.4 The additional mitigation works proposed by the appellant improve the travel time along some routes on the local road network, compared to the previous assessment, but the development will still result in a severe residual cumulative impact on these routes. Furthermore, the additional mitigation works result in a significant worsening of travel times along other routes, which in my view also constitute a severe residual cumulative impact. This is supported by comparisons of the average travel time across the subnetworks as a whole.
- 4.5 Despite the additional mitigation works, the significant worsening of the operation of the network across a large number of junctions and routes arising from the development is considered to individually and cumulatively constitute a severe residual cumulative impact, contrary to NPPF para 109. The development also fails to meet the requirements of T1 of the Medway Local Plan.