



## Satnam Proof of Evidence - **Rebuttal**

# Transport

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Rule 6 Party  
Peel Hall - APP/ M0655/W/17/3178530

## Transport

### Satnam Proof of Evidence Rebuttal

#### **Statement of Common Ground – Highway & Transportation Matters**

The Rule 6 Party do not agree with the SoCG issued as part of the appellants proofs of evidence.

The Rule 6 Party issued our latest comments to all parties (via Jim Sullivan) dated 7<sup>th</sup> August 2020 at 21:10.

These comments have not been incorporated.

#### **Introduction**

- 1.1 The Highgate Proof represents not just a second bite of the cherry, but a third. Satnam have been allowed to change access options a bewildering number of times during the first public inquiry, but are now being allowed to revise their rejected evidence to have a third attempt. Transport was not one of the items which led to the judicial review that re-opened this public inquiry, and it is unfair and against the principles of natural justice that having re-opened the public inquiry on other grounds, that a tidal wave of new transport information has been submitted.
- 1.2 The whole thrust of the Highgate Proof and revised Transport Assessment evidence is predicated on cramming more traffic onto roads and junctions that it is accepted by everyone are already full, and widening everything and cramming the traffic in just enough to stop the whole network grinding to a halt. This would appear to represent 'success' from the developers' point of view, and possibly the Council too. Peel Hall would become just a simple car-dominated development which will be filled with car-dependent residents. They may not be car-dependent when they move in, but they quickly will as pedestrians, cyclists and bus users are treated as second class citizens and shoved to the side of ever larger and intimidating roads and junctions. It is about time the development industry, and that means the Planning Inspectorate as well, starts to take sustainability seriously. We cannot just agree to more and more car-based developments on the edges of our towns and cities.

- 1.3 The following document is a review and rebuttal of information provided by Highgate Transportation on behalf of the appellant, Satnam Millenium Ltd. Where silent on individual paragraphs, we would advise that this does not necessarily confirm agreement and should therefore not be taken as such.
- 1.4 Firstly, we wish to raise that the provision of supplementary appendices with multiple documents within folder format is massively unwieldy and difficult to negotiate, one hopes this is not a deliberate attempt to discourage our efforts.
- 1.5 Para 1.13 makes reference to future access 'Option B' – which is the joining back up of Poplars Avenue to the A49. This has previously been dismissed during the last public inquiry, the appellants own consultants have this time around also concluded that impact on the network would be severe from the outset (2022) and there seems a complete disregard of the fact that this existing junction was rationalised years ago due to a number of severe road incidents at this junction.
- 1.6 Para 2.2 item i. states, '*The main roads serving the area such as the M62, A49 and A50 can be congested at peak times*'. Whilst a minor discrepancy, this should clearly state 'are congested at peak times'.
- 1.7 Para 2.2 item iii. States, '*An area wide model of the A49 corridor had previously been prepared for Highways England and could be expanded to cover the Peel Hall study area.*'

On the understanding that this refers to the information submitted at the last public inquiry. The Rule 6 party wish to draw attention to the following findings from the inspectors report;

13.19 In other words, like the Council, Highways England also found differences in the way that the Peel Hall model and WMMTM 2016 assigned traffic flows to the network. It also maintained concerns about how the Peel Hall model had assessed the M62 J9 capacity<sup>183</sup>.

- 1.8 Para 2.7 states, *'In the run up to the 2018 inquiry, despite requesting through-route Access Strategy Option B to be included, the Council were very negative of Option B, as set out below, and considered in detail in Section 11.0.'*

The rule 6 Party wishes to respectfully remind the appellant that it was the residents and Peel Hall campaign team who raised significant concerns with respect to this junction. Following the site visit attended by all parties, it was in fact the appellant that withdrew this option at the public inquiry the following day.

- 1.9 Para 2.30 states *'It is noted that reference is made (to) the previous objections raised by the Council in respect of Option B, but they are now apparently seeking to rely on untested alternative access strategies.'*

The Rule 6 Party would respectfully remind the appellant, that the proposal and development of access strategies are not the responsibility of WBC. It is clear from the information provided within this proof that Option B was explored to see if there were any benefits to the proposed site access – clearly this isn't the case.

- 1.10 Para 2.31 WBC sets out in their July 2020 committee report (appellant Appendix DT/16) under 9.22 their objection to the proposal in respect of impact. Item 3 specifically states that *'Impact on Poplars Avenue and Capesthorpe Road (and surrounding residential roads by association) due to increased level of traffic.'*

We wish to expand on exactly which roads 'by association' refers to;

- Orford Green
- Capesthorpe Road (East) leading to Long Lane & Hallfields Road
- Greenwood Crescent
- Statham Avenue
- Howson Road
- Cleveland Road
- Sandy Lane
- Sandy Lane West

- Cotswold Road

By association does not nearly do justice to relay the impact of this proposed development on to a significant number of roads, all with direct on road access to dwellings.

- 1.11 *Para 2.32 states 'At the time of writing this evidence, there is no indication from the Council how any alternative access strategy could or would overcome the key issues identified at paragraph 9.23 of the Council's committee report.'*

Once again, it is not the responsibility of WBC to do the appellants work. Residents for over 30 years have stated that this site is landlocked and has always presented huge logistical issues gaining access to the site without severely impacting the area both in respect to both transport and character.

Short of buying countless more properties to demolish and drive another road through to the site and further impacting the communities and character – the Rule 6 party, like the council do not see alternative access possibilities, because there are none – partly the reason this land was sold decades ago.

We would suggest a more appropriate wording for this paragraph would be;

At the time of writing this evidence, we the appellant are uncertain of how to overcome the key issues identified at paragraph 9.23 of the Council's committee report.

- 1.12 *Para 3.4 states 'However, the inquiry was adjourned for a short period to enable a sensitivity test to be carried out which allowed the up to date OD information from WMMTM16 to be compared against the OD information within the Peel Hall model. This confirmed that the list of junctions identified by the Peel Hall model for stand-alone modelling remained unaltered and it was accepted {IR13.35} that any mitigation needed could in principle be accommodated within the bounds of existing highway land.'*

IR13.35 above also continued ..... That said, it seems reasonable to have, in advance, clarity about the full gamut of potentially affected junctions as well as some degree of assurance, rather than a reliance on theoretical solutions, that a full range of junction works could be delivered without unexpected hiccups or knock-on effects.

Paragraphs IR13.36 to 13.44 continue in a similar vein.

- 1.13 Para 13.49 states ‘The appeal proposal would be unlikely to have any impact upon the majority of residential streets in the area, in as much as there would be no obvious reason for traffic from the site to access them. Even using the appellant’s figures<sup>194</sup> , however, and having regard to the ‘without development’ scenarios, peak hour flows along those streets that serve as routes into and out of the residential area, chiefly Poplars Avenue, Capesthorne Road, Cleveland Road, Cotswold Road, Howson Road and Sandy Lane, would increase significantly. Sandy Lane West, Poplars Avenue and Capesthorne Road would see Annual Average Daily Traffic (AADT) levels reach over 10,000 by 2030. [8.23; 8.24; 9.81]

For purposes of clarity, we wish to provide context to this using the inspectors reference paragraphs as follows;

8.24 There is no evidence to demonstrate that these levels of flow along these roads will be acceptable. Microsimulation has not been undertaken by the appellant and yet it is self-evident that these roads are already carrying large traffic volumes in difficult circumstances.

8.25 There has been no effort to engage ‘head on’ with the issue of the environmental capacity of the roads. It is not for the Council to carry out microsimulation for the appellant, but rather it is for them to address a very obvious problem. They have not done so. They suggest a possible 20 mph speed limit but there is no evidence that it would address the problems and it would require a Traffic Regulation Order in any event.

In respect of referenced Paragraph 8.25 above, the Rule 6 party would respectfully highlight that 20mph limits are often not observed and are rarely enforced. Any assessment that requires a 20mph limit to make it acceptable should take into account the reality that many drivers would exceed this

- 1.14 With further reference to the inspectors report, item 9.81 referred to within Para 13.49 states;

9.81 Manual for Streets recommends that the limit for providing direct access on roads with a 30mph speed restriction is raised to at least 10,000 vehicles per day. When Average Annual Daily Traffic ("AADT") figures are calculated using the Transport in the Urban Environment calculations factors (recommended for traffic purposes), only the Capesthorne Road, Sandy Lane West and Poplars Avenue (between Howson Road and Capesthorne Road) links go above the 10,000 vehicles per day figure in the 2030 future year (with development traffic)<sup>103</sup>. Furthermore Manual for Streets states that the 10,000 figure could be increased further<sup>104</sup>.

The Rule 6 Party would re-iterate that WBC as the Highway Authority does not adopt the approach of increasing the 10,000 vehicles per day.

- 1.15 Para 4.6 states 'It was agreed with the Council that the VISSIM negated the need for additional stand-alone modelling on the A49 corridor.

The Rule 6 Party note however, that as of the 6<sup>th</sup> August, the VISSIM model has not been agreed as referred to in WBC's (Mr Taylors) PoE. Prior to and since this date, the Rule 6 Party have seen no further correspondence to suggest this has since been agreed.

- 1.16 Para 4.9 would appear to once again suggest that it's the Council's responsibility to do the appellants problem solving.

- 1.17 Para 5.7 Table 2 states that ‘generally the junctions will work within capacity’ and ‘the differences between Do Minimum and Do Something are minor’.

Firstly, the Rule 6 Party do not believe that an average increase in RFC across the assessed junctions of 27% is minor, especially given these junctions are already severely overburdened with peak hour traffic.

- 1.18 Para 5.7 Item 2 in respect of Myddleton Lane/Delph Lane states *‘It can be noted that when a junction becomes over capacity in a stand-alone model such as PICADY, e.g. the operation of the model in the AM peak hour, it cannot adequately forecast queueing and delay and as such the results should be treated with caution.’*

Without straying into the minutiae of these figures, one only has to stand at these junctions to see the impacts of current traffic is already severe. Now consider the impact of the proposed Peel Hall development, along with the approved Winwick Farm development, the recently approved Omega South development and proposed Parkside Logistics and Rail Freight Interchange. To suggest that stand alone PICADY results should be reviewed with caution is the understatement of the century.

Furthermore, suggesting a minor tweak (mitigation measures) to a couple of junctions will resolve this issue is insulting to those who sit in this traffic on a daily basis.

- 1.19 Continuing on in Para 5.7, the provision of a £35,000 contribution to the Council to provide traffic calming measures achieves nothing. This road should be seen first hand to understand the logistical issues faced. Traffic calming, we concede will prevent the odd wing mirror being lost, it will not however, improve pedestrian and cyclist safety – and to ignore these very issues only serves to turn its back on sustainable travel, the Councils Core Strategy MP4 and the National Planning Policy Framework.

Likewise, given that the appellants development proposal will serve to add hundreds (if not more) journeys along here by way of construction vehicles,



material deliveries, work force and eventually residents, we would assert that it should be the appellant that is made responsible in providing suitable traffic mitigation solutions along this route for the betterment of existing residents who will suffer the consequences of this development for many years through construction and beyond.

The construction period is often seen as temporary. However, the preliminary construction period at present stands at 10 years and will in fact most likely extend beyond this. This would be a substantial part of many residents' lives and represents permanent disruption, noise and air pollution to a large proportion of the existing community. This is not a site on the edge of town with easy access, it is landlocked within an urban area.

- 1.20 Para 5.8 makes reference to a meeting held by the appellant, Council and Highways England to discuss the VISSIM base model which has been updated and provided within Section 7 of their information.

Yet we understand that as of 6<sup>th</sup> August, the VISSIM model is still not agreed. The Rule 6 party can not comment any further only than to state this is either still the case or if now resolved, we have yet again failed to be included within correspondence materially affecting or ability to satisfactorily conclude our proofs of evidence.

- 1.21 Para 5.12 beggar's belief. The Rule 6 Party do not accept that displacing traffic further over the wider network is an acceptable strategy nor should it absolve the appellant from providing robust modelling and sensible proven traffic mitigation strategies.

Likewise, the appellant can't have things both ways. Within this proof (Para 3.12) they have previously cited comments from the inspector's report that;

".....the appeal proposal would be unlikely to have any impact on the majority of residential streets in the area...."

**The above statement which serves their purpose in previous statements would appear to be at odds with Para 5.12 – so which way is it to be?**

1.22 With respect to Para 5.13, the Rule 6 Party Transport PoE discusses the pitfalls of these mitigation measures in detail. However, we feel it necessary to repeat ourselves over a couple of key issues;

1.23 Para 5.14 Mitigation Methods discuss five options. Option ii being the provision of an extended 20mph speed limit through Capesthorne and Poplars – this is directly against the request of WBC as previously alluded to in Para 4.10.

1.24 Para 5.14 Item iii refers to highway verges along Poplars and Capesthorne Road.

As alluded to with the Rule 6 Party PoE for Transport, the appellant has clearly not done their homework as their calculated number of verge spaces can not be accommodated without the exacerbating the following issues;

1. Encroaching across existing driveways
2. Obstructing access to Sub Stations and Refuse Collection Points
3. Removal of a significant number of established trees.

1.25 Para 5.14 Item iv. refers to provision of uncontrolled drop kerb pedestrian points.

Let this sink in. Uncontrolled pedestrian crossing points along a network of roads that facilitates hundreds of parents and toddlers journeys to school each day. Along a network that will see in excess of 10,000 vehicle movements per day.

Simply put, this is just not acceptable. The appellants proposals serves to make these roads busier than ever, it places a major junction in between residents routes to schools and beyond and with that they get to manually negotiate their way across these roads with pushchairs and children.

- 1.26 Para 5.14 Item v. refers to provision of cycle friendly measures on Poplars Avenue such as painting cycle markings on carriageway near junctions to warn motorists of cycles.

So motorists at peak hours are now faced with negotiating traffic calming measures, new junctions not conforming to design standards (refer to Rule 6 PoE), multiple manual dropped kerb crossing points as well as an awareness of vehicles pulling in and out of roadside verge parking. Given that this particular part of North Warrington has the worst track record of cyclist and pedestrian safety, you'll have to forgive the Rule 6 Party for being sceptical as to the effectiveness of these road markings and subsequent level of cyclist safety.

There is no evidence from anywhere in the UK (or abroad) that painting cycle symbols or non-statutory cycle lanes on the carriageway has either made potential or existing cyclists feel safer or happier using a road, or that it has led to a demonstrable increase in the number or proportion of people cycling. On the contrary, research suggests that areas where the main cycle measures are on-road actually leads to a decrease in cycling in those areas. It is not obvious how many people they expect to cycle (or walk) to where and for what purpose. We would be interested in any evidence the appellant could provide that their cycle measures would be effective and are anything other than window dressing. Warrington as a local highway authority is way behind the curve in promoting cycling as a viable transport alternative. Comparable boroughs to the east are benefitting from the Chris Boardman Bee Network initiative and Liverpool City Region has significant plans. However the lack of interest from Warrington does not give the developer an excuse to ignore standard practice elsewhere.

1.27 Para 5.15 states there are six site access junctions as part of Access Strategy Option A.

This is an over exaggeration, in all truth, this is really a four access point strategy given that;

1. The 2<sup>nd</sup> to be newly formed access on to Birch Avenue, is merely an extension of the new Poplars Avenue (West) junction, without this, the 2<sup>nd</sup> Birch Avenue entrance does not happen.
2. The junction off Grasmere Avenue to the existing leisure centre is exactly that.....existing. The proposal is merely improvement and nothing else.

1.28 Para 6.3 item ii. refers to the VISSIM model and concludes this is considered in Para's 7.3 to 7.6. As previously stated, we are not aware the council are in agreement with the VISSIM model and would request clarity on this issue.

1.29 Para 6.3 item iii. States the council consider the individual junction capacity models to be satisfactory.

The Rule 6 party do not! A development of this size and complexity should have more thorough and robust survey data. A single day survey does not provide adequate context of the complexities and issues posed on these roads.

Likewise, we do not believe a sufficient cross section of roads and junctions have been assessed. Those not assessed uncannily reside in areas where traffic is often at its worst.

1.30 Para 6.3 item v. States that a travel plan and bus mitigation strategy are appropriate and can be secured via condition and section 106 agreement.

The Rule 6 Party agree that a bus mitigation strategy can be secured.

However, we do not believe that it is;

1. Sustainable
2. Of quality in nature
3. Likely to survive beyond the 3 year get out clause held by Warrington's Own Busses.

Likewise, the appellant does not provide any evidence of how many people might use the new bus service, over which years and for what purposes (for instance shopping in Warrington or accessing stations). There is every reason to suggest that the precipitous decline in Warrington bus use will continue. Overall their evidence on buses is patchy and unconvincing. They are subsidising local services for a short period because they are expected to, not because they believe that it has any transport value in what is a bog-standard car-dominated, car dependent volume-builder development.

1.31 Para 6.6 would appear to assert that Item 3 in previous para 6.5 is the most serious issue.

We would respectfully wish to clarify that these are council concerns and do not reflect the opinions of local residents who have never been adequately consulted. Whilst item 3 (Poplars and Capesthorne ) is undoubtedly a very serious and significant issue, the knock on effects to the roads surrounding the entire site and beyond must not be afforded less consideration in any way.

- 1.32 Para 6.7 asserts that Para 6.5 items i, ii and iv may potentially be addressed by appropriate mitigation.

The Rule 6 party assert that 'may potentially' is not good enough. Unless mitigation can be proven to work upfront and not confined to reserved matters, then these roads are placed at severe risk along with motorists, cyclists and pedestrians alike.

- 1.33 Para 8.4 makes reference to 15 parking bays to be provided for the existing residents of Birch Avenue. However, the plan provided by Highgate does not appear to provide sufficient space to turn into the parking bays, nor does it make any allowance for disabled parking.

Existing residents are likely to still opt for parking directly outside of their houses for convenience and the road width will still present a problem for passing vehicles and larger vehicles including refuse collections and emergency services.

- 1.34 Para 8.10 makes reference to an inspectors report in 2013 that should have absolutely no bearing on this public inquiry or proofs of evidence. In the space of 7 years, the roads have become more congested and design guides have superseded the inspectors findings.

To use an inspectors findings some 7 years ago to suggest that development of this section of Mill Lane to facilitate development is a cheap tactic. The Rule 6 Party have demonstrated perfectly well that the proposed development would not meet minimum road specifications. The provision of 150 new houses, potentially 300 additional cars constitutes an increase in road capacity three times the current level which simply can not be accommodated in a safe manner.

1.35 Para 8.13, irrespective of the conclusions at IR13.27, the provision of 150 dwellings under WBC's design guidance clearly states that footways should be provided to both sides of the highway, this can not be achieved and therefore also fails to meet the requirements for provision of cycle paths and therefore fails on the grounds of providing safe and sustainable travel for pedestrians and cyclists.

1.36 The appellant states in Para 10.7 in reference to NPPF Item 109 that ;

i. the appeal proposal does not have an unacceptable impact on safety that can not be mitigated against and;

ii. the appeal proposal does not result in severe residual cumulative impacts on the road network.

1.37 In respect of 1.36 item i. with all due respect, this is a very cheap and meaningless statement to make when it's not the appellant who will cycle or walk their children to school along these roads. The Rule 6 Party has more than adequately demonstrated the dangers and risks posed by the proposed development and mitigation measures taken in a desperate attempt to prove the impacts are not severe.

1.38 With regards to Item 1.36 item ii. the issue surrounding existing levels of congestion has already been proven by Rule 6 Party, residents testimonies, WBC Proofs of Evidence and the previous inspectors reports. The short comings within the proposed sustainable travel proposals are also well documents.

The majority of journeys will be via private motor vehicles and these journeys will only serve to exacerbate existing issues further.

1.39 Para 10.8 item a – the Rule 6 party has previously demonstrated the totally inadequate provision of sustainable travel proposed by the appellant.

- 1.40 Para 10.8 item b – disabled access to the proposed school would have to be gained via the Mill Lane junction. This means that residents with accessibility requirements south of the site may need to drive almost 3km to safely gain access to a school some 300m away.
- 1.41 In respect of both Paragraphs 1.39 & 1.40 above, the appellant has failed to meet the NPPF Para 110 requirements.
- 1.42 Para 10.9 makes reference to resolving issues with respect to NPPF item 110 at the reserved matters stage. This is unacceptable, the appellant has had more than sufficient time to put a substantial and detailed proposal forward that addresses issues and concerns previously raised by local residents – assuming they were listening.
- 1.43 Para 10.11 – it is becoming increasingly tiresome listening to Highgate bemoan the Council for not doing the appellants work. Mitigation measures should be borne out of detailed traffic assessments and utilising thorough and robust survey information gathered over time and with respect to a site of this size and complexity, ideally gathered over a number of periods through a year.

It appears that the appellant is blaming the council for the short comings of the proposed mitigation measures – the Rule 6 Party find this attitude both disturbing and disappointing.

- 1.44 Para 10.12 – it is not clear to anyone other than the appellant how this proposal is sustainable. Public transport provisions is woeful, the cycling infrastructure beyond the site is non existent and will not encourage cycling and existing residents will be forced to extend journeys to gain access to recreational facilities that were once on their doorstep.



- 1.45 Para 10.13 & 10.14 – the Rule 6 Party is keen to understand if this assessment by the appellant also includes over 10 years of construction traffic traversing through pedestrian streets.

**This time period does not appear temporary to the existing community.**

- 1.46 Para 10.16 & 10.17 – has the temerity to suggest that increasing existing bus journey times and the provision of a cycling lane from one end of the proposed development to the other constitutes sustainable travel and will serve to reduce private car use.

The Rule 6 Party have more than satisfactorily demonstrated that bus routes are such that simplest of journeys take an inordinate amount of time to reach the destination. In a large number of these journeys, more walking is involved than actual bus travel and clearly marginalises residents with disabilities. Likewise, existing residents that utilise the current bus service and already face journeys close to an hour to the east of the proposed development are likely to switch to alternative means of transport should bus services increase by 15 minutes (conservative estimate). The highly likely loss of existing patrons means a net loss in use of public transport.

The Rule 6 Party would assert that It would be possible to model the effect on existing patronage from the extension of journey times. The fact the applicant has not done this suggests that realise that a large proportion of existing passengers would find the journey too long and would either drive, or if they are not able or do not have a car would not make their journey.

- 1.47 10.18 & 10.19. The Rule 6 Party respectfully request that the appellant embellishes their statement regarding the provision of improved leisure routes to the wider network.

To the best of the Rule 6 Parties 'local' knowledge, these routes comprise of busy roads with no cycle lane provision. The appellant ultimately proposes to turf cyclists from the development out on to roads that are not cycle friendly. Whilst we appreciate this is outside of the appellants control, to refer to these roads as part of a safe and sustainable means of alternative transport is duplicitous.

- 1.48 Para 10.20 – the appellant makes reference to the area around the appeal site being very well served by the existing bus services. We would request all parties refer to the Rule 6 Party Proofs of Evidence and resident / bus patrons testimonies.

The Rule 6 Party feel it may be prudent for all parties to actually use this bus service at peak hours, perhaps at the conclusion of the public inquiry.

- 1.49 Para 10.21 & 10.22 – Policy MP7 with respect to travel plan and mitigating issues of road safety caused by the proposed development.

Please refer to the Rule 6 Proofs of Evidence which comprehensively detail where road and pedestrian safety has not been achieved.

- 1.50 Para 10.28 appears to try and justify the proposed development based on an extremely long term aspiration of the Council. An aspiration the overwhelming majority of residents does not believe to be achievable, given the volume of people that commute in and out of Warrington on a daily basis.

- 1.51 Para 10.29 makes reference to the Manual for Streets as the recommended approach for highway design and planning. The Rule 6 Party is curious as to why WBC's own design guide has not been used/adhered to.

- 1.52 Para 10.32. The Rule 6 Party do not believe that a number of NPPF and WBC Core Policies have been met and therefore refusal on these grounds alone should be the case.

1.53 Para 11.2 suggests that the increase in development traffic over years will serve to displace existing traffic over the wider network and thereby minimise rat-running. I'm afraid this only goes to show the naivety of the appellant and their lack of local knowledge.

To suggest that over time, the wider network will absorb the impact of the increase in congestion is wrong. Historically, North Warrington has always suffered with the inability for road users to make journeys east to west, mainly owing to the lack in provision of an expressway of any kind. Rat-running therefore in this instance is not a by-product of trying to circumvent traffic congestion, but simply the way that residents have made their way from A to B as part of their daily commute.

1.53 Continuing on from 1.53, the Rule 6 Party would assert that the likelihood of road users driving further out of their way through congested traffic in other parts of the borough is extremely unlikely. Of those who do choose to do so, all that will be achieved will be the increase of rat-running through other residential streets on the periphery of the roads considered within the traffic assessment.

Should this traffic displacement occur, all that will ultimately happen will be an increase in rat-running through other residential streets.

The Rule 6 Party therefore respectfully request that given the appellants strategy of displacing traffic even further across the residential roads, has this;

1. Been agreed with WBC and further assessments undertaken, with;
2. Consideration to appropriate mitigation measures to accommodate what effectively is development traffic (albeit displaced).

1.54 In continuation of above, the Rule 6 Party assert that the appellant cannot have the best of both worlds. A development on this scale will flood the network with thousands of additional daily journeys from residents, commercial deliveries and domestic deliveries from grocers, amazon, DPD etc. To suggest it is acceptable to displace cars through other residential areas and roads of North Warrington to make their proposed development seem palatable, whilst increasing traffic and lowering safety levels through other residential roads is wholly unacceptable and does not meet criteria item 109 of the NPPF.

1.55 Para 11.3 and it's associated tables are meaningless without context. Prior to the public inquiry, could the Rule 6 Party respectfully request that these tables are supplemented to show the % increase in daily traffic?

1.56 Para 11.6 Figure 11.1 and 11.2 shows the development traffic AM/PM Peak hour increases to the network (south of the site).

The Rule 6 Party to the best of their knowledge has not seen similar graphical representations for the North East of the proposed development. Given the largest part of the development will access/egress from Mill Lane, it would seem prudent to provide such information to demonstrate the additional journeys that will undoubtedly impact the likes of Delph Lane, Crab Lane, Capesthorpe Road etc..

1.57 Continuing on Para 11.6 Figure 11.1 & 11.2, the Rule 6 Party must question the numbers used in the illustration.

Given this south of the development is set to provide 600 new dwellings, at a recognised national average (ONS) of 2.4 people per household, this would equate to an anticipated volume of 1,440 residents.

The office of national statistics recently assessed the Average commute and percentage travelling by car for the UK and constituent countries. For England, that figure was 67% of people and for an average of 30 minutes.

The numbers shown in the AM/PM figures are not realistic, they do not conform with traffic/commuting habits witnessed across the remainder of the town and should be revisited.

1.58 Para 11.8 quotes the inspectors report item IR13.38 insofar as;

“most vehicles do not appear to travel at speed, streets are straightforward to cross, and it is a pleasant area through which to walk (although this situation changes on some streets during the peak hours).”

The Rule 6 Party conclude that it must be recognised that the inspector is stating that during peak hours there is a noticeable increase to vehicle speed and risk to pedestrians crossing (safety). This is before hundreds more cars are added to the network.

1.59 In Para 11.9, the appellant is utilising the inspectors report (IR13.49) to confirm;

“...the appeal proposal would be unlikely to have any impact on the majority of residential streets in the area”.

Yet, the appellant have also stated that rat-running will be eased as existing commuters seek to utilise the wider network to circumvent congestion created by the additional development traffic/vehicles.

Once again, which one is it to be. These statements are at direct odds with one another.

1.60 Paragraphs 11.10 to 11.12 inc make reference to the inspector report ref IR13.49, IR13.50, & IR13.53.

The Rule 6 Party agrees with the inspector in as much as the roads surrounding the site will become less pleasant, the areas will become busier, noisier and adversely impact the character.

1.61 Para 11.12 makes reference to NPPF Ref 109 and 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 argument the Rule 6 Party assert in this regards is three fold.

- i. The Rule 6 Party have put forward a comprehensive case against the proposed development to highlight many short comings with both the proposed access points and traffic mitigation measures.
- ii. Local knowledge in the way of countless residents who use these roads on a daily basis as part of their commute are all too aware of the impact that extra cars will have on their journey. Furthermore, this doesn't take into account the dire consequences the area will face when the proposed Parkside Logistics and Rail Hub come online.
- iii. Finally, the appellant has not demonstrated beyond doubt that their access design and mitigation measures will not have a severe impact on highway safety.

It would be a miscarriage of natural justice to 'suck it and see' if the proposed development and mitigation measures were in fact appropriate for a scheme of this size and complexity.

On this basis the Rule 6 Party assert than planning should not be approved until a sensible access strategy fitting of a development this size can be put forward by the appellant.

- 1.62 Para 11.13 makes reference to the peak PM traffic along the central section of Poplars Avenue being in the order of 280 vehicles per hour. The appellant concludes this is 2 vehicles per minute.

**Two vehicles per minute during the peak PM vehicle movements!  
These numbers can not be taken seriously.**

This section of road if approved will serve 600 new dwellings, shops, offices and sports facilities. In which realm of fantasy will the peak traffic movement equate to 2 additional vehicles per minute? Vehicles during the peak hours will stream through here in far greater numbers. Given the mitigation proposals are based on the appellants current figures, the Rule 6 Party can therefore reasonably and sensibly conclude that they will be insufficient to cope with 'real world' figures should approval be granted.

- 1.63 Paragraphs 11.13 to 11.26 make reference to the 5 year accident history of various roads within the area.

These figures are provided in isolation and in that regard are meaningless. When viewed more holistically as any development of this size and complexity should be, the safety of road users, cyclists and pedestrians must be considered as a whole.

For the purposes of rebutting this particular set of paragraphs, the Rule 6 Party shall focus on cyclists and pedestrians in the spirit of sustainable and alternative travel to private vehicles and would respectfully request reference be made to WBC Proof of Evidence for Transport Para 5.19 to 5.25.

The applicant (and to a lesser extent WBC) use a standard industry approach to 'road safety'. However, this effectively relies on bald figures of how many people have been run over by vehicles and how many as a result have been killed or seriously injured. It does not take into account the way that people change their daily lives to avoid roads that are unpleasant or inconvenient or dangerous due to the volume or speed of traffic. The area is already over-run by traffic that often makes the lives of many people a misery. They avoid walking or cycling along the main routes due to road danger and the proposed development will make this many times worse.

1.64 In Para 11.28, the appellant suggests '.....it can be seen that there is no pattern in accidents to suggest a road safety history that will be exacerbated by the appeal scheme..'

1.65 WBC Conclude in Para 5.25 of their Transport PoE that;

*In view of the existing pedestrian and cyclist casualty data combined with the high peak hour vehicle increases highlighted at 5.6 above and the significant increases in AADT through the area highlighted at 5.10 to 5.13 above; both as a direct result of the proposed development, it is considered that the development will have an unacceptable impact on highway safety.*

1.66 The Rule 6 Party would assert that Para 1.64 and 1.65 are at total odds with one another. Given that WBC's position comes from historical facts and figures, then the appellants evidence would appear to be more conjecture than evidence based.



1.67 Para 11.31 makes reference to the mitigation measures being secured under appropriately worded planning condition should the development be approved.

The issue however is not the securing of the mitigation measures, but the mitigation measures themselves. As previously highlighted within the Rule 6 PoE's, the mitigation measures have not proved beyond reasonable doubt their effectiveness and ability to prevent congestion and reduce the risks to pedestrians and cyclists.

The mitigation has been designed around a utopian scenario of maximum journeys by bus and cycle – this is fanciful. This scenario will not be realised and thereby provides very poor foundations from which to determine mitigation measures.

In fact, current levels of cycling are very low, most likely because of the extremely busy roads which serve the area and the danger posed to cyclists. The appellant's own traffic survey recorded an extremely low percentage of vehicles as bicycles during their manual traffic count surveys – 0.266% in total (please refer to appellants MTC's J1-17 inc).

1.68 Para 11.32 states in respect of verge parking that;

*The Council's position regarding the proposed verge parking, which they agree will free up road space and improve traffic movement, is to raise a concern that verge parking may mask pedestrian movement. It can however be noted that a vehicle parked on the verge is less likely to mask a pedestrian waiting to cross the carriageway than a vehicle parked on the carriageway.*

The Rule 6 party share the exact same concern as WBC. Anecdotal evidence points to verge parking having the following negative impacts;

1. Larger areas of hardstanding encourage multiple crossing points in between parked vehicles, creating a hazard to motorists, pedestrians and cyclists alike.

2. Obstruction of access between property and roadside to for refuse collections. (Especially direct frontage premises such as Poplars Avenue and Capesthorne Road)
3. Increased waiting times and queueing for traffic as cars manoeuvre into parking bays.
4. Net loss of green space. (Complete reduction in respect of Capesthorne Road).
5. Loss of natural drainage and attenuation as a direct result of this loss.

1.69 Para 11.33 & 11.34 state;

11.33 The officer's consultation response of June 2020 Appendix DT/15 also set out that, "The most appropriate means to accurately reflect link capacity and movement throughout this area (to the south) would be via a micro-simulation model."

11.34 We have never been able to agree the means of assessing the capacity of the network in this area. However, the forecast traffic flows for the area to the south are derived from WMMTM16 and the cordon model for Peel Hall was updated to include key roads, in agreement with the Council.

The Rule 6 party respectively seek clarity on why micro-simulation, if previously recommended has not been undertaken. Highgate transport are professional consultants in this field and should be more than capable of providing options for consideration to allow this to be undertaken.

Likewise, given the very low AM/PM peak hour figures provided within the assessment, we are not surprised to learn that robust simulation of this area has not been undertaken. This only serves to reinforce the Rule 6 Parties stance that the traffic assessment is wholly inadequate and can not be relied on for both impact of highways, noise and air quality.

1.70 The appellant states within Para 11.35 that;

*Developing a micro-simulation model in this area was considered but it was concluded that this would not be a worthwhile exercise given that it would not tell us anything we do not already know, such as:*

*i. Given the congested network of north Warrington as the level of background traffic increases throughout the north Warrington area, through-traffic will seek to find whatever routes are available until capacity is reached.*

*ii. On street parking reduces capacity and as such the introduction of verge parking could help increase the free flow of traffic.*

The Rule 6 Party find this statement unacceptable. The impact of a development of this size and complexity should be fully modelled and understood. We do not accept that a statement that the roads are already busy and therefore a micro simulation will not tell the appellant anything they do not already know – this shows a glaring lack of respect for those that will be left to deal with years of subsequent traffic misery.

The Rule 6 Party, believe that adequate micro simulation will tell the appellant everything they need to know, that is - it will only serve to prove that the existing network in the study area is already at capacity, something which is obviously not in the appellants best interests.

The appellant quite rightly states in item i. that *'through traffic will seek to find whatever routes are available until capacity is reached'*. For the avoidance of doubt, that will most certainly happen on a daily basis. Vehicles will look to rat run through roads that have not been adequately assessed and exacerbate issues with traffic, air quality and noise even further. For this reason the impact proposed will undoubtedly be severe in nature and for this reason alone should not be granted.

1.71 Para 11.36 in conclusion states that;

Whilst any development on this site is bound to have an impact on the area to the south in terms of capacity and safety, given the above, it can be concluded that it does not necessarily mean harm.

Firstly the Rule 6 Party are extremely concerned that the same level of attention has not been paid to the North of the site. There are regular issues along Enfield Park Road, Crab Lane, Delph Lane, Myddleton Lane and Golborne Rd as vehicles travel towards the M62 & M6 junctions. The influx of additional traffic from this side of the proposed development (the larger proportion of dwellings) will have a severe impact on the network.

This is a fair conclusion given the issues that are currently experienced on a daily basis. As previously highlighted in the Rule 6 PoE, a slightly modified road junction and a keep clear section on Golborne Road will have very little effect. This is because the restriction in travel is not created by the junction itself but by the sheer volume of traffic that converges at said junctions.

1.72 Keeping with Para 11.36, the Rule 6 Party are at a complete loss to understand how the appellant in the same sentence can conclude that the development is bound to have an impact on safety but does not necessarily mean harm.

1.73 In response to Para 11.37, the Rule 6 Party have more than adequately demonstrated that the proposed access strategies within the study area place residents at increased risk, to believe otherwise raises concerns as to the integrity of the professionals employed to assess this impact on traffic and safety.

The Rule 6 do not make this statement light heartedly, but based on a series of simple glaring facts;

1. A significant increase in vehicular movements along an already busy road that provides significant pedestrian access to schools during AM peak hours.
2. The provision of a new major junction that pedestrians will have to negotiate as part of their walk to gain access to bus stops, school and beyond.
3. Continuing on from point 2 above, it should be noted that a significantly high number of pedestrians on foot comprise of parents with young children and push chairs.
4. The provision of manual dropped kerb crossing points and significant increase in vehicle movements are therefore likely to make negotiating crossing these roads very difficult indeed.

1.74 Para 11.38 – The Rule 6 assert that the proposed mitigation measures are neither desirable or effective. The only obligation the Rule 6 party deem essential is to provide a more thorough impact assessment ensuring micro simulation is undertaken, realistic traffic volumes and AM/PM figures ascertained and appropriate access and mitigation measures proposed that genuinely have the existing residents health, safety and wellbeing placed first.

1.75 The appellant states within Para 11.59 that *‘.....the Council have not, to my knowledge, explored alternative access strategies to provide evidence that others are feasible or appropriate...’*

To the best of the Rule 6 Parties knowledge and as stated by the appellant within their conclusions, the Council have provided recommendations for alternative access that the appellant has deemed unsuitable. As stated previously within this rebuttal, it is not the responsibility or duty of WBC to do the appellants work and to try and deflect their responsibility in such a manner is most unprofessional.

1.76 The final Paragraph ref 11.60 concludes that '*...it would be unreasonable that this appeal should be dismissed on the ground that there are one or more feasible alternative access strategies*'.

Local knowledge and a stronger understanding of the road dynamics combined with the realistic appraisal of private vehicular movements suggests that the impact on congestion and road safety would be so severe in nature that the character and feel of the existing areas would be harmed irreparably.

Inadequate access strategy aside, the Rule 6 Party assert without hesitation that the appeal should be dismissed on the grounds that the appellant has once again failed to demonstrate beyond reasonable doubt that the impact to highway congestion and safety would not be severe.

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