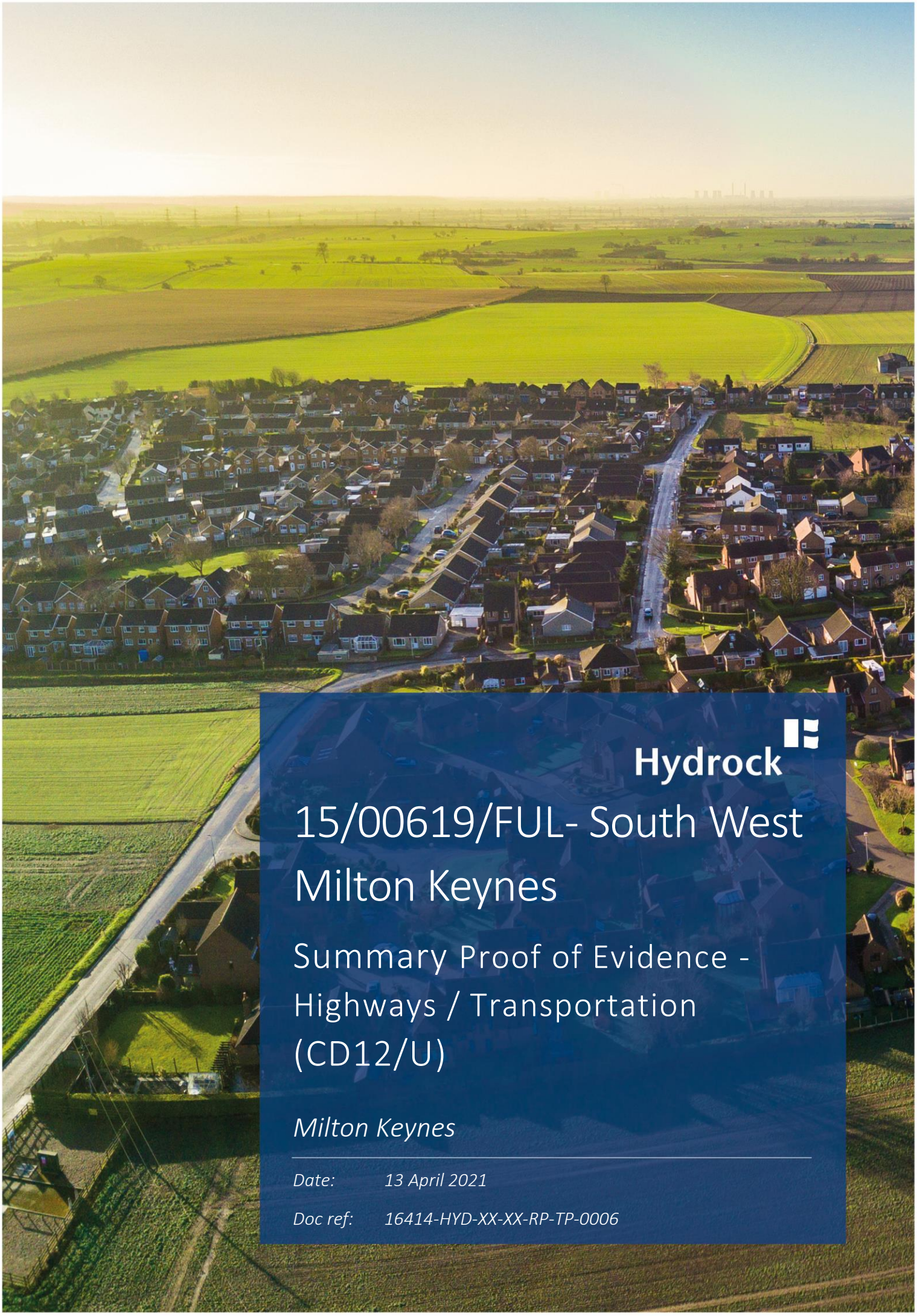

Hydrock

15/00619/FUL- South West Milton Keynes

Summary Proof of Evidence - Highways / Transportation (CD12/U)

Milton Keynes

Date: *13 April 2021*

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1. INTRODUCTION

1.1 Qualifications and Experience

1.1.1 My name is James McKechnie. I am a Chartered Member of the Chartered Institute of Logistics and Transportation (CILT) and a Fellow of the Chartered Institution of Highways and Transportation (CIHT), which is the highest grade of membership of that institution. I have a BA (Hons) degree in Geography and a Post Graduate Diploma in Transport Planning and Highway Engineering.

1.1.2 I have twenty-four years' experience in planning related disciplines, of which the most recent twenty years has been in the highways and transportation consultancy field. This has provided me with extensive experience of transportation / development planning and development management matters, having provided advice in both private and public sector roles during this time, and as a member of a national Design Review Panel.

1.1.3 I am the national Transportation Divisional Director with Hydrock Consultants Ltd, prior to which I was an Associate and then Technical Director with the company. I have been employed by Hydrock since 2010, before which I was the Associate Director leading AECOM's Transportation Development Planning teams in the south west of England, also managing the Highways Agency's Area 1 Spatial Planning Framework (development management) contract during this time.

1.1.4 Before joining AECOM, I was Senior Transport Planner at Torbay Council, with responsibility for Highways development management matters, accessibility, sustainability, cycling, Local Plan and Local Transport Plan policy formulation. Prior to this I worked for the engineering consultant Parsons Brinckerhoff as transport advisor to Devon County Council, Torbay Council and the Highways Agency.

1.1.5 I have advised private and public sector organisations in relation to the highway impacts of a significant number and range of development proposals throughout England and Wales. These include a large number of planning applications for new homes, mixed-use, educational, energy, commercial and logistics schemes. I acted as Project Director on the Hinckley National Railfreight Interchange scheme in Leicestershire, and I am the retained Highways consultant for the Local Planning Authority responsible for delivering the Hinkley Point C nuclear new build in Somerset - both of these are Nationally Significant Infrastructure Projects (NSIPs). I am a committee member of the CIHT, as well as sitting on Highways England's Sustainable Development Steering Group, which is the national liaison panel between Highways England and the development sector.

1.1.6 My experience includes successfully representing clients at Public Inquiries including Land North of Marnel Park, Basingstoke; Isle of Portland Aldridge Academy; Route 39 Academy; and CPO Inquiries relating to the Midlands Metro and the extension of Manchester Piccadilly railway station. Alongside the above, my experience includes a range of other Inquiries, Hearings and Written Representations appeals.

1.1.7 Additionally, I have represented clients at numerous Local Plan and, previously, Structure Plan, Examinations; and on a variety of Strategic Housing Land Availability Assessment (SHLAA) panels.

1.1.8 I provide this evidence on behalf of Milton Keynes Council, with regard to transportation / highways matters. This evidence has been prepared, and is given in accordance with, the guidance of the Royal Town Planning Institute. I confirm that this evidence sets out my professional and honest assessment and I believe it to be true.

1.2 Preface

1.2.1 My Proof of Evidence[1] has been prepared on behalf of Milton Keynes Council (MKC) in relation to a planning appeal against MKC's refusal to grant planning permission for application 15/00169/FUL - an outline planning application for physical improvements to the Bottledump roundabouts and a new access onto the A421 (priority left in only) to accommodate the development of land in Aylesbury Vale District.

1.2.2 I have reviewed the Council's decision to refuse to grant planning permission in the context of the Transport Assessment[2] (TA) which was current at the time of determination, the appellant's 2020 TA[3] and Travel Plan[4] (TP), Transport Response Notes (TRN) 1[5] & 2[6], and in relation to WSP's January 2021 submissions including TRN3[7].

1.2.3 MKC's Decision Notice dated 15th November 2019 sets out a single Reason for Refusal (RfR):

'That in the opinion of the Local Planning Authority there is insufficient evidence to mitigate the harm of this development in terms of increased traffic flow and impact on the highway and Grid Road network, with specific reference to Standing Way and Buckingham Road, thus this will be in contravention of Policies CT1 and CT2 (A1) of Plan:MK.'

1.2.4 Subsequent to determination of the application, pre-application discussions were held with the appellant in anticipation of a further planning application, leading to the production of the 2020 TA[3]. The 2020 TA[3] was subsequently used by the appellant as the initial evidential basis for the Public Inquiry. Whilst it has been described by the appellant as an 'updated TA', that 2020 TA[3] was in fact a completely new analysis based on new data and a wholly-different approach.

1.2.5 In the interim, the appellant produced further evidence which, in relation to the MKC highway network, includes the following principal documents:

- September 2020
  - » Transport Response Note 1 (TRN1) (CD16/A) - 78 pages plus extensive appendices
- December 2020
  - » Transport Response Note 2 (TRN2) (CD16/B)
- January 2021 documents:
  - » Transport Response Note 3 (TRN3) (CD16/C)
  - » Road Safety Audit (RSA) Brief for junctions within BC (CD16/D)
  - » RSA Brief for junctions within MKC (CD16/D)
  - » RSA and Designer's Response (DR) for junctions within MKC
  - » An Addendum Environmental Statement (ES) Chapters 10, 11 and 12, covering traffic and transport, air quality, and noise and vibration (CD17/C)

[1] CD12/N
[2] CD2/E*
[3] CD10/H/A
[4] CD10/H/B
[5] CD16/A
[6] CD16/B
[7] CD16/C

1.2.6 As set out in MKC's letter to the Planning Inspectorate (PINS) (September 2020), the appellant's extensive new transport evidence also includes:

- February Traffic Surveys Technical Note (Appendix MJP10 of Mr Paddle's earlier proof)
- Model calibration Technical Note (Appendix MJP11 of Mr Paddle's earlier proof)
- Appendix MJP12 of Mr Paddle's earlier proof, which is a Technical Note of more than 200 pages, including alternative proposals for Tattenhoe Roundabout (now superseded by TRN3[8])

1.2.7 Given the volume of evidence, much of which is now superseded, the appellant has provided a Signposting Guidance Document setting out which elements remain current[9].

1.2.8 The proposals on appeal are for highway works that seek to facilitate access to the overall development which is not within Milton Keynes, being the subject of a separate planning application - Ref 15/00314/AOP - dealt with by BC. My evidence focusses only on matters within the administrative area of MKC.

1.3 Liaison with the Appellant and Other Parties

1.3.1 I have had regular meetings and correspondence with WSP, who act on behalf of the appellant. Meetings / correspondence between WSP and Hydrock are described at paragraph 1.4.1 of my main proof[10]. Similarly, I have had regular meetings with highways representatives for the other parties to the appeal.

1.3.2 Given the extensive and regular dialogue set out above, it is disappointing that there have been significant delays in the provision of information by WSP, and that some comments made by MKC remain unaddressed in its latest submissions. The evidence submitted to the Inquiry is focussed on the comments of BC and makes little or no reference to MKC's proactive input.

[8] CD16/C
[9] CD16/E
[10] CD12/N

2. PREVIOUS TRANSPORT ASSESSMENTS

2.1 Background

2.1.1 The appellant has previously presented two relevant Transport Assessments (TAs), one in support of the planning application and another as part of its appeal submissions (the 2020 TA[11], now superseded in a large part by TRN1-3[12])[13]. The Council's case refers firstly to the earlier TA[14] (2016) as that is the document upon which Members based their decision to refuse to grant planning consent.

2.1.2 In the interests of moving the appeal forward and focussing on the latest evidence, the wording of the reason for refusal has now been considered by MKC in the context of the 2020 TA[11] (where it remains current) and TRN1-3[12]. Nevertheless, it is helpful to briefly consider the earlier TA[14] (2016) and the veracity of Members' decision-making in the context of that document.

2.1.3 Having reviewed the 2016 TA[14] and reports relating to strategic traffic models held by MKC, the Milton Keynes Multi Modal Model (MKMMM) assesses the impact of Plan:MK development but does not include the proposed transport mitigation measures associated with the appeal site. Consequently, it presents an 'unmitigated' scenario, to inform (rather than include) the related mitigation. It is for the developers of individual sites to identify mitigation and to work with the authorities to agree its acceptability.

2.1.4 Mouchel's TA[14] (August 2016) used the Milton Keynes Traffic Model (MKTM) to determine locations for assessment, with local traffic models (using MKTM flows) utilised to assess junction performance. The MKTM has a base year of 2009, now 12 years ago and prior to both the 2011 and 2021 Census (data from which would now commonly be used to inform traffic distribution assumptions for example). A future (forecast) year model was produced, representing traffic conditions in 2026 inclusive of planned development growth locally.

2.1.5 The MKTM was used to distribute and assign trips to the network, albeit the reassignment of trips due to additional demand / queuing / delay was not represented in the TA[14] analyses. The TA[14] states that this represents a 'worst case'[15] but that is not necessarily so, as there may actually be diversion of existing trips to other locations which become impacted but have not been fully assessed.

2.1.6 In summary, the evidence before the Council at determination stage failed to adequately demonstrate the impact of the development and Members of MKC were correct to refuse to grant planning consent.

[11] CD10/H/A
[12] CD16/A, CD16/B, CD16/C
[13] There was an earlier TA by Pell Frischmann, but that was not relied upon for determination purposes.
[14] CD2/E*
[15] 2016 TA paragraph 7.36.

3. 2020 WSP SUBMISSIONS

3.1 Transport Assessment

3.1.1 The 2020 TA[16] adopted a different methodology from the previous iterations, stepping away from direct use of the Council's strategic traffic models and using a TRICS-based trip generation / spreadsheet distribution instead. Whilst the initial scope of the TA was agreed, that does not and cannot equate to the agreement of the eventual findings of that document, or exclude the requirement for further assessment work. This is confirmed by the statement of Mr Weeks who acted for the Council in relation to defining the scope of the 2020 TA (Appendix G my main proof of evidence[17]).

3.1.2 Given that its 2020 TA[16] and subsequent TRNs[18] follow a completely different methodology from the 2016 TA, the appellant evidently no longer supports the determination-stage TA, adding further weight to Members' decision to refuse planning consent. Likewise, in agreeing to use a different methodology, the appellant accepted the argument put forward by BC[19] that the Milton Keynes Multi Modal Model (MKMMM) would not be a suitable evidence base to support the new TA / TRNs - a stance which contradicts WSP's subsequent statements that the MKMMM provides suitable evidence as to the redistribution of traffic which would result due to congestion relating to the proposed appeal development.

3.1.3 The 2020 TA[16] and subsequent TRN1-3[18] identify locations where significant queuing and delay are predicted. However, WSP argues that drivers would re-route to avoid those locations[20]. Whilst that may be the case, there is no further detailed assessment of where that re-routing would occur, or what its impacts might be.

3.1.4 Given WSP's view that the MKMMM provides sufficient information, there is no analysis of that model within the 2020 TA[16] or TRNs[18]. The appellant cannot argue that its evidence over-predicts traffic impacts in some locations (e.g. the A421) without providing evidence as to where drivers may re-route / what the impact of that re-routing would be. That insufficiency of evidence is contrary to the requirements of the NPPF[21], NPPG[22] and the EIA Regulations.[23]

3.1.5 During my initial meetings with WSP, acting for the appellant, it was agreed that WSP would draft a methodology for the assessment of such re-routing[24]; regrettably, at the meeting on 18th August 2020, WSP confirmed that it had no such instructions from its clients and would not be presenting this information[24].

3.1.6 As can be seen from paragraph 1.4.1 of my main proof[17], it was suggested by WSP that MKC ought to be able to come to a view as to the impact of the appeal development by reference to its strategic traffic models. However, that approach is wrong because:

[16] CD10/H/A
[17] CD12/N
[18] CD16/A, CD16/B, CD16/C
[19] Minutes of meeting between BC, MKC and the appellant, 15/01/20.
[20] For example, at paragraphs 8.3.25, 8.3.34, 8.3.46, 8.3.54, 8.3.62 of CD10/H/A.
[21] Section 7.2 of this proof of evidence.
[22] Section 7.3 of this proof of evidence.
[23] Section 7.4 of this proof of evidence.
[24] Section 1.3 this proof of evidence.

- It is not the responsibility of the LHA/LPA to undertake such assessments on behalf of a planning applicant. This work would usually be undertaken by the developer's consultants, or by others with developer funding.
- In taking a different approach to the preparation of the 2020 TA[25] and subsequent TRNs[26], WSP accepted that the available MK strategic traffic models were not suited to the assessment of the impact of its development in any case.
- The MKMMM would require further work, funded by the appellant, in order to provide a development-specific assessment of traffic impacts across the wider highway network.
- Given the scale of impact which WSP predicts on key routes including the A419, the NPPF, NPPG and EIA Regulations require the provision of a comprehensive evidence base assessing the wider impacts of the appeal development. Even if MKC was currently able to come to a view as to the likely wider effects of the proposed development on traffic flow, which it cannot, the TA/TRNs and EIA would still need to address that in order to be complete.

3.2 Travel Plan

3.2.1 The revised (2020) Framework Travel Plan[27] is an update of the 2016 document[28].

3.2.2 I consider that the TP[27] has some potential to create modal shift away from private motor vehicles, but am concerned that there are insufficient specific commitments in relation to its implementation.

3.2.3 Furthermore, the trip rates (from TRICS) used in the 2020 TA[25] and subsequent TRNs1-3[26] refer to sites which, in many cases, already have Travel Plans. Consequently, one cannot simply apply a further 'Travel Plan reduction' to those trip rates, bringing into question the validity of the 'sensitivity test' which WSP has presented to test the potential effect of the TP[27].

3.2.4 On this basis, and due to my previously-stated concerns regarding the TP[27], which offers no greater level of measures than would generally be expected from such a document, I place no reliance on the 'Travel Plan' modelling scenario. My view is consistent with that of MKC at scoping stage for the 2020 TA[25].

[25] CD10/H/A
[26] CD16/A, CD16/B, CD16/C
[27] CD10/H/B
[28] CD2/E

4. AMENDED APPLICATION

4.1.1 The current (undetermined) amended proposals relating to matters in the BC administrative area are currently under review by BC and MKC under the cross-boundary consultation process. BC does not currently have a resolution on these changes from its planning committee, and the determination of the application will follow the Public Inquiry for the MKC application.

4.1.2 The amended application is supported by the same technical evidence as submitted in respect of the appeal. The issues raised in this proof of evidence have been raised with the applicant as part of MKC's consultation responses to BC.

5. POINTS OF ACCESS

5.1.1 Three vehicular accesses are proposed (and described in paragraphs 4.3.16 to 4.3.35 of the 2020 TA[29]:

- a left-in (only) junction on A421 Standing Way;
- a four-arm roundabout on Buckingham Road; and
- a priority-junction on Whaddon Road.

5.2 A421 left-in only junction

5.2.1 The appellant has provided no capacity assessment of the A421 access. For a development of this scale, it would be common practice to provide evidence that the proposed new junction would accord with relevant geometric design criteria. The junction arrangement (Appendix O of CD10/H/A) provides no indication of carriageway widths - these would generally be provided at planning stage.

5.2.2 I have raised these concerns with WSP, including my further concern that the proposed pedestrian/cycle route takes users off of their desire line and pedestrians in particular would be likely to cross the proposed post and rail fence and walk across the new access on the alignment of the existing route (without proper crossing provision or visibility splays)[30].

5.2.3 The access arrangement lacks detail in its design; is out of step with the relevant design guidance; would increase the weaving of vehicles between Tattenhoe Roundabout and the access; would likely lead to deceleration on the A421 mainline by vehicles entering the site, as a consequence of its geometry; and does not make suitable provision for pedestrians and cyclists.

5.2.4 At present, the access design in WSP's evidence to the Inquiry does not comply with current design guidance (LTN1/20[31]) and, on that basis, is under review by the appellant in relation to the live planning application for the wider development.

5.3 Buckingham Road Access

5.3.1 The Buckingham Road (B4034) access would comprise of a 44m ICD (Inscribed Circular Diameter) roundabout with single-lane approaches and exits. Whilst the roundabout itself sits within the BC area, it ties-in to Buckingham Road which is part of the MKC network and has a direct effect on the performance of the highway within the MKC area.

5.3.2 A new Toucan crossing is proposed to the west of the roundabout, connecting with existing pedestrian/cycle facilities to the north. However, the arrangement appears somewhat unresolved in relation to its impact on the existing access to the lane south of Buckingham Road, part of which is proposed to be converted to foot/cycleway. In order to protect the operation of that existing access, it would seem more appropriate for the crossing to be moved slightly to the east.

5.3.3 WSP is currently reviewing the cycle provision at and around this access in light of the current design guidance set out in LTN 1/20[31].

5.3.4 The roundabout design has an impact on visibility from and onto vehicles emerging from New Leys, which is an existing property to the east of the proposed roundabout. No assessment appears to have

[29] CD10/H/A
[30] Minutes of meeting between WSP and Hydrock, 23rd March 2021 (Appendix F, CD12/M)
[31] CD13/E

been made in respect of this matter and the design indicates no protection of areas required for visibility in general.

5.3.5 As with the A421 access, the design appears to have been prepared on OS base mapping and without any indication of intended carriageway widths, which would usually be required at planning stage. Consequently, the geometry of the scheme has not been confirmed in terms of the intended carriageway widths and their relationship to existing features.

6. TRANSPORT RESPONSE NOTE 3 (TRN3)

6.1 MKC Plan:MK Modelling

6.1.1 MKC commissioned AECOM to model the impacts of Plan:MK growth[32] using SATURN and EMME software. That work did not extend to the identification of mitigation schemes where these would be required. Furthermore, the Inspector's Final Report on the Plan:MK Examination[33] makes it clear that site-specific mitigation would need to be developed in line with the MK Mobility Strategy[34].

6.1.2 AECOM states that 'the model was not designed for use in a scheme specific assessment. For such an assessment it is recommended a revised forecast model would be produced from a recalibrated base year model using additional and more recent data and targeted to reflect a more specific geographical focus of resources and modelling effort'[35]

6.1.3 AECOM's conclusion that the model is not suitable for scheme-specific assessments without significant additional work fundamentally undermines suggestions by WSP that MKC ought to refer to the MKMMM in order to take a view on the likely redistribution of traffic as a consequence of the appeal site.

6.1.4 It is not for MKC to have to undertake that additional modelling work on behalf of the developer, whereas the appellant could have instructed AECOM to progress a scheme-specific assessment (it did not do so because it did not accept the validity of the model). Alternatively, WSP could have produced its own modelling which would be capable of assessing redistribution across the wider network - e.g., using microsimulation modelling.

6.2 Junction Model Updates

6.2.1 Hydrock has undertaken a comprehensive review of models submitted by WSP for junctions within the MKC area. I am content with the way in which these junctions have been modelled, with the exception of Junction 5: Tattenhoe Roundabout and Junction 6: Bottledump Roundabout.

6.2.2 Regarding Junction 6: Bottledump Roundabout, lane simulation has been used to model the entry to the junction with no flare ('widening on approach'), inconsistent with the mitigation drawings. There is consequently no robust model with which one can take a view as to the likely operation of the junction.

6.2.3 The mitigation at Junction 5: Tattenhoe Roundabout includes the signalisation of the junction. There is a fundamental flaw with the model construction, concerning the length of the carriageway 'links' between the stop-lines on the roundabout and their resulting capacity. My main proof of evidence[36] shows that a fluctuation of one additional vehicle in the queues on the roundabout could cause blocking of the junction exits. Similarly, an articulated HGV stopped at the lights would completely or partially block the exits of the roundabout.

6.2.4 Keep Clear markings have been proposed to mitigate against this potential blocking back. It is unlikely that these markings would be observed by drivers and they are not enforceable. By contrast, yellow box markings are enforceable, increasing compliance. However, there must be full time signal control on the

[32] Milton Keynes Multi Modal Model - Impacts of Plan:MK, November 2017
[33] CD12/T
[34] CD12/T para 15
[35] Cd12/B para 1.9.1
[36] CD12/N

roundabout entry where they are to be used. In this case, the appellant proposes part-time (peak-hour) signalisation of the junction, which is incompatible with yellow box markings.

6.2.5 Even if yellow box markings were to be introduced, the gyratory lane lengths in the model would still need to be updated so that vehicles could not extend back onto these markings - this would reduce the stacking capacity of 16-20m to c.10m.

6.2.6 If these modelling issues are resolved, the results of the model would likely demonstrate that the mitigation proposed is insufficient to fully mitigate the development proposals in highway capacity and safety terms.

6.3 Mitigation Proposals

6.3.1 There is a general problem with many of the junction drawings provided by the appellant, which appear to be plans to inform modelling assessments, more than the type of General Arrangement plans required at planning stage. At present, the pack of proposed mitigation drawings lacks the level of detail that would be required for the works to be conditioned.

6.3.2 A full analysis of the proposed mitigation measures is set out in my main proof of evidence[37], and I have provided a short summary below.

6.3.3 Junction 1: Buckingham Road/Sherwood Drive/Water Eaton Roundabout

6.3.4 It would reduce provision for pedestrians and cyclists. There is no certainty that the scheme is deliverable.

6.3.5 Junction 2: Buckingham Road / Shenley Road Mini-Roundabout

6.3.6 The scheme drawings are incomplete and unacceptable for planning determination purposes, and the proposed mitigation would not address the severe / unacceptable impact of development traffic.

6.3.7 Junction 5: Tattenhoe Roundabout

6.3.8 The modelled operation of the junction is not accepted, as queuing around the roundabout would likely lead to exit blocking. Furthermore, the design needs to be worked-up in additional detail as there are matters which need to be confirmed in advance of determination, as they affect the deliverability of the design concept (and are therefore not detailed design matters as proposed by WSP).

6.3.9 Junction 6: Bottledump Roundabout

6.3.10 The junction modelling is not accepted, as there would actually be significantly less capacity - and, hence, more queuing and delay, than predicted in TRN3[38]. The proposed mitigation drawings should take account of the existing operation of the junction, including verge overrunning, and should be updated to avoid the conflicts between vehicles that are currently shown on the tracking plans.

6.3.11 Junction 12: Kingsmead Roundabout

6.3.12 The indicated position of the Vehicle Restraint System (VRS) barrier to the west of the overbridge appears to be further from the carriageway edge than is the case in reality. The RSA[39] notes the

[37] CD12/N
[38] CD16/C
[39] CD16/D

potential for side-swipe collisions on the junction, and WSP should provide tracking plots to demonstrate that it would operate safely.

6.3.13 Junction 14: Furzton Roundabout

6.3.14 The junction design does not identify to where street lighting and ADS signage could be relocated. Likewise, the nearside lane might better extend from the bus stop itself (with appropriate markings to control inappropriate use of the bus stop).

6.3.15 The area of widened carriageway on Chaffron Way is obscured from view on approach if a bus is using the bus stop immediately upstream. This could be an issue if vehicles are queuing in this lane.

6.3.16 Junction 15: Bleak Hall Roundabout

6.3.17 The proposed mitigation drawing is inadequate for planning determination purposes and does not address points raised in the RSA[40]. Even with mitigation, development traffic would lead to either increased queuing towards upstream junctions, or queues which would now block the exits from those junctions. the stand-alone model does not address exit blocking from the downstream Elfield Park Roundabout.

6.3.18 Junction 16: Elfield Park Roundabout

6.3.19 The scheme results in a worsening of conditions for pedestrians and queuing which interacts with other junctions in the vicinity. The scheme drawings lack the required level of detail and assessment for planning stage.

6.3.20 Junction 17: Emerson Roundabout

6.3.21 The proposed mitigation would appear to be outside of design standards, requires re-siting of street furniture / VRS, and has a potentially significant adverse impact on trees. The operation of the junction is predicted to create, and be impacted by, queuing at other junctions on the surrounding network.

6.3.22 Junction 18: Windmill Hill Roundabout

6.3.23 The proposed scheme would require the re-siting of street furniture, roadside technology and statutory undertakers' equipment. The drawings omit to show sufficient detail, which should include road markings and vehicle tracking; however, the proposed design includes geometric issues which should have been resolved in advance of the appeal, as described in my main proof[41]. WSP's modelling shows that the proposals would result in queue interaction with other nearby junctions, the impact of which has not been assessed.

[40] CD16/D
[41] CD12/N

7. POLICY

7.1 Development Plan Policy

7.1.1 Plan:MK

7.1.2 The proposed development is contrary to policies CT1 and CT2 (A1) of Plan:MK (CD/5).

7.1.3 The RfR specifically cites CT2 (A1) and the Council's case is that there is presently insufficient evidence to demonstrate that the proposals would minimise the need to travel, promote sustainable modes, improve accessibility or assist in reducing carbon. My main proof of evidence[42] explains how aspects of the TA regarding integration of the site with existing transport networks are not robust, and there would likely be inappropriate operational, safety and accessibility impacts as a consequence.

7.1.4 The lack of suitably-robust evidence within the previous or current TA means that there is no certainty that mitigation is appropriate as-proposed; nor that the development would avoid prejudice to other schemes; that resultant highway conditions would be safe; that access would be suitable and convenient; that the traffic generation would be appropriate; or that the use of sustainable travel modes would be suitably-attractive as a consequence. The appellant's evidence indicates that the traffic conditions and safety implications arising from the development would both be unacceptable.

7.1.5 Policy SD15, 'Place Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities', of Plan:MK acknowledges that proposals on the edge of Milton Keynes are likely to have an impact upon the infrastructure and services of Milton Keynes. As a development where the larger element is being considered by BC, this policy is relevant to the appeal scheme and I have liaised with Mr Bedingfeld, acting on behalf of BC, to understand that authority's view on the appeal scheme. I note that, due to the extent of new information submitted by the appellant, BC is currently unable to confirm its position.

7.1.6 Policy CT3 'Walking and Cycling' states that the 'Council will support developments which enable people to access employment, essential services and community facilities by walking and cycling.' The appeal scheme is for highways access works and improvements to facilitate the wider development in the BC area. My evidence identifies issues in relation to walking, cycling and safety more generally, which have the potential to increase levels of car use related to the site.

7.1.7 Policy CT5 'Public Transport' states that development proposals must be designed to meet the needs of public transport operators and users. Given that the appellant's evidence indicates severe operational issues, the associated problems would also affect the movement of public transport vehicles through the surrounding highway network.

7.1.8 Plan:MK identifies the A421 as one of the borough's 'key strategic transport arteries'[43] and one which requires upgrades to support growth[44]. This has to be considered alongside Policy CT1 which states that the Council will act to 'Manage congestion and provide for consistent journey times'.

7.2 National Planning Policy Framework (NPPF)

7.2.1 NPPF Paragraph 7 states that the purpose of the planning system is to 'contribute to the achievement of sustainable development'. The appeal development is unsustainable for reasons including the level of

[42] CD12/N
[43] Plan:MK 12.34.
[44] Plan:MK Strategic Objective #12 (p.9).

queuing and delay on the A421 and Buckingham Road which, as predicted by WSP in TRN3[45], would have significant impacts across these strands.

7.2.2 In the same vein, contrary to Paragraph 102 of the NPPF, the appellant has changed the evidence base in advance of the appeal, via the submission of a 2020 TA[46] which it says supersedes the previous iterations (but is now superseded, in a large part, by TRN1-3[47]).

7.2.3 Also in respect of paragraph 102, the approach taken by the appellant fails to address the requirement that:

'the environmental impacts of traffic and transport infrastructure can be identified, addressed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'.

7.2.4 The appellant argues that, due to congestion in key locations including along the A421, traffic would redistribute onto other roads in the area; however, that redistribution is not quantified anywhere in the appellant's evidence.

7.2.5 Paragraph 104 states that policies should 'identify and protect…routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development'.

7.2.6 The NPPF goes on to state (paragraph 108):

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

7.2.7 The mitigation, as currently proposed, fails to achieve this and, as indicated subsequently, may not be deliverable.

7.2.8 The tests of acceptability in transport terms are set out at NPPF paragraph 109:

'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.'

7.2.9 The new TA[46] demonstrates that sustainable transport modes (buses in particular) would be impacted by the scheme, which would not provide safe and suitable access for all users. The proposed mitigation would leave a severe residual cumulative impact on the road network, and an unacceptable impact on highway safety.

[45] CD16/C
[46] CD10/H/A
[47] CD16/A, B & C

7.2.10 NPPF paragraph 110 requires that, inter alia, development proposals prioritise pedestrian and cycle movements; facilitate access to high quality public transport; create safe, secure and attractive places; and allow for efficient access by service and emergency vehicles. As noted above, the appellant has provided evidence to the contrary, meaning that the scheme is non-compliant with the NPPF.

7.2.11 Paragraph 111 of the NPPF requires that developments which will generate significant amounts of movement should provide a Travel Plan and Transport Statement / Transport Assessment as appropriate 'so that the likely impacts of the proposal can be assessed'. It is evident from the appellant's statements[48] that it believes that the impacts predicted in TRN3 (CD16/C) are not in fact 'likely' to occur[49], on which basis the TA/TRNs fail to meet the requirements of the NPPF.

7.2.12 In a similar vein, the appellant's evidence fails to meet the NPPF Glossary definition of a Transport Assessment as it is not 'comprehensive' and it does not identify 'measures that will be needed [to] deal with the anticipated transport impacts of the development'.

7.3 National Planning Practice Guidance (NPPG)

7.3.1 The NPPG provides guidance on Travel Plans, Transport Assessments and Statements.

7.3.2 The TA[50] and TP[51] fail to meet NPPG requirements in relation to matters including the identification of suitable mitigation measures, provision of appropriate traffic data, and sustainable linkages (in line with current guidance).

7.4 EIA Regulations

7.4.1 The appellant's argument that the predicted congestion will not actually materialise, and that traffic would reroute across the network[52], creates a tension with the submitted Environmental Statement[53] (ES), within which the Traffic & Transport, Air Quality, and Noise & Vibration chapters[54] rely on traffic data from TRN3[45].

7.4.2 The appellant's assertions are contrary to Part 5, Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which states that the ES must include a description of the likely significant effects of the development on the environment and the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment.

7.5 Major Road Network

The A421 is part of the Major Road Network (MRN) identified by Government as the middle-tier of the country's busiest and most economically-important local authority A-roads.

[48] Summarised in section 1.3 of this proof of evidence.
[49] CD10/H/A paragraphs 8.3.34, 8.3.46, 8.3.54, 8.3.62.
[50] CD10/H/A
[51] CD10/H/B
[52] CD10/H/A paragraphs 8.3.34, 8.3.46, 8.3.54, 8.3.62.
[53] CD2/C
[54] CD17/C

8. SUMMARY AND CONCLUSIONS

8.1 Overview

8.1.1 Given the considerable technical discussions and inputs which I have provided to the appellant, it is disappointing that the current technical evidence set out in TRNs1-3[55] responds to comments by the adjacent LHA (BC) rather than to MKC which is the LPA and LHA for this appeal.

8.2 Policy

8.2.1 The appeal proposals fail to accord with Plan:MK. In particular, the proposed mitigation works would leave a residual severe operational impact on the A421, part of the national MRN - a route described in Plan:MK as one of the borough's 'key strategic transport arteries'[56] and which the Plan identifies as requiring upgrades to support growth[57].

8.2.2 The issues presented within the appellant's evidence indicate that the scheme would have unacceptable economic, social and environmental impacts, meaning that it fails to achieve the NPPF definition of sustainable development.

8.2.3 In predicting severe queuing and delay on the A421 and arguing that much of this traffic would actually divert onto un-assessed alternative routes, the appellant's evidence does not meet the requirements of the NPPF/NPPG in relation to the provision of a comprehensive TA and the assessment of environmental impacts.

8.2.4 The appellant's argument also creates a tension in terms of the acceptability of ES chapters 10-12[58] which are based on the traffic data utilised in the current transportation evidence. As the appellant argues that traffic would take alternative routes from those shown in TRN3[59], then that must be reflected in the ES.

8.3 Modelling Scenarios

8.3.1 The proper assessment is between how the network would operate in future years without the development, and how it would operate with development traffic and its associated mitigation. In some cases, the appellant has erroneously compared the operation of the network with development but no mitigation, with its operation with development and mitigation[59]. This is wrong, given that a development with impacts of this scale would not be permitted to come forward in the absence of mitigation.

8.3.2 One of the modelled scenarios takes account of the proposed Travel Plan[60] (TP) for the appeal development. Given the lack of ongoing commitment to the management / funding of the TP[60], the nature of the typical measures therein, and the fact that the trip generation exercise already accounts for TPs which operate at a number of the comparator sites used, I have not relied upon the Travel Plan modelling scenario.

[55] CD16/A, CD16/B, CD16/C
[56] Plan:MK 12.34.
[57] Plan:MK Strategic Objective #12 (p.9).
[58] CD17/C
[59] CD16/C
[60] CD10/H/B

8.4 Points of Access

8.4.1 The proposed A421 site access drawing provides insufficient geometric details and does not illustrate a safe and convenient route for pedestrians and cyclists. There is no assessment of the potential impact of the access on A421 traffic. I understand that WSP is presently reviewing the proposed arrangement in light of recent design guidance set out in LTN1/20[61].

8.4.2 The Buckingham Road access is also understood to be under review by WSP in relation to LTN1/20[61]. The proposal drawing should also be updated in relation to geometric measurements and visibility splays.

8.5 Junction Modelling

8.5.1 Whilst I agree with the modelling parameters used for all models within the MKC area other than those relating to Bottledump and Tattenhoe roundabouts, these stand-alone models cannot address potential re-routing across the network due to predicted congestion, nor do they take account of exit-blocking from downstream junctions.

8.5.2 The appellant argues that it agreed a general scope for the TA with both BC and MKC. However, Transport Assessment is a process rather than simply a document - i.e. it is normal and logical for matters of concern (e.g., junction capacity) to be the subject of additional analyses, over and above that originally envisaged. This is confirmed in the statement of Mr Weeks (Appendix G to my main proof[62]) who acted for MKC at scoping stage, and further evidenced in the appellant's ongoing discussions with BC (which is presently reviewing the additional information provided by the appellant, and is currently unable to confirm its position on the matter).

8.5.3 WSP could have engaged with MKC and its modelling consultants to develop existing models in order to assess traffic redistribution or, if scope/time/cost or other issues were an influence on its decisions, it could have developed its own alternative modelling to deal with network-wide effects.

8.5.4 TRN3[63] predicts queuing through the A421 Coffee Hall roundabout as a consequence of the proposed development, but there is no assessment at all of this junction within the submitted evidence.

8.6 Proposed Mitigation Schemes

8.6.1 TRN3 demonstrates severe post-mitigation impacts on the A421 and Buckingham Road.

8.6.2 Even taking these proposals at face value, access and mitigation designs need to be developed to a point whereby the decision-maker can be confident regarding the nature and scale of the works, and that they are deliverable. In this case, there are multiple points which need to be addressed by the appellant in order to confirm whether the proposed schemes are capable of being conditioned and, if that was to occur, whether they can be delivered in the general form envisaged (subject to detailed design matters at s278 stage).

8.7 Conclusions

8.7.1 MKC was right to refuse planning permission for the appeal scheme. As set out in my earlier proof of evidence, there was insufficient information before Members at determination.

[61] CD13/E
[62] CD12/N
[63] CD16/C

8.7.2 The 2020 TA[64] and subsequent TRNs[65]/ES chapters[66] identify additional mitigation requirements whilst also predicting unacceptable safety effects and a severe residual operational impact, contrary to paragraphs 108 & 109 of the NPPF.

8.7.3 The appellant's evidence is non-compliant with local and national policy, and with the NPPG. It is not sufficient for assessment purposes and also runs contrary to the EIA Regulations.

8.7.4 Issues remain in relation to the proposed site access junctions, including unacceptable safety impacts, which must be resolved in advance of any positive determination, as is usual.

8.7.5 The appellant should either have undertaken additional work to quantify its proposed redistribution of traffic across the road network (with associated mitigation where required), or it should have refined its proposed mitigation schemes in order to avoid the severe operational impacts that TRN3[67] currently identifies.

8.7.6 The Inspector is respectfully requested to dismiss the appeal.

[64] CD10/H/A
[65] CD16/A, CD16/B, CD16/C
[66] CD17/C
[67] CD16/C