

**Public Inquiry - Land at Upnor Road, Upnor, ME24XE.**

**Closing Statement of Stuart Sharp on behalf of the Castle Street Community.**

As I'm sure you're all aware by now – it is the opinion of our community that the Local Planning Authority, hopefully having followed advice from the Local Highway Authority should have refused planning consent for the proposed development of the site to the South of Upnor Road that is the subject of this appeal on Highway Safety, Capacity and Incongruity grounds on the basis that (in summary);

1. The applicant (now appellant), failed to provide complete and - given the time of year that the survey was carried out, meaningful background traffic count and speed data in the submitted Transport Statement prepared by DHA.
2. The applicant (now appellant), failed to provide realistic 24hr, 12hr and Peak hour vehicle trip generation data particularly in the context of the revised application for the Children's Nursery.
3. That the proposed access road junction – and in particular the modified junction and associated road widening proposal submitted in December 2020 when taken in combination with the vehicle trips likely to be generated by the appeal site would create unacceptable hazard to all existing and future users of Upnor Road – pedestrians in particular.
4. That the proposed access road junction and tapered widening of Upnor Road would create a colossal road junction bellmouth onto Upnor Road extending some 92m wide from tangent point to tangent point - and it is common ground that this proposal would entail the loss of a minimum 68m of tree lined verge. A junction of this scale is not just incongruous within the local highway network it will be ruinous to the context of the tree lined approach to the ancient village of Upnor.
5. The proposed Highway and Transport mitigation measures are site specific, and are ineffective or unrelated to the local highway network. They would be particularly ineffective in mitigating hazard for the existing community and pedestrians in particular.

## 2.

Following on from evidence and examination earlier in this Inquiry, let's look at each of these key issues in just a little more detail.

### 1. **Background (or Baseline) Traffic and Speed Data:**

One of the key functions of a Transport Statement is to measure generated traffic flows from a proposed development against existing conditions. Background traffic flow and speed data as well as pedestrian data are fundamental to that process. Setting aside the issues of whether the Traffic and Speed surveys were carried out at an appropriate time of year and the fact that no pedestrian counts were undertaken, the Transport Statement submitted with the original application in June 2020 (now Core Doc CD2.10), makes no reference whatsoever to baseline directional or two-way traffic counts. Indeed, the only reference in the main body of the Transport Statement to any surveyed data at all is in the context of vehicle speed data being used to calculate sightlines to and from the proposed access. However, reference is made in para 3.2.2 of the Transport Statement to "...full ATC data.... included at Appendix D" to the Transport Statement. But, when one turns to Appendix D for whatever reason, it only contains survey data for eastbound traffic flows and eastbound vehicle speed measurements. So, there is no baseline Westbound count or speed data nor is there a two-way traffic count data set or summary. This shortfall in data was pointed out to the LPA in my letter of 15<sup>th</sup> July 2020. So, here we are - 15 months have passed by since my letter and that data is still unavailable in the core documentation for this Inquiry. Put simply therefore; none of us can know what the background traffic flows on Upnor Road are. This inevitably raises a number of difficult questions –

- Does the Westbound traffic and speed data exist or was it lost? I know from hard experience that, for example, data can be lost during transcription from an automatic traffic counter to a laptop or other

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downloading device. And there would of course have been limited opportunity to have carried out a meaningful second survey given the series of Covid19 related lockdown periods between February and June 2020 when the planning application was submitted.

- If however the Westbound data does exist, why has the shortfall in data never been rectified by the appellant and published by the LPA?
- If the Westbound data does exist; why is it that in Appendix AW5 to the Appellant's Planning Proof of Evidence does DHA (who also prepared the submitted Transport Statement), fail to confirm its existence? Rather than simply commenting that "...There is limited justification for Mr Sharp's allegation that the Traffic data is unreliable, understated and incomplete", why didn't they exercise the easiest counter to my allegation by providing in whole or in part the missing data there and then?
- If, on the other hand, the Westbound data does not exist or was never published, how is it that the LHA and LPA didn't respond by rejecting the submitted Transport Statement because it was clearly incomplete?
- If the Westbound data doesn't exist or has never been published, How is it that in para 3.1.1 of the "Highways Statement of Common Ground", the Appellant and the LPA agree the "Description of the site and surrounding highway network **including baseline traffic surveys**"?
- If the Westbound data doesn't exist, this must surely bring into question the average Westbound 85<sup>th</sup>ile speed calculation used to determine the Western sightline at the site entrance?

Clearly the Inspector has to weigh the relevance of the absence of baseline traffic flow data and speed data when considering

1. the value of the Transport Statement as submitted as a whole,
2. the reliability of the sightline calculations contained within the Transport Statement and
3. the quality of scrutiny applied to the documentation by the LPA and LHA.

#### 4.

It is the view of our community that the shortcomings in the Transport Statement are plain to see and that the LPA should have rejected it on receipt.

#### 2. Trip Generation:

Any rational calculation and analysis of trip generation to/from the Children's Nursery would reveal that peak hour trip rates generated by the appeal site as a whole are likely to be at least double that stated in the submitted Transport Statement. Mr Wilford in his letter to the LPA dated 4<sup>th</sup> December 2020, posited that the Nursery would generate a net additional 20 vehicle trips per day. Let's consider that estimate once more in the context of the 22 FTE jobs (quoted by Mr Wilford in his proof) that will be created by the provision of the children's nursery and also in the context of Table 5-8 of the Transport Statement (now Core Doc CD2.10), used by DHA to calculate modal choice for journeys to work in Medway based on data from the 2011 census. On these bases, nursery employees alone would generate 32 (gross) vehicle trips per day. If one applies the same 2011 census sourced modal choice criteria to linked trips Home – Nursery – Work and vice versa, by let's say conservatively around 80% of the parents or carers delivering and collecting children to and from the nursery, that results in another 124 vehicle trips (gross) per day. That's a gross total of at least 156 vehicle trips per day or 138 net when one takes account of the reduction by 3 in the number of residential units to make way for the nursery.

The majority of these journeys to and from the nursery will operate as linked trips between home and workplace in the morning and vice versa in the evening and it follows that the greater proportion of these trips will take place during the morning and evening traffic peak periods likely doubling the trip rates quoted in the Transport Statement submitted with the original application. It's therefore disturbing that:

<sup>1st</sup> in the case officer's report when dealing with Highway Capacity it states – *“In terms of the amendments to the proposal to reduce the number of dwellings to 72 and include a children's nursery, it is considered that whilst there would be an uplift in numbers, the impact on the highway would not be materially different*

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*to the impact of the development of 75 dwellings that was originally submitted”.*

*And*

2<sup>nd</sup> in the Highways Statement of Common Ground the appellant and LHA agree in para 3.1.4 *“The trip generation resulting from the proposed development”* and in para 3.1.6 that *“Traffic impact assessment on the local highway network which would not be severe” (NPPF Para 110).*

We contend that regrettably, the LPA and LHA failed to exercise due diligence in their analysis of Esquire’s vehicle trip generation predictions for the children’s nursery. Had the LPA and LHA carried out their own logical quantification of trip generation for the children’s nursery rather than relying on Esquire Developments fantasy, they surely must have concluded that the peak hour trip generation was indeed materially different to the impact of the development of 75 dwellings that was originally submitted. Furthermore, it should have rung alarm bells about peak hour traffic and pedestrian safety on Upnor Road, also at sub-standard local road junctions and about capacity issues at the junctions of the local highway network with the A289 and A228.

### **3. Proposed Access Junction into Upnor Road and Widening of Upnor Road.**

The majority of vehicle collisions occur as a result of turning movements at road junctions and the majority of pedestrian injuries occur when pedestrians walk in or across streets in the vicinity of road junctions. Additionally, according to research carried out in the preparation of the DfT’s Manual for Streets, increased carriageway width was found to correlate with increased vehicle speeds. Therefore, it must follow that the introduction of the proposed 92m wide bellmouth road junction to provide access into Upnor Road when taken together with increased vehicle speeds that correlate to the widening of Upnor Road and the introduction of between 500 – 600 vehicle turning movements per day will inevitably lead to increased hazard for all users of Upnor Road and pedestrians in particular.

## 6.

Upnor Road is already a risky or hazardous environment for existing road users by virtue of its gradient, its blind bends at the top and bottom of the hill and the unsighted road junctions in close proximity to those blind bends.

A second Stage 1 Road Safety Audit was carried out by RSA and submitted to the LPA on the 10<sup>th</sup> November 2020. The audit report stated that it was commissioned by DHA “*on behalf of Medway Council*” to carry out an audit of a preliminary design for a new access road onto Upnor Road. This design included the widening of Upnor Road in part to 5.5m by virtue of tapering the proposed junction to the East and West over a total distance of 92m. The extremities of the proposed junction stretch to within 6m of the tangent point of the blind bend to the East of the proposed junction and beyond the tangent point of the blind bend to the West of the proposed junction. It is incredible that although the proposed junction extremities are in such close proximity to these blind bends that the Road Safety Audit makes no assessment of that juxtaposition. It is also incredible that neither DHA or the LHA appear to have required that they should have done so in their commissioning brief. RSA did recognise in their audit that Manual for Streets requires that gradient must be taken into account when calculating sightlines and accordingly suggested an amendment to the length of the sightline to the East of the proposed access junction. Regrettably though, at the same time, they failed to acknowledge that Manual for Streets also states that “*increased carriageway width was found to correlate with increased vehicle speeds*”. RSA made no reference in their audit to the likely increase in vehicle speeds as a consequence of the increase in width by up to 20% of Upnor Road. Any consequential adjustment to sightline calculations that such an increase would have necessitated were therefore apparently ignored.

We contend that by virtue of its size and scale, its proximity to the blind bends on Upnor Road and because of the generated vehicle flows from the appeal site, the proposed road junction will clearly create an unacceptable level of hazard for all road users. It is apparent that even though carried out on behalf of the Council, that the safety implications of its implementation were inadequately and unsatisfactorily audited.

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### 4. **Scale, Incongruity, Environmental Damage and Visual Impact of the Proposed Road Junction.**

Many of the issues here have been well covered by Mr Etchells, however I would just wish to amplify the point about the tree lined approaches to Upnor along both Upnor Road and Upchat Road. These lanes are an important contextual and visual setting for the ancient village of Upnor and clearly form part of an arrival experience enjoyed not just by the community of Upnor but also by our many visitors. It is common ground that the proposed site access junction will eliminate 68m or approx. 2/3rds of the tree and shrub lined verge on this section of the Southern side of Upnor Road. If implemented, the amended view Southward from Upnor Road, will be of a major road junction opening up a lengthy vista into a housing estate flanked by the 2-storey front and side elevations and garden boundaries of residential plots 1 and 32. Mitigating planting will in the main be low level in order to protect sightlines.

### 5. **Unsatisfactory Mitigation.**

When Considering development proposals, Section 110 d) of the NPPF 2021 advises that *“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”*.

Broadly speaking there are 4 proposals made by the appellant and accepted by the LPA and LHA, to mitigate negative Highway and Transport impacts and all are either heavily site specific, unrelated to the local highway network or ineffective in providing alternative modal choices for travel. They are:

1. £150,000 to fund “enhancement of service” on bus route 197. I’ve presented detailed evidence in my proof as to why this route meets few of the route choices and needs of existing residents of Upnor – let alone prospective residents on the appeal site. In our view it does not and will not provide an effective alternative to car use.

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2. Provision of bus stops at Frogs Island. These are site specific and are extremely unlikely to be used by existing residents of Upnor. Although they may be marginally closer to the majority of residents of Castle Street than the existing stops in Upchat Road, the stops at Upchat Road are reachable via a gentle rather than steep gradient. Additionally, the walking route from Castle Street to Upchat Road avoids walking past the proposed road junction into the appeal site with its heavy peak hour traffic flows.
3. Provision of two footpath links from the appeal site to Upnor Road plus footway provision on Upnor Road to link the new footpath links with Berwick Way and Footpath RS125 and to link the main appeal site access with bus stops at Frogs Island. The walking distance from the Southern end of Castle Street via the application site to Berwick Way is a marginal improvement in distance over the existing link via RS 122. However, the walking distance from the Southern end of Castle Street via the application site to route RS125 is equidistant to the existing route via Upnor Road and therefore it will only be of benefit to a limited number of residents at the extreme Southern end of Castle Street. The new footpath links are of absolutely no benefit at all to all of the other residents of Upnor.
4. £75,000 for improvements to the A289 and the Anthonys Way roundabout. This proposal falls entirely outside of the local highway network. We contend that *“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety”* will be equally felt on the local highway network as well as at the junctions of the local highway network with the A289 and A228. We consider that insufficient mitigation has been sought by the LPA and LHA to address the traffic and highway safety impact of the development on existing users and pedestrians on Upnor Road in particular and elsewhere on the local highway network in general.



## 9.

The Castle Street Community believe that we have presented a compelling case that planning consent for 72 dwellings and a children's nursery on land to the South of Upnor Road could and should have been refused on the basis that; as a consequence of the lack of complete and meaningful background traffic data in combination with the inadequacy and under-estimation of the submitted peak hour trip generation calculations, the applicant now appellant failed to provide a proper assessment of the Transport, traffic and road safety implications of the proposed development.

That being the case we contend that -

1. The appellant has failed to demonstrate that their proposed road junction to provide access to the appeal site in association with the traffic generated by the appeal site can operate safely and will not cause harm to existing traffic and pedestrians using Upnor Road and that;
2. The appellant has failed to demonstrate that the traffic generated by the appeal site will not cause additional hazard to traffic and pedestrians on roads and at road junctions elsewhere on the local and I stress the word "**local**", highway network and that;
3. The appellant has failed to demonstrate that the traffic generated by the appeal site will not cause additional congestion at the junctions of the local highway network with the A289 and A228 and finally that
4. The appellant has failed to demonstrate that any of the proposed highway, transport or pedestrian so called "mitigation measures" will provide any effective reduction or amelioration of the hazard that the proposed development and new road access junction and its associated trip generation will bring to users of Upnor Road and the local highway network.

**10.**

Sir, we continue to urge dismissal of this appeal on the grounds submitted by the Local Planning Authority and on the grounds of other areas of harm identified by members of the local Community speaking as interested parties to this Inquiry. Alongside those grounds we urge you to dismiss this appeal based on the case that we, the Castle Street Community, have submitted on Highway, Traffic and Transportation safety and capacity grounds.

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