CD-D32

Land North East of M42 Junction 10

784-B033920

Proof of Evidence of Dr N.R. Bunn BSc(Hons), MSc, Ph.D, MCIHT, CMILT

Appeal Reference: APP/R3705/W/24/3336295

Application Number PAP/2021/0663

Hodgetts Estates

May 2024

Document prepared on behalf of Tetra Tech Limited. Registered in England number: 01959704

TETRA TECH

Tetra Tech Limited. Registered in England number: 01959704

Tetra Tech Newcastle, 2nd Floor, Cathedral Buildings, Dean Street, Newcastle upon Tyne, NE1 1PJ
Registered Office: 3 Sovereign Square, Sovereign Street, Leeds, United Kingdom, LS1 4ER

Document Control.

Document:	Proof of Evidence of Dr N.R. Bunn BSc(Hons), MSc, Ph.D, MCIHT, CMILT
Project:	Land North East of M42 Junction 10
Client:	Hodgetts Estates
Project number:	784-B033920
File origin:	\\lds-dc-vm-101\Data\Projects\784-B033920 Land NE of M42 Jn10\60 Project Output\61 Work in Progress\Draft Documents\Proof of Evidence\Proof of Evidence\N Bunn Proof of Evidence Final.docx

Revision:	**0**	**Prepared by:**	**N Bunn**
Date:	May 2024	**Checked by:**	A Ashton
Status:	**Final**	**Approved by:**	N Bunn
Description of revision:			

Revision:		**Prepared by:**	
Date:		**Checked by:**	
Status:		**Approved by:**	
Description of revision:			

Revision:		**Prepared by:**	
Date:		**Checked by:**	
Status:		**Approved by:**	
Description of revision:			

Table of contents

Appendices

Appendix NRB 9: A5 Eastbound Exit SSD: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0020-P01

Appendix NRB 10: A5 Eastbound Exit SSD with Site Access Junction: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0021-P01

Appendix NRB 11: Reference Case. M42 Jn10 Proposed Improvements: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-1001-P01

Appendix NRB 12: Agreed 2033 Reference Case Transyt Results

Appendix NRB 13: A5/ Dordon Roundabout Illustrative Local Plan Improvement Scheme: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009-P01

Appendix NRB 14: M42 J10 Illustrative Local Plan Improvement Scheme: Phil Jones Associates Drawing 02853-01 Rev A

Appendix NRB 15: Local Plan Case. M42 Jn10 Proposed Improvements with Local Plan Improvements: TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1002-P01

Appendix NRB 16: Agreed 2033 Local Plan with Additional Mitigation Transyt Results

Appendix NRB 17: Local Plan Case. M42 Jn10 Proposed Improvements with Local Plan Improvements plus Additional Mitigation: TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1003-P01

Appendix NRB 18: 2033 Local Plan Additional Mitigation Transyt Results

Appendix NRB 19: DfT Ministerial Announcement, 9 March 2023

Appendix NRB 20: Extract of NWBC Local Infrastructure Plan 2020

Appendix NRB 21: Vectos/TT Email14 February 2022

Appendix NRB 22: WCC/TT Email13 May 2022

Appendix NRB 23: Effect of Different Levels of Local Plan on the Existing Highway Network in 2033: Transyt Result Tables 1 and 2

Appendix NRB 24: Effect of Different Levels of Local Plan on the Highway Network with the Appeal Proposals & with the Existing A5/ Dordon Roundabout in 2033: Transyt Results Tables 3 and 4

Appendix NRB 25: Effect of Different Levels of Local Plan on the Highway Network with the Appeal Proposals & the Local Plan Improvement at the A5/ Dordon Roundabout in 2033: Transyt Results Tables 5 and 6

Appendix NRB 26: A5/ Dordon Roundabout Amended Illustrative Local Plan Improvement Scheme: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009-P02

Appendix NRB 27: Stagecoach/TT Emails 6 February 2024 & 8 May 2024

Appendix NRB 28: WCC/TT Email 9 May 2024

Appendix NRB 29: Cycle Routes.

Appendix NRB 30: WCC & SCC Bus Meeting 22 May 2024.

1.0 Personal Qualifications

1.1 My name is Dr Nicholas Reynolds Bunn. I am a Director with Tetra Tech Ltd, with responsibility for Traffic and Transportation at the Newcastle and Leeds offices. I provide advice on the transportation and highway aspects of development projects at all stages from identification of concepts through to feasibility appraisals and detailed design.

1.2 I hold a Master's degree in Civil Engineering (Highways and Transport) from the City University, London, and have been a Chartered Member of the Institute of Logistics and Transport since 1999 and a Member of the Chartered Institution of Highways and Transport since 1991. I also hold a degree in Biomolecular Science and a Doctoral degree in biochemical research.

1.3 I have over thirty five years' experience in traffic and transportation matters, having previously worked for W.A. Fairhurst & Partners where I was Technical Director of the Transport and Highways team from 2002 to 2006. Before that, at WSP Development Ltd, I was Associate Director and established and led a Transport and Highways team in the Newcastle office between 1998 and 2002. In these roles, I was principally involved in the transportation implications of new developments. Between 1993 and 1998 I was Area Traffic Engineer and then Principal Engineer at Cumbria County Council. Prior to this I worked for the Noble Lewis Partnership in London and at the London Borough of Richmond upon Thames as Senior Engineer and Assistant Engineer, respectively.

1.4 I was appointed to advise on transport matters in January 2022 by the appellants.

1.5 I have visited the site and its surroundings on a number of occasions in connection with the Appeal proposals and have also had discussions with officers of National Highways, Warwickshire County Council, Staffordshire County Council and North Warwickshire Borough Council and Tamworth Borough Council.

2.0 Scope of Evidence

2.1 The Appeal was lodged in December 2023 in relation to the non determination by North Warwickshire Borough Council (NWBC) of application number PAP/2021/0663. On 4 March 2024 NWBC's Planning and Development Board resolved that, had they been the determining authority, they would have refused the application, citing three reasons. Reason 3, reproduced below included highway reasons for the refusal:

"The applicant has failed to demonstrate that the development would not result in an unacceptable impact on both the strategic and local highway networks or that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by sustainable modes. On this basis the proposed development would result in a severe impact on the road network contrary to policies LP23, LP27 and LP29(6) of the North Warwickshire Local Plan 2021 and paragraph 115 of the National Planning Policy Framework 2023."

2.2 At the Case Management Conference held on 27 March 2024, the Inspector identified 9 main issues to be addressed. Issue 4 relates to highway matters and is reproduced below:

iv) Its effect on the nearby strategic and local highway network, and on the safety and convenience of users of these highways;

vi) Whether the appeal site represents an appropriate location for the provision of an overnight lorry parking area and associated facilities;

vii) How the proposed development would perform against the objectives for achieving sustainable development set out in the National Planning Policy Framework.

2.3 My evidence will address Reason for Refusal 3 and Matter 4, will address the transport elements of Matters 6 and 7. My consideration of these will take in to account the following main policies:

- NPPF, specifically paragraphs 114 and 115 (**CD F11**).
- DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development (**CD H3**).

- North Warwickshire Borough Council Local Plan (Adopted September 2021), particularly policies LP23, LP27 and LP29(6) (**CD F1**).

2.4 My evidence will seek to address Reason 3 and Matters 4, 6 and 7 in the following order. Section 3 will provide a brief background, Sections 4, 5, 6 and 7 will consider Matter 4, respectively whether there is safe and satisfactory means of access to the Appeal site, the effect of generated traffic on the highway network in both Reference and Local Plan cases, and the effect on road safety. Section 8 will consider Matter 6 whether the site is an appropriate location for a lorry park, and Section 9 will consider Matter 7, whether there is a choice of sustainable transport options.

2.5 Section 10 will consider matters raised by third parties, Section 11 will briefly consider policy considerations, Section 12 will summarise my findings in relation to Matters 4, 6, and 7 and in Section 13 I will draw my conclusions.

2.6 The location of the Appeal site and surrounds is set out in the evidence of others.

2.7 Consideration of planning policy and its interpretation is a matter for Mr Hann, as is the overall planning balance.

2.8 At the outset it is perhaps important to note the scope of the areas of work addressed in my area of expertise relevant to the Appeal:

(i) Accessibility of the proposed use to modes of transport other than the private car – which is a matter which relates primarily to the workforce and contractors, but also the acceptability of off-site routes for such travel;

(ii) Reduction of freight on the network – which relates to how well located the site is to the strategic road network (SRN) and the Birch Coppice rail freight terminal;

(iii) Whether the proposed access into site from the adjacent highway and for which detailed consent is sought is technically acceptable;

(iv) Whether traffic from the proposed development can be satisfactorily accommodated on the SRN without giving rise to a severe residual impact after mitigation;

(v) Whether traffic from the proposed development can be satisfactorily accommodated on the local roads (that is non SRN) without giving rise to a severe residual impact after mitigation.

2.9 Much of my work over the last 2 years since my appointment has related to the fourth of those issues with detailed technical modelling and mitigation being discussed with National Highways. However it is worth reflecting that planning permission is not being sought for such works, since they would be conducted within the area of the adopted highway and would amount to permitted development. Rather the issue has been to determine what works could achieve the objective of satisfactorily accommodating traffic from the proposals within the SRN without giving rise to a severe impact. The detail of such works will be the subject of further stages of consideration once planning permission is granted and discussions on the content of an agreement under s.278 of the Highways Act 1980 take place.

Statements of Common Ground

2.10 A Highways Statement of Common Ground was agreed with National Highways and submitted to PINS on 17 May. The areas to be agreed related to the conclusions of a GG104 Safety Risk Assessment (submitted on 29 April 2024), the outcome of a Stage1 Road Safety Audit of the proposed site access and mitigation measures. Discussions are continuing with NH to resolve these matters.

2.11 A Highways Statement of Common Ground was agreed with Warwickshire County Council (WCC) and submitted to PINS on 24 May. There are no areas where further agreement is needed.

2.12 A Highways Statement of Common Ground was agreed with Staffordshire County Council (SCC) and submitted to PINS on 23 May. There are no areas where further agreement is needed.

3.0 Background

3.1 The application which is the subject of this Appeal was lodged by the Appellant in 2021. At that time Bancroft Consulting were providing highway and transport advice. Bancroft Consulting had been engaging with National Highways (NH) and WCC since 2019 on the scope of the transport assessment which would been needed to support the application. The Bancroft TA (**CD A9.2**) submitted with the application provides a summary of the discussions. Bancroft also had limited discussions with Staffordshire County Council (SCC) regarding the potential impact on roads within Tamworth which are included in the Bancroft TA. However, there was only very limited response from SCC and the Bancroft TA was therefore based on agreements reached with WCC and NH as to trip rates, use of the A5 Atherstone Paramics model, the extent of the network to assess (M42 Jn10, the site access junction and A5/ Birch Coppice). These junctions were modelled with Linsig and the results are included in the Bancroft TA.

3.2 In January 2022 we were appointed to advise on transport and highway matters. Primarily our role was to review the work undertaken to date given the less than satisfactory level of response that had been received from the highway authorities by that time. From our review we concluded that the Linsig models in the Bancroft TA were not an appropriate modelling tool because it does not model the effects of queues blocking back and lane starvation.

3.3 We were then instructed to hold further discussions with NH and WCC regarding the modelling strategy for the application. A Modelling Strategy Note (**CD H21**) was produced in March 2022 and agreed with NH and WCC in April 2022.

3.4 The agreed strategy assessed the impact of the Appeal proposals on M42 Jn10, A5/ Site access junction, A5/ Birch Coppice and A5/ Core42 junctions using Transyt16, 2022 traffic survey data (collected in March as a neutral month) was to be used to validate the model.

3.5 A 2026 and 2031 Reference Case, comprising committed developments and traffic growth by those dates, and a 2031 Local Plan Case, comprising committed developments, local plan allocations and highway improvements were agreed. The

model used the Reference Case and Local Plan Case traffic from the WCC A5 Atherstone Paramics model.

3.6 The Local Plan highway improvements comprised the A5 Dordon to Atherstone scheme, which had a HIF grant of £79M, and an improvement scheme for M42 Jn10 developed by Phil Jones Associates which proposed widening of the A5 eastbound approach and western circulatory carriageway, a segregated left turn slip lane from the M42 southbound off-slip road to the A5 eastbound, as well as widening the Trinity Road approach and the southern overbridge.

3.7 The Paramics model had been used to assess the impacts of the NWBC Local Plan on the highway network and had been agreed by WCC and NH. The model was for 2031, although the local plan was subsequently changed to 2033, however both WCC and NH accepted that it was not necessary to match the TA assessment year to 2033 as 2031 remained an acceptable assessment date.

3.8 The validation of the Transyt model was agreed by NH and WCC in August 2022.

3.9 The Reference Case and Local Plan Cases were assessed using the Transyt model. It showed that in the Reference Case the Appeal proposals resulted in an increase in queues and delays on the A5 eastbound approach to M42 Jn10, but the impacts elsewhere were relatively minor. The impacts in the Local Plan 2031 case were also relatively minor. The results were summarised in a Transyt 2026 and 2031 Modelling report dated December 2022, Appendix D shows the tabulated queue and delay results for each scenario. This document is attached in Appendix C in the Revised Transport Assessment (**CD B25**).

3.10 A mitigation scheme for M42 Jn10 A5 eastbound approach and western circulatory carriageway was developed based on the Phil Jones Associates Local Plan scheme. The scheme is shown at TT drawing 784-B033920-TTE-00-ZZ-SK-H-0001 Rev P01 in Appendix L of the Revised Transport Assessment (**CD B25**). The Transyt model shows that this mitigation scheme, with the additional development traffic resulted in lower levels of queues and delays than in the No Development situation showing a definite highway benefit.

3.11 In September 2022, further engagement was held with SCC and it was agreed that the impact of the development should be assessed at the A5/ B5404 Quarry Hill and

A5/ B5080 Pennine Way roundabouts. The assessment used new traffic surveys (October 2022) and the Junctions10 models showed that the junctions were not adversely affected by the proposed development. The results were included in the Revised TA at Appendix D (**CD B25**).

3.12 The Revised Transport Assessment (**CD B25**) included at Appendix E a Walking Cycling Horse-riding Assessment Review (WCHAR) dated October 2022 which was prepared in accordance with DMRB GG142[1] by Drummond Black Consulting, an independent auditor. The WCHAR report reviewed the site access junction, nearby facilities and levels of use and identified a number of opportunities which could be considered in future designs. These were included in the M42 Jn10 mitigation scheme where appropriate, for example introducing signal controlled crossings of the M42 north-facing slip roads.

3.13 The Revised Transport Assessment (**CD B25**) included at Appendix F a Public Transport Strategy which was developed in consultation with Stagecoach, the local bus operator, and with the WCC public transport team. The Strategy proposes amending the route of the 766/767 Nuneaton-Tamworth bus service which operates along the A5, to divert both eastbound and westbound bus services into the site. To facilitate this a bus turning area with shelter will be provided on the site access road and a potential layout is shown at Appendix B of that report. The strategy was agreed by WCC and Stagecoach in October 2022 and was recently reconfirmed by them together with the contribution required to secure the diversion.

3.14 In February 2023 WCC and NH advised that the previously agreed March 2022 traffic surveys were no longer acceptable following Government advice that traffic flows in 2022 may have still been unstable following the Covid 19 pandemic. WCC further advised that the 2016 base traffic data in the A5-Atherstone Paramics model could no longer be relied upon, however the committed development flows and proposed development traffic flows from that model were still acceptable.

3.15 Although the extent of the network to be assessed had been agreed with NH and WCC, NH then requested that the Transyt16 model was extended to include the A5/

[1] GG142 Walking, Cycling and Hhorse-riding Assessment and Review

Long Street junction, 'Dordon Roundabout', and SCC requested that the two A5/ Pennine Way roundabouts were also included in the Transyt model.

3.16 As a result of these changes a revised modelling strategy was prepared in March 2023. It set out the approach to Transyt modelling, the scenarios to be assessed, the infrastructure improvements to be included in the local plan assessment, the extent of the network to be assessed, the traffic survey data required, the derivation of the committed development traffic flows to be used in the assessment, and the appeal site trip generation. As requested by NH and WCC, the future year assessment was to be 2033 to accord with the Local Plan, rather than 2031 which had been agreed for the previous Transyt assessment.

3.17 The revised modelling strategy (**CD H24**) was agreed by WCC (July 2023), NH (November 2023) and SCC (November 2023) (TAA Appendix A, **CD B39** refers for copies of relevant correspondence). New traffic surveys were commissioned in July 2023, a date agreed with NH, WCC and SCC, in order to resolve the concerns over the use of the 2022 survey data.

3.18 An extended Transyt16 model was therefore prepared and revalidated. The validation report (**CD B55**) was issued in August 2023 but was not finally agreed with NH until March 2024.

3.19 A Transport Assessment Addendum Report (**CD B39**) was prepared using the near agreed validation model (at that time the only issue to resolve was the signal timing splits at A5/ Core42 junction). The TAA results showed that in both the 2026 and 2033 Reference Cases the Appeal proposals with the proposed mitigation measures at M42 Jn10, there was a significant reduction in delays at M42 Jn10 in the AM peak, and in the PM peak the effects are generally small and were not severe. The 2033 Local Plan assessment showed that with the identified Local Plan infrastructure (note that the With Development scheme modified the Local Plan scheme for M42 Jn10) the Appeal proposals also would not have a severe cumulative residual impact on the operation of the highway network when assessed together with the proposed mitigation.

3.20 The TAA also reassessed the highway safety of the local network for a 3¾ year period which excluded 2020 and 2021 which were affected by lower flows during

Covid19. It was concluded that no mitigation measures to address road safety issues were required.

3.21 On 22 January 2024, SCC confirmed that the modelling results in the TAA were acceptable. SCC confirmed on 1 November 2023 that the minor cycle way improvements at Pennine Way roundabout and at Pennine Way/ Pennymoor Road were acceptable. A copy of each email is attached at Appendix NRB 1.

3.22 At the 22 February meeting, which was one of a series of regular meetings between NWBC, NH, WCC, SCC, TT and the Appellants, WCC advised that they were letting NH take the lead on the Transyt assessment. A copy of the meeting note is attached at Appendix NRB 2.

3.23 On review of the TAA Transyt results, NH raised some comments which were addressed in our technical notes dated 8 March and 10 April (**CD H26** and **H27** respectively, each note includes the relevant NH correspondence). On 2 May NH confirmed that the Transyt modelling, and the impact on the highway network were acceptable, Appendix NRB 3 refers. NH also confirmed that the design of the A5/ access junction and M42 Jn10 mitigation measures were acceptable in principle and that the design comments (Appendix NRB 3) could be addressed at later stages.

3.24 With regard to safety audits, NH had requested that the Audit was delayed until they provided design comments, which were provided on 2 May. Discussions had been held with NH regarding whether the Audit could be dealt with by means of a planning condition. On 9 May, NH confirmed that, in line with Circular 01/2022, a Stage 1 RSA should be provided prior to the Appeal. An Audit brief was issued to NH, WCC and SCC on the same day with a request that is approved by the end of the following week (17 May) as the Audit was scheduled for 20 May so that it could be placed before the Inquiry. At the time of writing, WCC and SCC have agreed the Audit brief and NH comments are awaited. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

3.25 On 19 April WCC requested copies of the Transyt models which were provided the same day. In a telephone conversation on 29 April (email attached at Appendix NRB 4), WCC confirmed that their consultants SLR had reviewed the Transyt models and that the impact on WCC network was minor/ negligible, however WCC were unable to confirm their position until the final suite of design and modelling information had

been provided. On 7 May copies of the drawings NH had agreed in principle, a Note with the final agreed Transyt results was provided, together with NH's email of 2 May and its attachments. A copy of the email is attached at Appendix NRB 5 which lists the relevant attachments.

3.26 There was a further exchange of emails on 9 May in which WCC sought further confirmation and this was provided the same day. A copy of the WCC email is attached at Appendix NRB 6.

3.27 A SoCG has been concluded with WCC (**CD D19**) which agrees all highway matters.

Summary

3.28 There has been a long and detailed assessment of the highway impact of the Appeal proposals commencing with Scoping by Bancroft Consulting in 2020 and the submission of the Bancroft TA with the application in December 2021.

3.29 In January 2022 TT were appointed as transport and highway consultants, and agreed a Transyt16 based modelling strategy in 2022. A base Transyt16 model was prepared and its validation was agreed by WCC and NH. The model was used to assess the impact of the Appeal proposals and a mitigation scheme for M42 Jn10 was identified. SCC also required assessment of the B5404 Quarry Hill and B5080 Pennine Way roundabouts which was originally done with Junctions10, and showed satisfactory performance.

3.30 A Revised TA was prepared which set out the Transyt assessment, accessibility improvements, proposed access junction and proposed highway improvements at M42 Jn10. The TA concluded that with the proposed mitigation the impact on the road network was acceptable.

3.31 Following advice from NH and WCC that the previously agreed 2022 surveyed traffic flows were not yet stable post Covid-19, that the previously agreed WCC A5 Atherstone Paramics model was not acceptable, and that the previously agreed network extent was not acceptable, a revised Transyt16 modelling strategy was prepared and agreed with NH, WCC and SCC. The Transyt model included the B5404 Quarry Hill and B5080 Pennine Way roundabouts in the west and Dordon Roundabout in the east. New traffic survey data was also required and committed developments were rebased to 2023.

3.32 A revised base Transyt16 model was prepared and its validation was agreed by NH, WCC and SCC. The model was used to assess the impact in 2026 and 2033 Reference Case and in a 2033 Local Plan Case. The result and an updated accident assessment were reported in a TAA report of December 2023.

3.33 In January 2024 SCC agreed that the impact of the Appeal proposals were acceptable. The SoCG with SCC (**CD D20**) confirms that all highway matters are agreed.

3.34 Following some discussions and adjustments to the Transyt models NH agreed on 2 May 2024 that the models were acceptable, that the impact was acceptable and that the design of the site access, and proposed mitigation measures were acceptable in principle. NH also agreed that design comments could be addressed at later design stages.

3.35 At the time of writing a Stage 1 Road Safety Audit has not yet been completed. This is because NH had initially requested that the Audit is delayed until they have provided design comments. Design comments were provided on 2 May. The Audit brief has been approved by SCC and WCC, and is now with NH for approval. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made. In the SoCG with NH (**CD D18**), all matters are agreed with the exception of the GG104 and Stage 1 Road Safety Audit.

3.36 On 29 April WCC confirmed that their consultants SLR had reviewed the Transyt models and that the impact on WCC network was be minor/ negligible, subject to confirmation pending agreement between TT and NH. Confirmation of NH's agreement was provided to WCC on 7 May with copies of the agreed drawings and summary model results. The SoCG with WCC (**CD D19**) confirms that all highway matters are agreed.

4.0 Site Access Junction

4.1 The layout of the proposed site access junction and its main features are as set out in the NH SoCG (**CD D19)**. The junction is located wholly within the SRN and NH is the sole Highway Authority.

4.2 The design of the proposed site access junction (TT drawing 784-B033920-TTE-00-ZZ-PL-H-0002-P03, Appendix NRB 7) has been agreed in principle with NH. It is also agreed that the design comments provided by NH on 2 May can be addressed at subsequent design stages.

Layout

4.3 The proposed junction is located some 290 metres east of the signal controlled M42 Jn10 roundabout and some 650 metres west of the signal controlled A5/ Birch Coppice junction. Some 330 metres further east of this junction there is a further signal controlled junction on the A5 for the Core42 employment site, and 500m further east is Dordon Roundabout. Therefore there are already a number of signal controlled junctions, as well as several private accesses and minor junctions on the section of the A5 between M42 Jn10 and Dordon Roundabout.

4.4 The design of the proposed junction has been prepared with appropriate reference to DMRB CD123[2] and CD109[3]. To accommodate the junction the A5 will be widened to three lanes in each direction, and owing to a level difference of at most 0.75m between the eastbound and westbound carriageways, the eastbound carriageway will be raised accordingly. A suitable vertical realignment in accordance with CD109 can be delivered without affecting the residential properties to the east. Drawings showing the proposed long sections and cross sections are attached at Appendix NRB 8.

4.5 Following the guidance in DMRB CD169[4] the existing bus stop and layby are to be relocated to the east as shown on the drawing. The bus stop will be closer to the existing houses, but will be further away from the proposed site access. However as

[2] DMRB CD123 Layout of Major Minor Junction

[3] DMRB CD109 Highway Link Design

[4] DMRB CD169 The Design of Lay-bys, Maintenance Hardstandings, Rest Areas, Service Areas and Observation Platforms

set out in Section 9, a bus turning area and bus stop will be provided within the Appeal site and the 766/767 bus service will divert into the site to provide convenient pick up and drop off for employees.

4.6 At present stopping sight distance (SSD) on the A5 eastbound exit from M42 Jn10 is significantly restricted by the growth of shrubs and trees on the northern A5 embankment to some 55m. The appropriate SSD is set by the 85th percentile speed of traffic. The July 2023 observed 85th percentile speed is 46mph (TAA Appendix D (**CD B39**), and based on CD109[5] an SSD of 160m is required. The extent of the existing and the required visibility envelopes are shown on TT drawing 784-B033920-TTE-00-ZZ-SK-H-0020-P01 (Appendix NRB 9). The required visibility splays should be maintained by the Highway Authority.

4.7 The SSD envelope for the proposed site access junction is on TT drawing 784-B033920-TTE-00-ZZ-SK-H-0021-P01 (Appendix NRB 10) and is very similar to that which should be provided in the existing situation. The visibility splay can be delivered as part of the site access junction works, if not already cleared by NH.

4.8 In the NH Asset Team comments of 2 May 2024, it is noted that the access junction will require the removal of two existing laybys on the A5 each around 60 metres in length (kerbside). These laybys are frequently used for HGV parking and for overnight parking with consequential issues for littering and waste (**CD B13, B14** and **B40** refers).

4.9 The Appeal proposals include a 150 space lorry park which more than compensates for the loss of the laybys. For HGV and other drivers, Tamworth Services on Green Lane offers a convenient place for drivers to rest and is well signed at M42 Jn10. There are also existing laybys on the A5 east of Grendon (2¾ miles distant), east of Atherstone (6 miles distant) and at the A5/ A453 interchange some 4½ miles to the west (westbound traffic only).

4.10 The 2017 and 2022 National Lorry Parking surveys (**CD I9**, **CD I0** and **CD I11**) and the MDS Transmodal lorry parking evidence set out within and appended to Mr Hatfield's proof all sets out the lack of on-site lorry parking in the West Midlands

[5] DMRB CD109 Highway Link Design

region which leads to high levels of off-site parking, including in laybys; The 2017 Lorry Parking Survey identifies a lorry parking Hotspot in the Dordon to Hams Hall area. The reports clearly identify a strategic need for additional HGV parking capacity in the area and conclude that there is a compelling case for the provision of new HGV parking capacity at land near to J10 M42. Therefore the compelling nationally identified need for additional on-site lorry parking more than compensates for the loss of two laybys.

4.11 The proposed junction layout includes a signalised pedestrian crossing of the A5 dual carriageway, which provides a safer alternative to the present uncontrolled crossing. The proposed signal controlled crossing also provides a better alignment between the public bridleway (AE46) to the north and the public footpath (AE55) to the south than the existing uncontrolled crossing.

4.12 The site access junction also provides an improved shared foot/cycle way between M42 Jn10 and the site which meets the requirements of CD143[6], replacing the current 2.0m wide path with a 3.0m wide foot/cycleway and a 2.0m separation strip. The proposed site access junction also includes a signal controlled pedestrian/ cycle crossing of the site access arm of the junction.

4.13 As a result of the changes in the level of the eastbound carriageway, widening of the A5 and the provision of improved foot/cycleway facilities, the supporting earthworks on the north side of the A5 and the north east side of the M42 Jn40 roundabout will need to be extended using and then incorporating land from within the Appeal site. As agreed with NH, the precise extent of these embankment alterations can be delivered following a geotechnical investigation during detailed design phase.

4.14 A safety risk assessment in accordance with DMRB GG104[7] has been carried out in advance of receiving any design comments, and was submitted to NH, WCC and SCC on 23 April 2024. The risk assessment has considered the change in road safety risk arising from the proposed access junction, the mitigation measures and pedestrian/ cycle improvements. The assessment finds that the safety risks associated with the proposed works are at an acceptable level. The Safety Risk

[6] CD143 Designing for Walking, Cycling and Horse-riding

[7] DMRB GG104 Safety Risk Assessment

Assessment has, at the time of writing, not yet been agreed with National Highways, but discussions are ongoing. I am advised that this is a matter which is capable of being addressed by way of a condition in any event.

4.15 At the time of writing a Stage 1 Road Safety Audit has not yet been completed. This is because NH had initially requested that the Audit is delayed until they have provided design comments. Design comments were provided on 2 May, and the Audit brief is now with NH for approval, and has been approved by WCC and SCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

4.16 It is agreed with National Highway that the access can be provided on land within the control of the applicant or within the highway.

4.17 The delivery of all of the above is achievable through the medium of conditions and agreements under the Highways Act 1980.

Junction Operation

4.18 The proposed operation of the site access junction has been assessed using the agreed Transyt model and the model results have been agreed with NH. The reported queues are the mean maximum queue on each of the approach lanes during the AM and PM peak hours, the busiest hours of the day.

4.19 In the 2033 Reference Case the longest queues are 12pcu on the A5 eastbound approach (Lane 2), but the delay is only 12 seconds per vehicle in the PM peak hour. The longest delay is 45 seconds per vehicle on the site access road, but the queue is just 2pcu.

4.20 In the 2033 Local Plan Case the longest queues are 17pcu on the A5 eastbound approach (Lane 2), but the delay is only 14 seconds per vehicle in the PM peak hour. The longest delay is 1 minute and 12 seconds per vehicle on the site access road, but the queue is just 2pcu. With the Additional Mitigation the A5 eastbound queue increases by 1pcu to 18pcu, and the delay increases by 1 second to 15 seconds per vehicle. This is palpably not severe and is imperceptible.

4.21 Appropriate stopping sight distance to the back of the longest queue on the A5 eastbound approach can be readily provided, shown on the drawing at Appendix

NRB 10). Appropriate SSD to the westbound A5 approach can be readily provided because the A5 has a straight alignment.

4.22 The above assessment does not take account of the likely travel reduction effects agreed with National Highway in the Vision Based Travel Plan (**CD H25**) which comprise an 18% reduction arising from travel plan targets and so most likely to affect staff movements in cars. The Travel Plan also identifies a reduction of 10% in HGV movements as result of modal shift to rail. However, this will not affect HGV volumes at the site access because intermodal loads will need to be moved to the rail head by road transport, but would affect HGV volumes at other junctions in the Transyt network, principally M42 Jn10. As such the agreed assessment is likely to materially overestimate the impact of the Appeal proposals and the assessment is considered to be robust.

Summary

4.23 The design of the proposed site access junction (Appendix NRB 7) has been agreed in principle with NH.

4.24 The Transyt assessment, which has also been agreed by NH, has shown that the proposed access junction will operate with acceptable levels of queues and delays. In all assessed scenarios. The assessment is robust because the traffic flows did not take into account the likely traffic reduction resulting from a travel plan.

4.25 It comprises a traffic signal controlled junction with a separately signalled right turn lane from the A5 into the site, a signal controlled pedestrian crossing of the A5 and a signal controlled pedestrian/ cycle crossing of the site access junction. To accommodate the junction the A5 will be widened to three lanes in each direction, and the eastbound carriageway will be raised to remove the level difference between the eastbound and westbound carriageways.

4.26 Improved pedestrian/ cycle facilities are provided between the site and M42 Jn10.

4.27 Appropriate stopping sight distance can be provided for traffic approaching the junction and to the back of the expected queues in accordance with DMRB.

4.28 The access junction will require the removal of two existing laybys on the A5, however the Appeal proposals include a 150 space lorry park, and there are existing

services at Tamworth Services on Green Lane and there are existing laybys on the A5 east of Grendon, east of Atherstone and at the A5/ A453 interchange.

4.29 The proposed lorry park is set in an area where there is a strategic need for more on-site lorry parking to address existing shortfalls. Therefore, and as agreed with NH, the compelling need for additional on-site lorry parking more than compensates for the loss of two laybys.

4.30 A GG104 Safety Risk Assessment predicts that the proposed junction will operate with acceptable safety levels. At the time of writing, it has not been agreed with NH, but discussions are ongoing.

4.31 Design comments were provided by NH on 2 May and a Stage 1 Road Safety Audit brief is now with NH for approval. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

4.32 In conclusion, the proposed access junction design is agreed in principle with NH, that it includes improved provisions for pedestrians and cyclists, that it operates with acceptable levels of queues and delays in all assessed scenarios. However, matters relating to the GG104 Safety Risk Assessment and Stage 1 RSA remain to be resolved with NH.

5.0 Impact of Generated Traffic – Reference Case

5.1 As set out in the Consolidated Modelling Strategy (**CD H24**) the impacts of the Appeal proposals are to be assessed in a Reference Case comprising base traffic plus committed developments plus traffic growth to 2026 or 2033. For the 2026 Reference Case, the committed developments include the anticipated level of build out of each site as agreed with NH, WCC, SCC, NWBC and TBC[8]. The 2033 Reference Case assessments assumes full delivery of all committed developments and assesses the existing highway network as there are no committed highway schemes.

5.2 The assessment does not precisely follow the requirements of Circular 01/2022. This requires a 2026 Opening Year assessment which assumes full delivery of all committed developments. In this case, and as agreed, the 2026 assessment is with the estimated completion at that time horizon. However, the 2023 assessment assumes full build out, and has additional traffic growth from 2026 to 2033. Hence, the traffic flows in the 2023 Reference Case assessment are somewhat higher than would be the case in a 2026 Opening Year Assessment and therefore the 2023 reference case comprises a more robust assessment.

5.3 To identify the residual traffic impacts the effects of travel plan measures should be taken into account. As required by NH, neither the effect of the proposed travel plan measures (an 18% reduction in trip generation, which largely affect staff movements, nor the 10% reduction in HGV movements arising from intermodal transfer to rail have been included. Consequently, the development generated traffic flows are unadjusted and the resulting development generated flows are therefore robust.

5.4 Taking both points together, the 2023 Reference Case Transyt assessments can be considered to be robust on both counts.

5.5 In considering the effect of generated traffic in the Reference Case in this proof I have concentrated on the 2033 assessment as this is obviously the worst case scenario. In Section 6 of my proof I consider the impact of generated traffic in the Local Plan case.

[8] Tamworth Borough Council

2033 Reference Case

5.6 The impact of the Appeal proposals was assessed by comparing the 2033 No Development Reference Case with the corresponding With Development situation. In the Revised Transport Assessment (**CD B25**) it was accepted that the existing highway network at M42 Jn10 could not accommodate the traffic generated by the Appeal proposals on the A5 eastbound approach and that mitigation measures would be needed.

5.7 A mitigation scheme was developed based on the Phil Jones Associates local plan proposals for this junction and specifically those for the A5 eastbound approach and western circulatory carriageway (see paragraph 6.12 below). The mitigation scheme is shown on drawing TT drawing 784-B033920-TTE-00-ZZ-SK-H-1001-P01, attached at Appendix NRB 11. It is also included in the NH SoCG.

5.8 The scheme comprises widening the A5 eastbound approach to M42 Jn10 introducing a lane gain merge for traffic from Pennine Way, enhancing pedestrian and cycle facilities, improving the diverge to Kinsall Green, widening the circulating carriageway between the A5 westbound exit and the M42 northbound on slip, and extending the Lane 4 flare length on the A5 westbound approach. The With Development Reference Case assessments all include the proposed mitigation measures as well as the site access junction.

5.9 The results of the Transyt assessment are shown at Appendix NRB 12 (and in the NH SoCG). In brief the results show that in the 2033 No Development AM peak hour there are queues on the A5 eastbound approach (Lane 1: queue of 46pcu and 3 minutes 15 seconds of delay; Lane 2: 53pcu and 3 minutes 40seconds of delay). These queues extend back to affect the performance of the merge from Pennine Way resulting in queuing on the merge lane of 28pcu and a delay of 2 minutes 7 seconds. This queue extends back to affect the Pennine Way roundabout and the Pennine Way north arm, where a queue of 12pcu and a delay of 1 minute 58 seconds is predicted. When taken together there is a queue from the stop line at M42 Jn10 along the A5 eastbound Lane 1 approach, up the slip lane and onto Pennine Way north of 86pcu (46+28+12) and a delay of 7 minutes 20 seconds per vehicle. The queues and delays elsewhere on M42 Jn10, A5/ Birch Coppice, A5/ Core42 and Dordon Roundabout are within acceptable parameters.

5.10 In the PM peak hour, the A5 eastbound approach has a queue of 16pcu in Lane 1 and a delay of 1 minute 20 seconds. The queue does not extend back to affect the merge from Pennine Way. Green Lane has a queue of 18pcu and a delay of 2 minutes 14 seconds (Lane 2), The southern overbridge has a queue of 20pcu and a delay of 19 seconds (Lane 1) and a queue of 26pcu with delay of 36 seconds in Lane 2. Trinity Road has a queue of 18pcu and a delay of 1 minute 52 seconds in Lane 1. Elsewhere on the network the queues and delays are relatively modest.

5.11 With the addition of traffic generated by the Appeal site and the inclusion of the mitigation proposals there is a significant reduction in the queues and delays on the A5 eastbound approach in the AM peak. In Lane 1 the queue is 7pcu with a delay of 13 seconds. This means that the queue no longer blocks the merge from Pennine Way (0pcu queue, delay 2 seconds) and no longer affects the operation of the Pennine Way roundabout, with the queue on Pennine Way north being reduced to 2pcu and an 8 second delay. Taken together there are 9pcu (7+0+2) queued between M42 Jn10 stop line and Pennine Way north, and the delay is just 21 seconds.

5.12 There is also a significant reduction in queues and delays on the A5 eastbound Lane 3 approach from 53pcu and a delay of 3 minutes and 50 seconds per vehicle to 9pcu and a delay of 13 seconds per vehicle.

5.13 The mitigation measures result in a significant reduction in the queues and delays during the AM peak hour on the A5 eastbound approach, the queues on the Pennine Way merge are eliminated and the queues at the Pennine Way roundabout are minimal. The reduction in queues and delays on the A5 eastbound approach is a significant improvement in junction performance and a betterment to the operation of the SRN.

5.14 On the A5 eastbound approach to M42 Jn10 in the PM peak, the levels of queues and delays are similar to the AM peak and are less than in the No Development situation. At Green Lane the PM queues in Lane 2 are slightly reduced from 17pcu to 15pcu and the delay reduced by 4 seconds to 2 minutes 10 seconds, and at Trinity Road Lane 1 the queue is reduced by 5pcu to 13pcu, but the delay is 37sec longer at 2 minutes 29 seconds. Elsewhere including at Dordon Roundabout there are minor

changes in the queues and delays on the A5 and negligible changes on Long Street and Gypsy Lane.

5.15 Overall in the AM peak hour the effect of generated traffic is more than mitigated by the proposed improvement scheme. In the PM peak the effects are generally small and are not severe.

5.16 WCC is the highway authority responsible for Green Lane and Trinity Road at M42 Jn10, and for Long Street and Gypsy Lane at Dordon Roundabout. The impact of the Appeal proposals on these WCC roads as noted above are relatively small. At Green Lane in the AM the Lane 2 queue remains at 5pcu and the delay increased by 3 seconds to 1 minute and 2 seconds, in the PM peak there is a small reduction in queues and delays. At Trinity Road in the AM the Lane 1 queue reduces from 5pcu to 4pcu and the delay increases by 1 second to 33 seconds and the reduction in queue and increase in delay in the PM is noted above. At Long Street, in the AM peak, the queue is unchanged at 2pcu, and delay increases by 8 seconds, and in the PM the queue increases by 1pcu to 2pcu, and the delay increases by 2 seconds, at Gypsy Lane there are no changes in queues or delays. As can be seen the impact of the Appeal proposals on the WCC road is small and is not severe.

5.17 The Transyt model and the results have been agreed by NH, WCC and SCC in their SoCGs (**CD D18, D19 and D20**).

5.18 The above assessment does not use residual traffic flows which include for the effects of the Travel Plan proposals and the proximity of the rail freight interchange facility, and therefore the assessment is considered to be robust.

M42 Jn10 Mitigation Scheme

5.19 The main features of the mitigation scheme are set out at para 5.8 above. The design includes a short section of reduced lane widths on the A5 eastbound approach to M42 JN10 as a result of land constraints. The lane width reductions constitute a departure from DMRB standard and NH in March 2024 gave preliminary approval to the departure.

5.20 SCC have agreed to the minor foot/cycle way alterations at Pennine Way and Pennymoor Road/ Pennine Way on 1 November 2023, Appendix NRB 1 refers.

5.21 A safety risk assessment in accordance with DMRB GG104 has been carried out in advance of receiving design comments, and was submitted to an NH, WCC and SCC on 23 April 2024. The risk assessment has considered the change in road safety risk arising from the proposed M42 Jn10 mitigation measures and the proposed A5/ access junction. The assessment finds that the safety risks associated with the proposed works are at an acceptable level. The Safety Risk Assessment has, at the time of writing, not yet been agreed with National Highways, but discussions are ongoing. I am advised that this is a matter which is capable of being addressed by way of a condition in any event.

5.22 At the time of writing a Stage 1 Road Safety Audit has not yet been completed. This is because NH had initially requested that the Audit is delayed until they have provided design comments. Design comments were provided on 2 May, and the Audit brief is now with NH for approval, and has been approved by SCC and WCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

5.23 The mitigation scheme can be delivered through a suitably worded condition. As the trigger point for the implementation of the works has not yet been agreed with NH, the condition should include the requirement for a trigger assessment.

Summary

5.24 The impact of the Appeal proposals have been assessed in the Reference Case using the agreed Transyt model.

5.25 The Reference Case includes committed developments, background traffic growth, and the existing highway network, includes the existing roundabout at Dordon. The situation in 2026 and 2033 were assessed.

5.26 The development traffic flows, as required by NH, did not make any reduction for the anticipated effects of a travel plan nor the use of the nearby rail freight terminal at Birch Coppice. This means that the assessment of impact is robust.

5.27 In my evidence I have concentrated on the 2033 assessment because the traffic flows are higher.

5.28 In the No Development AM situation long queues and delays are predicted on the A5 eastbound approach. The queues are predicted to extend back from M42 Jn10, and block back along the A5/ Pennine Way merge, back to the Pennine Way roundabout, and along the Pennine Way north arm. A combined queue of 86pcu is predicted and drivers on Pennine Way north are expected to queue for 7 minutes 20 second to reach M42 Jn10. Traffic on the A5 eastbound Lane 3 is expected to queue for 3¾ minutes to reach M42 Jn10. Elsewhere on the network queues and delays are within acceptable parameters.

5.29 In the No development PM scenario, Green Lane has a queue of 18pcu and a delay of 2mins 14 sec (Lane 2). The southern overbridge has a queue of 20pcu and a delay of 19 seconds (Lane 1) and a queue of 26pcu with delay of 36 seconds in Lane 2. Trinity Road has a queue of 18pcu and a delay of 1min 52sec in Lane 1. Elsewhere on the network the queues and delays are relatively modest.

5.30 With the addition of traffic generated by the Appeal proposals and the proposed mitigation measures there is a substantial reductions in AM queues and delays on the A5 eastbound Lane 1 approach. The queues no longer block back to Pennine Way and drivers from Pennine are expected to queue for 20 seconds to reach M42 Jn10, a reduction of 7 minutes per vehicle. Traffic on the A5 eastbound Lane 3 approach are expected to queue for 19 seconds, a reduction in 3¼ minutes per vehicle, traffic. Elsewhere on the network the queues and delays are relatively modest.

5.31 In the PM peak there are small reductions in queues and delays at Green Lane and a reduction in queue, but a small increase in delay at Trinty Way. Elsewhere on the network the impact of the Appeal proposals are relatively modest.

5.32 The Transyt model and the results have been agreed by NH, WCC and SCC.

5.33 The mitigation scheme is shown on drawing TT drawing 784-B033920-TTE-00-ZZ-SK-H-1001-P01. The scheme comprises widening the A5 eastbound approach to M42 Jn10 introducing a lane gain merge for traffic from Pennine Way, enhancing pedestrian and cycle facilities, improving the diverge to Kinsall Green, widening the circulating carriageway between the A5 westbound exit and the M42 northbound on slip, and extending the Lane 4 flare length on the A5 westbound approach.

5.34 A GG104 Safety Risk Assessment predicts that the proposed mitigation measures will operate with acceptable safety levels. At the time of writing the GG104 Assessment it has not been agreed with NH, but discussions are ongoing.

5.35 Design comments were provided by NH on 2 May, and a Stage 1 Road Safety Audit brief is now with NH for approval. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

5.36 In conclusion the significant impacts from the development on the transport network (in terms of capacity and congestion) can be cost effectively mitigated to an acceptable degree and meets the requirements of the NPPF and local policy in this regard. However, matters relating to the GG104 Safety Risk Assessment and Stage 1 RSA remain to be resolved with NH.

6.0 Impact of Generated Traffic – Local Plan Case

Circular 01/2022

6.1 Circular 01/2022 at paragraph 48 advises that where a development is not in the local plan then it is necessary to show that it is in an area of high accessibility by sustainable travel modes and that it would not *"create a significant constraint"* to the delivery of planned improvements to the road network or to allocated sites. These points are considered separately below.

6.2 Similarly to the Reference Case assessment the traffic reductions identified in the Vision Based Travel Plan and the reduction in HGV movements as result of modal shift to rail have, as requested by NH, not been taken into account. As such the agreed assessment is likely to materially overestimate the impact of the Appeal proposals and the assessment is considered to be robust.

Accessibility

6.3 In Section 9 of my proof I have shown that the Appeal site is in an accessible location given the proximity of Tamworth, Dordon and Polesworth, and that the proposed pedestrian and cycle connectivity improvements included in the Appeal proposals will benefit employees at the Appeal site, and will also provide a community benefit by improving the accessibility of other nearby sites such as Tamworth Logistics Park and Birch Coppice.

6.4 It is also proposed to divert the No 766/767 Stagecoach bus service into the site to provide a regular service between Nuneaton and Tamworth. The site will include a bus stop, real time passenger information and a bus turning area, effectively providing a bus service on the doorstep. The proposed level of bus provision is the same as that currently at Birch Coppice and is better than that for Tamworth Logistics Park and at Core42.

6.5 The NPPF definition of sustainable transport includes ultra-low and zero emission vehicles. To support these vehicle types, the Appeal site includes a high level of electrical vehicle connections for cars, LGVs and HGVs.

6.6 The major use for the Appeal site is storage and distribution, and, as a result of its proximity to the Birmingham Intermodal Freight Terminal at Birch Coppice, the site is

rail served. The use of the railhead allows for sustainable rail based distribution. The MDS Transmodal report (**CD A14**) (which is supplemented by the proof of Mr Hatfield) estimates that some 10% of freight journeys from the Appeal site may use rail. Whilst HGV volumes at the A5/ Site Access would not be affected, the transfer of loads to rail would reduce HGV volumes generated by the Appeal site on the A5, M42 Jn10 and further afield with consequential savings in HGV miles and emissions.

6.7 Circular 01/2022 advises (paragraph 28) that logistics and manufacturing sectors are considered to be SRN dependent. The Appeal site is located adjacent to the A5 and M42 both are parts of the SRN and is in an appropriate location for the anticipated use.

6.8 Overall I consider that the Appeal proposals offer a realistic choice of sustainable transport options for both workers and freight journeys and that it is located in a highly accessible location for both workers and freight movements.

Effect on the Local Plan

6.9 As agreed with NH, WCC and SCC an assessment of the impact of the Appeal proposals on the highway network with the Local Plan was undertaken in 2033 which is the projected end of the current local plan.

6.10 The details are set out in the Consolidated Modelling Strategy Note (**CD H24**). In brief, the agreed Local Plan network to be assessed included the Dordon to Atherstone HIF scheme and an improvement at M42 Jn10.

6.11 For the Dordon to Atherstone scheme, the existing roundabout at Dordon was replaced by traffic signals using the drawing ID6-2026 Dordon Signals in Appendix C of the Vectos Strategic Transport Assessment dated 2017 (**CD H20**). The Vectos layout required further development for the Transyt assessments and the layout used is shown at TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009 Rev P01 attached in Appendix NRB 13. It is agreed with NH that this layout is suitable for the Local Plan Transyt assessments.

6.12 For M42 Jn10, the agreed Local Plan scheme included in the modelling is shown in Phil Jones Associates Drawing 02853-01 Rev A attached at Appendix NRB14. The improvements comprise i) widening the A5 eastbound approach and western circulatory carriageway, ii) a segregated left turn slip lane from the M42 southbound

off slip to the A5 eastbound, and iii) widening of the southern overbridge and Trintiy Road approach.

6.13 The impact of the Appeal proposals on the Local Plan was assessed by comparing the queues and delay on the modelled network in the No Development and With Development situations.

6.14 In the 2033 Local Plan With Development assessment, the Phil Jones Associates' proposals were amended to remove the segregated left turn slip and to amend the A5 eastbound approach, western circulatory and A5 westbound approach proposals to match those in the Reference Case mitigation scheme. The Local Plan With Development scheme is shown at TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1002 Rev P01 attached in Appendix NRB 15.

6.15 The results of the Transyt assessment are shown at Appendix NRB 16. In brief the results show that in the No Development situation, queues and delays were within acceptable parameters at all junctions. The Transyt assessment of the With Development situation showed that:

- The proposed traffic signals at Dordon worked with acceptable levels of queues and delays.
- The omission of the segregated left turn lane did not result in long queues (and delays (Lane 2: 7pcu and 1 minute 6 seconds) on the M42 southbound approach indicating that this feature was not necessary for the Local Plan scheme.
- There was an increase in queues and delays on the A5 eastbound approach. In the AM peak Lane 2 had an increase in queues of 14pcu to 46pcu and an increase in delay of 1 minute 33 seconds to 2 minutes 11 seconds; in the PM peak the queue increased by 20pcu to 54pcu and the delay increased by 1 minute 33 seconds to 3 minutes 43 seconds. There are also increases in delay on the A5 on slip merge from Pennine Way from 7pcu to 13pcu and in delay from 26 seconds to 41 seconds in the AM peak, with a similar increase in the PM peak.

6.16 Upon review of the proposed mitigation scheme it was considered that a relatively small additional mitigation scheme comprising widening the A5 eastbound exit from 2 to 3 lanes, would further improve the performance of the A5 eastbound approach.

The Additional Mitigation scheme is shown at TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1003 Rev P01 attached in Appendix NRB17.

6.17 The agreed results of the Transyt assessment are shown at Appendix NRB 18. The right hand columns of the AM and PM tables included the final model improvements agreed with NH.

6.18 In brief, with the additional mitigation, the queues and delays in the AM peak hour on the A5 eastbound approach are reduced to be broadly similar to the No Development situation, and in the PM peak hour, are broadly less than in the No Development situation. Therefore the Additional Mitigation scheme offers a better level of performance for a relatively small change to the overall scheme.

6.19 The Transyt Assessment has shown that the Appeal proposals can be delivered alongside the Local Plan allocations and associated infrastructure, as modified at M42 Jn10. In relation to Circular 01/2022 the Appeal proposals do not result in a significant constraint to the local plan proposals, and at M42 Jn10 offers some benefits.

6.20 The Local Plan Transyt models and assessment have been agreed with NH, WCC and SCC.

Effect on the Delivery of Planned Improvements

6.21 The NWBC Local Plan has identified the A5 Dordon – Atherstone scheme as being critical infrastructure with an anticipated delivery of 2028 (**CD F18** and **F19**). NWBC has established a stepped trajectory for housing delivery, with it being limited to 265 dwellings per year, and a maximum 800 dwellings until completion of the A5 Dordon – Atherstone scheme. Following its completion which is indicated as being by 2028, the rate of housing delivery can increase to 775 dwellings per year.

6.22 The A5 Dordon – Atherstone scheme received a Housing Infrastructure Fund (HIF) grant of £79M. NH are presently working on the delivery of the project; with public consultation on three options being held in Autum 2022. Prior to the Ministerial announcement on 9 March 2023 (Appendix NRB 19) the scheme was expected to be delivered in RIS3[9] (2025 to 2030) as the scheme costs had exceeded the HIF Grant.

[9] RIS3 = Road Investment Strategy period 3

With the postponement of RIS3 schemes to RIS4 (2030 to 2035) there is now considerable uncertainty as to the delivery of the scheme to the Local Plan timetable. Furthermore, at the A5 Stakeholder Reference Group meeting in October 2023, NH advised that DfT expected to decide whether the scheme would progress and its preferred route in spring 2024. The decision is still awaited. Whether the scheme will progress in advance of RIS4, or at all is unclear. It will be noted that this level of uncertainty has also affected a large number of other projects across the UK, and clarity may not be restored until after the forthcoming general election.

6.23 The NWBC Local Plan Infrastructure Delivery Plan (IDP) 2020 at Appendix G (**CD F26**) (extract at Appendix NRB 20) includes ID5 the A5 Dordon – Atherstone scheme. It also includes ID8 “Reconfiguration of M42 Signal Approaches and Junction Optimization”, with a target date of 2026. It also includes at ID16 M42 “Enhanced Capacity” with a target date of 2031. The Vectos STA (**CD H20**) at Table 24 identifies that the A5 Atherstone Paramics model included the ID16 M42 “Enhanced Scheme” with widening of the A5 eastbound approach and circulatory to 4 lanes, widening of the southern circulatory overbridge to 4 lanes plus signal optimisation. Following discussions with Vectos, (Appendix NRB 21) it was confirmed that the scheme used in the Local Plan modelling was that shown in the email. WCC in an email dated 13 May 2022 (Appendix NRB 22) confirmed that the Phil Jones Associates Drawing 02853-01 Rev A (Appendix NRB 14) was used in the Local Plan modelling work, as can be seen the image shown in the Vectos email is the same as that in the WCC email.

6.24 At the October Stakeholder Reference Group meeting NH reported that they were at an early stage of considering low-cost interventions at M42 Jn10 with three potential options, no plans were shown and no modelling results were reported. At present there is no certainty as to whether the M42 Jn10 schemes will come forward to the anticipated timescales.

6.25 In the light of these uncertainties we have used the Transyt model to assess the impact of varying levels of Local Plan development on the highway network. Firstly we have evaluated the level of Local Plan traffic which can be accommodated on the existing road network in 2033 with committed development built out – the 2033 No Development Reference Case. This assessment does not include any traffic

generated by the Appeal site. We assessed 10%, 15%, 20% and 30% of Local Plan traffic on the network.

6.26 The results of the Transyt assessment (Table 1 AM Peak, Table 2 PM Peak) are shown at Appendix NRB 23. In the AM peak the queues in the 2033 base line already extend back to the A5 Pennine Way on slip and to the Pennine Way north approach. So that this is seen more clearly, I have extracted the relevant links in Table 6.1 below.

6.27 In Table 6.1 the queues and delays from M42 Jn10 A5 eastbound Lane 1, the Pennine Way slip road and the Pennine Way north approach are noted and summed to give a total queue and delay. Note that A5 eastbound Lane 1 queues of over 50pcu (50 x 5.75m = 285m) would extend beyond the nose of the splitter island and further increases in queues and delays would be along the A5, and would not affect the queues and delay up the slip road to Pennine Way. To take account of this the queue and delay component of the A5 eastbound Lane 1 has been limited to that of the Baseline because its queue of 46pcu is already close to the nose of the splitter island. The row entitled Revised Total shows the summation of queues and delays in the Pennine Way north arm, the A5 Pennine Way slip road and Baseline A5 eastbound Lane 1.

Table 6.1 Comparison of Queues and Delays A5 Eastbound Approach AM Peak

	2033 Baseline		+10% Local Plan		+15% Local Plan		+20% Local Plan		+30% Local Plan	
	Q	Delay	Q	Delay	Q	Delay	Q	Delay	Q	Delay
Pennne Way North	12	1:58	32	2:58	47	3:23	56	3:50	59	4:01
A5 on slip Merge	28	2:07	35	2:32	36	2:35	36	2:40	38	2:43
A5 Ebd Lane 1	46	3:15	72	4:32	63	4:04	72	4:30	81	4:56
Total	86	7:20	139	10:02	146	10:02	164	11:00	178	11:40
Revised Total	86	7:20	113	8:45	129	9:13	138	9:45	143	9:59
Difference to Baseline	0	0	27	1:25	43	1:53	52	2:25	57	2:29
A5 Ebd Lane 3	53	3:50	59	4:42	60	4:49	62	5:21	61	5:10

Note Q = queue in pcu; Delay = minutes:seconds

6.28 Table 6.1 shows that with 10% of the Local Plan traffic the A5-Pennine Way queue is predicted to increase by 27pcu and the queue by 1 minute 25 seconds, and the queues and delays continue to increase until with 30% of the Local Plan the queue has increased by 57pcu and the delay by 2 minutes and 29 seconds. There are also increases in queues and delays on the A5 eastbound Lane 1 beyond the Pennine Way merge island which with 30% of the Local plan is 35pcu and 1 minute 41 seconds, and in Lane 3 which has an increase of 8pcu and 1 minute 20 seconds.

6.29 With 15% of the Local Plan traffic, the A5-Pennine Way AM queue is predicted to increase by 43pcu and the queue by 1 minute 53 seconds.

6.30 Table 6.2 below summarises the PM peak results. In the baseline, the A5 eastbound Lane 1 queue is 16pcu and does not affect the merge or Pennine Way. As the

proportion of Local Plan traffic increases, the Lane 1 queue increases as do the queues and delays at the on-slip merge, but not on Pennine Way north, even at 30% Local Plan. At 15% of the Local Plan the A5-Pennine Way queue has increased by 23pcu and the delay has increased by 2 minutes 10 seconds. With 30% of the Local Plan traffic the queues as increased to by 45pcu and the delay by 3 minutes 49 seconds.

Table 6.2 Comparison of Queues and Delays A5 Eastbound Approach PM Peak

	2033 Baseline		+10% Local Plan		+15% Local Plan		+20% Local Plan		+30% Local Plan	
	Q	Delay	Q	Delay	Q	Delay	Q	Delay	Q	Delay
Pennne Way North	1	0:06	1	0:07	1	0:08	2	0:18	1	0:20
A5 on slip Merge	1	0:09	5	0:31	8	0:52	11	1:08	15	1:21
A5 Ebd Lane 1	16	1:20	25	2:09	32	2:45	38	3:12	47	3:43
Total	18	1:35	31	2:47	41	3:45	51	4:38	63	5:24
Difference to Baseline	0	0	13	1:12	23	2:10	33	3:03	45	3:49
A5 Ebd Lane 3	12	0:55	20	1:49	27	2:31	31	3:01	40	3:45

Note Q = queue in pcu; Delay = minutes:seconds

6.31 On the A5 Pennine Way eastbound Lane 3 with 15% Local Plan the queue has increase by 15pcu and the delay has increase by 1 minute and 36 seconds to 2½ minutes per vehicle. With 30% of the Local Plan the queue has increased by 28pcu and the delay by 1 minute and 55 seconds to 3¾ minutes.

6.32 Based on the AM and PM peak hour result above, the addition of some 15% of Local Plan traffic is expected to lead to queue and delay issues on the A5 eastbound approach.

6.33 Dordon Roundabout was found to perform within acceptable parameters with up to 30% of the Local Plan, when the A5 westbound Lane 1 the queue had increased by 36pcu to 47pcu and the delay had increased by 1 minute 33 seconds to 1 minute and 56 seconds per vehicle.

6.34 The assessment has shown that M42 Jn10 is the more sensitive junction with queue and delay issues becoming apparent at 15% Local Plan in both AM and PM peak periods, whereas Dordon Roundabout is beginning to have queue and delay issues in the AM peak only at 30% of Local Plan traffic.

6.35 We then assessed the situation in 2033 Reference Case With Development situation again with different levels of Local Plan traffic. The With Development situation includes the Appeal proposals, its associated traffic generation, the proposed A5 access junction and the proposed M42 Jn10 mitigation works. This network retains the current roundabout at Dordon.

6.36 The results of the Transyt assessment (Table 3 AM Peak, Table 4 PM Peak) are attached at Appendix NRB 24. This shows that there were no significant queue and delay issues at the A5 eastbound approach, A5 merge or Pennine Way north arm in the AM or PM peak hours. At Dordon Roundabout in the 30% Local Plan scenario the Lane 1 queue has increased by 56pcu to 66pcu and the delay has increased by 2 minute and 3 seconds to 2 minutes 30 seconds per vehicle.

6.37 Relative to the 30% Local Plan assessment with No Development (para 6.32 above) the A5 westbound Lane 1 queue in the With Development 30% assessment has increased by 19pcu and the delay has increased by 30 seconds per vehicle. The change in queues and delays as a result of the Appeal proposals is relatively modest and only affects the AM peak hour. The Appeal proposals do not mean that planned improvements at Dordon need to be completed earlier than would otherwise be the case.

6.38 The Reference Case Transyt model was amended to include the proposed Local Plan traffic signals at Dordon and the effect of 60%, 70% and 80% of Local Plan traffic was assessed. The Transyt results (Table 5 AM Peak, Table 6 PM Peak) are shown in Appendix NRB 25.

6.39 In the AM peak the results showed that with up to 80% of the Local Plan no lane has an increase in delay of over 1½ minutes per vehicle.

6.40 In the PM peak the M42 northbound off slip begins to experience longer delays and queues as the proportion of Local Plan traffic increases. This is because the southern overbridge has 2 lanes as existing. To accommodate the increased traffic demand on the southern overbridge the green time on the M42 northbound off slip is reduced leading to the longer queues and delays in Lane 1 and Lane 5.

6.41 With 70% of the Local Plan in the PM peak, there is an increase in queuing on the M42 northbound off-slip (Lane 1) of 18pcu to 30pcu and in delay of 1 minute 24 seconds to 2 minutes and 22 seconds, and on Lane 5 an increase queuing of 15pcu to 23pcu and an increase delay of 1 minute 32 seconds to 2 minutes and 3 seconds.

6.42 With 80% of the Local Plan traffic in the PM peak, there is a further increase in queues and delay on the M42 northbound off-slip. On Lane 1 the queue increases by 21pcu to 33pcu, and delay increases by 1 minute 38 seconds to 2 minutes 35 seconds. On Lane 5 the queue increases by 20pcu to 28pcu and the delay increases by 2 minutes to 2 minutes 31 seconds per vehicle. The queues in Lanes 1 and 5 can be fully accommodated on the slip road with little risk of extending back to the M42 mainline (storage capacity of circa 75pcu in the offside lane).

6.43 It is therefore likely that around 75% to 80% of Local Plan traffic could be accommodated before the Southern overbridge works on the M42 Jn10 and Trinity Road widening works are required.

6.44 In summary, with no certainty that the necessary highway improvements for the Local Plan will come forward, it is apparent that the capacity limitations at M42 Jn10 will become an issue at around 15% of the Local Plan delivery, and with 30% of Local Plan traffic, the capacity at Dordon Roundabout will become a constraint. If the Appeal site is approved with its associated mitigation, then this will enable around 80% of Local Plan to come forward at M42 Jn10, that is, it will enable up to 65% of the Local Plan. If there remains no certainty as to the A5 Dordon- Atherstone scheme, there is potential for the Dordon signal scheme to be delivered, tying back to the present A5 alignment rather than the Local Plan proposed dual carriageway. A suggested layout is shown at TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009 Rev P02 in Appendix NRB 26.

Summary

6.45 For sites not allocated in a local plan, Circular 01/2022 advises that they should be in an area of high accessibility and that they should not pose a significant constraint to the delivery of the local plan.

6.46 The Appeal site is in an accessible location. For freight and logistics it is highly accessible being located next to the A5 and M42 Jn10 and is close to the rail freight terminal at Birch Coppice. It is also accessible for staff and its accessibility will be enhanced with improved bus services as well as improved pedestrian and cycle facilities. The Appeal proposals include EV provision for cars and HGVs to future-proof sustainable transport options.

6.47 The effect that the traffic generated by the Appeal proposals would have on the Local Plan was assessed, as agreed, in 2033 using Transyt, assuming that there was full delivery of the Local Plan allocations, the A5 Dordon to Atherstone scheme and improvements to M42 Jn10.

6.48 The Transyt analysis has shown that in the Local Plan scenario with the Appeal proposals (with the M42 Jn10 scheme amended for the Reference Case mitigation measures), the highway network could accommodate the Local Plan traffic and the additional traffic generated by the Appeal site in both AM and PM peak periods. It was also found that by providing 3 lanes at the A5 eastbound exit, queues and delays on the M42 Jn10 A5 eastbound approach could be reduced.

6.49 The Transyt analysis showed that the Appeal proposals did not result in a significant constraint to the Local Plan and that the requirements in Circular 01/2022 were satisfied. The Transyt analysis also shows that the Appeal proposals would not result in a severe cumulative residual impact on the highway network in the Local Plan scenario.

6.50 The Local Plan assessments have been agreed by NH and SCC, and the amended Local Plan scheme at M42 Jn10, and the additional mitigation measures have also been agreed in principle by NH.

6.51 The agreed Reference Case Transyt models have been used to assess the implications of different levels of Local Plan traffic on the existing road network in 2033 assuming full delivery of the committed developments. In the absence of the

Appeal site and its proposed mitigation measures, the assessment found that with 15% (or greater) of the Local Plan traffic queues and delays were an issue in both AM and PM peak periods at M42 Jn10, and in the AM peak only with 30% of Local Plan traffic at Dordon roundabout. Including the Appeal site and its mitigation measures, M42 Jn10 could accommodate up to 80% of the Local Plan traffic. At Dordon Roundabout with the Appeal site the queues and delays were somewhat longer in the AM peak, but not excessively so, and the Appeal site does not require the improvement scheme to be brought forward. The analysis takes no account of the likely Travel Plan effects on the Appeal site trip generation nor the slightly lower traffic flows which would occur at earlier time horizons and therefore the assessment is robust.

6.52 In conclusion the Appeal site can be delivered alongside the Local Plan and its proposed highway schemes; if these do not come forward then the Local Plan faces significant restraint at M42 Jn10. The Appeal site can provide a notable infrastructure boost, as up to 80% of the Local Plan could be delivered at this junction as a result of the proposed Appeal site mitigation measures. At Dordon Roundabout, the Local Plan is currently constrained and our assessment shows that up to 30% of the local plan traffic can be delivered prior to the need for improvement. The Appeal site therefore is an enabler of the Local Plan.

7.0 Road Safety

7.1 As set out in in Section 4 of the TAA (**CD B39**), accident records for 2018, 2019, 2022 and up to September 2023 were assessed. The TAA Road Safety review concluded that the road network operates within acceptable levels of road safety.

7.2 The proposed site access junction and the M42 Jn10 mitigation scheme includes a number of measures with positive road safety benefits. These comprise

- Signal controlled pedestrian and cycle crossing of the Green Lane approach.
- Signal controlled pedestrian and cycle crossing of the M42 northbound on-slip.
- Signal controlled pedestrian and cycle crossing of the M42 southbound off slip.
- Signal controlled pedestrian crossing of the A5 at the proposed site access junction.
- Signal controlled pedestrian and cycle crossing of the proposed site access junction.
- Wider shared foot/cycleway on the north side of the A5 between the site access and the Pennine Way north roundabout with a separation strip.
- A new separate 3.0m wide offline shared foot/cycleway between the site access and the A5 near to Browns Lane, Dordon.
- 50mph speed limit on the A5 from a point 120m west of the Pennine Way overbridge to the existing 50mph speed limit east of the site.

7.3 A safety risk assessment in accordance with DMRB GG104 has been carried out in advance of receiving design comments from NH. It was submitted to NH, WCC and SCC on 23 April 2024. The risk assessment has considered the change in road safety risk arising from the proposed access junction and the proposed mitigation measures. The assessment finds that the safety risks associated with the proposed works are at an acceptable level.

7.4 The GG104 safety risk assessment has not yet been agreed with NH, but discussions are on going.

At the time of writing a Stage 1 Road Safety Audit has not yet been completed. This is because NH had initially requested that the Audit is delayed until they have provided design comments. Design comments were provided on 2 May. The Audit brief is with NH for approval and has been approved by WCC and SCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

Summary

7.5 It is agreed with NH that the existing road network operates with an expected level of road safety.

7.6 The Appeal proposals and mitigation measures include a number of features which are likely to enhance road safety. The layout of the highway proposals are agreed in principle with NH for the SRN and with SCC for Pennine Way/ Pennymoor Road.

7.7 A GG104 Safety Risk Assessment has been prepared and which finds no unacceptable road safety impacts with the proposed works. The assessment is not yet agreed with NH, but discussions are on going.

7.8 A Stage 1 Road Safety Audit has not yet been completed. The Audit brief is with NH for approval, and has been approved by WCC and SCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

8.0 Lorry Parking

8.1 The Inspector, in Matter 6, has asked whether the Appeal site is in an appropriate location for lorry parking. Mr Hatfield's evidence, as well as evidence of Mr Hann, includes work by MDS Transmodal on lorry parking which reviews the national lorry parking surveys and reports on local lorry parking surveys which they undertook in 2021 and 2023. In addition, the Professional Opinion Note prepared by Ms Christine Rampley, as appended to the Mr Hann's evidence, also highlights the severe need for additional lorry parking regionally and nationally.

8.2 In 2017 the DfT undertook a national survey of lorry parking (**CD I9**) across the SRN as well as lorry parking within 5km of the network. It assessed both on-site and off-site parking. On-site comprises motorway and roadside service areas together with privately operated truck stops and truck parks. Off-site lorry parking comprises roadside laybys and industrial estates, and these are generally not considered to be suitable for overnight lorry parking because there are no welfare facilities for drivers.

8.3 During the month-long survey over 4,500 sites were visited and 16,607 lorries were recorded as being parked. The reported lorry parking capacity was 15,012 spaces, leaving a national shortfall of some 3,600 spaces. The survey recorded that 39% of parking was at off-site locations.

8.4 In the West Midlands region, the study reported that the parking demand exceeds the supply, and that on-site lorry parks were operating at 87% of their capacity, a level defined as "critical" within the report; locally Tamworth Moto services were operating at 92% of capacity. Some 856 vehicles were reported as parking off site (**CD I9**,Table 5.46) and the report concluded that the high utilisation of on-site lorry parks resulted in a high level of off-site parking. The Hams Hall to Dordon area was identified as a national hotspot for lorry parking with a shortfall of 200 spaces.

8.5 The 2017 study was updated in 2022 (**CD I10** and **I11**) and the West Midlands region (Table 5-16 **CD I10**) was operating with the on-site lorry parks at 84% of capacity, and that 815 vehicles were reported as being parked off-site, and of these 377 were in laybys. The situation between 2017 and 2022 was very similar and the conclusions were broadly similar.

8.6 The MDS report also reports a local lorry parking survey undertaken in December 2023 which identified that, on average, 117 lorries parked off-site and that there was a significant demand for high quality overnight HGV parking capacity in the hinterland of J10 M42.

8.7 In January an appeal against a refusal of planning permission for a 200 space lorry park at Curdworth, near Hams Hall (application number PAP/2020/0295) was held. The appeal was dismissed on 22 February 2024.

8.8 In the decision letter (**CD K3**) the Inspector accepted that there was a strategic need for lorry parking noting that although there was *"…compelling evidence of need for additional HGV parking and driver facilities, the provision of which would help to address a national shortage of HGV parking, improve driver welfare, would support the distribution sector generally and would have wider public benefits in reducing the levels of roadside parking..."* these did not overcome the adverse impacts on the green belt.

8.9 As a result of the Inspector's decision, the strategic need for lorry parking in the Hams Hall – Dordon area remains unmet.

Summary

8.10 The Appeal site is located in the logistics Golden Triangle and is adjacent to the M42 and the A5, both parts of the SRN and key freight routes. As a result there is locally a high level of logistics use and demand for lorry parking. With the shortage of on-site spaces there is off-site lorry parking with concomitant problems of litter, noise and waste (**CD B13, B14** and **B40** refers).

8.11 Consequently, the Appeal site is ideally located, from a transport perspective, to provide an on-site lorry parking facility to meet a significant proportion of the identified strategic need.

9.0 Sustainable Transport

9.1 The vision for the Appeal site is to be the "*Greenest Business Park in The West Midlands*", and sustainable transport connections are essential to its delivery.

9.2 In locational terms the Appeal site is in a highly sustainable location for freight and logistics. It is located next to the A5 and M42, both parts of the SRN, and both key freight routes. The site is also sufficiently close to Birmingham Intermodal Freight Terminal at Birch Coppice to be rail served which allows for sustainable rail based distribution. The MDS Transmodal report (**CD A14**) estimates that some 10% of freight journeys from the Appeal site may use rail, and the transfer of loads to rail would reduce HGV volumes generated by the Appeal site on the A5, M42 Jn10 and further afield with consequential savings in HGV miles and emissions.

9.3 A Public Transport Strategy was agreed with Stagecoach and WCC public transport officers in October 2022 (**CD H22**) which proposed diverting the 766/767 Nuneaton – Tamworth bus service into the site, and Stagecoach provided a letter of support (**CD E55**). Agreement to the diversion was reaffirmed with Stagecoach in February 2024 (Appendix NRB 27) and with WCC and SCC in May 2024 (Appendix NRB 28). The diversion of the service will require financial support via a Sc106 agreement and a sum has been identified by WCC and Stagecoach.

9.4 The 766/767 service will cease operations on 21 July 2024 following a loss of Sc106 financial support from developments at Birch Coppice. The effect of the bus service change and effect on the Appeal site was discussed at a meeting on 22 May 2024. A copy of the meeting note is attached at Appendix NRB30, together with the relevant timetable information. Replacement bus services are being provided by SCC between Tamworth and Birch Coppice, the No 66, and by WCC between Nuneaton and Birch Coppice, the No 41. The service frequency will be somewhat less than the 766/767, but is timed to meet the shift patterns at Birch Coppice, commencing at 03:40 for the 66 and 13.20 for the 41.

9.5 WCC and SCC respectively agreed that the 41 and the 66 services could be extended/ diverted to serve the Appeal site. WCC and SCC confirmed that the Appeal site's Sc106 of £216,000 per annum for 5 years was still required and could

fully fund reinstatement of the 766/767 or provide further support for the 66 or 41 services.

9.6 The bus service diversion includes a bus turning area within the site and a bus shelter both of which can be provided. WCC have requested real-time passenger information displays at the bus shelter, which the Appellant is happy to accept.

9.7 The Appeal proposals include a range of improvements to walking and cycling routes between the site, Tamworth, Birchmoor, Polesworth and Dordon which will benefit employees and users of the Appeal proposals. These will also benefit the wider community by improving accessibility between the settlements and Tamworth Logistics Park, Birch Coppice and Core42.

9.8 As the routes are essentially rural in nature – passing through open farm land – it is proposed that the routes are to remain unlit. This approach is in common with many rural foot/cycle ways and at Appendix NRB 29 I show 4 examples comprising, the section of Green Lane north of Birchmoor, and routes in Killingworth, Whitley Bay and Whitehaven. Three of the routes are part of the NCN, all are close enough to settlements to be used for commuting. Image 8.3 in LTN1/20 shows an unlit section of NCN1 between Selkirk and Galashiels and these towns are within commuting distance of each other.

9.9 The guidance in LTN1/20 (para 8.7.1) notes that highway lighting may, in urban areas, be appropriate, but notes that there are adverse ecological issues and that lighting can be switched off between midnight and 5am when usage levels of the routes are low. Unlit urban routes are also not uncommon. In Appendix NRB29 I also show four examples of unlit urban (which I have taken to mean as being within a settlement) cycle routes including the Lancaster Canal towpath, Bristol - Bath railway path, the C2C (NCN72) in Wallsend and the Coventry Canal towpath in Tamworth. Two of the routes shown are part of the NCN. LTN1/20 also advises (para 15.3.2) that cycle routes across large quiet parks or along canal towpaths may not be well used outside peak commuting times after dark, even if lighting is provided.

9.10 LTN1/20 goes on to suggest at para 15.3.2 that in such case a lit alternative route should be considered. In Figure 1, Appendix NRB 29 I have considered the possible alternative routes with lighting for those cyclists who choose not to use the proposed cycle ways.

- For the proposed foot/cycleway north of the A5 between the site access and Brown's Lane (blue solid line), the A5, which is lit has a shared use foot/cycle way, but is narrow in sections and closer to moving traffic, provides a ready alternative route (blue dashed line) for those who prefer a lit route.
- For people coming from Tamworth, Glascote Heath in this example, using the AE45 bridleway between Birchmoor and the A5 (magenta solid line), a lit alternative route (magenta dashed line) would be to use Pennymoor Road (a quiet residential street), then the proposed foot/cycle way along Pennine Way, to the proposed foot/cycleway from the Pennine Way/ A5 roundabout on the north site of the A5 to improved foot/ cycleway on the M42 Jn10, and the improved cycleway on the A5 to the site access junction. An alternative via Green Lane is also shown,
- For people coming from Polesworth using the AE45 bridleway between Birchmoor and the A5 (yellow solid line), the alternative lit route would be via Dordon Road, Coppice Drive, Kitwood Avenue and Brown' s Lane (dismounting for the short, lit, public footpath section) to join the existing A5 foot/cycleway.
- For people coming from Dordon using the proposed Barn Close link (red solid line), the alternative lit route would be via Kitwood Avenue and Brown' s Lane (dismounting for the short, lit, public footpath section) to join the existing A5 foot/cycleway.

9.11 Therefore there are reasonable lit alterative foot/cycleway for those who do not wish to use the proposed unlit routes.

9.12 The 2024 WCC LCWIP (**CD H30**) identifies at Figure 25, the potential routes for upgrading through this area, included AE45 (LCWIP route P03) and a link to Dordon from AE45 (LCWIP route P09), both are indicated as being in "open space" and the route improvements provided by the development will assist towards the delivery of these proposals.

9.13 A Vision Based Travel Plan (**CD H25**) was prepared in line with Circular 01/2022 to set out multimodal trip generation of the Appeal proposals, the range of sustainable transport measures, the likely reductions in vehicular traffic that could reasonably be expected from the sustained implementation of the travel plan, and the reduction in HGV movements which could reasonably be expected from being a rail-served

development. The Plan was submitted to National Highways, WCC and SCC in September 2023.

9.14 The sustainable transport measures comprise:

- Improvements to foot/cycleway connections along the A5 between Pennine Way, Green Lane, the site and A5/ Core42 and Brown's Lane.
- Signal controlled pedestrian and cycle crossings on M42 Jn10 at Green Lane, at the M42 north facing slip roads, and at the site access junction.
- Signal controlled pedestrian crossing of the A5 at the site access junction.
- Improvements to the width and surface of existing Public Bridleways and Public Footpaths (AE45, AE46 and AE48), together with a new foot/cycle link to Barn Close, Dordon, to improve connectivity with Birchmoor, Tamworth, Polesworth and Dordon.
- Provision of cycle parking and as well as showers and changing facilities in all buildings.
- Extending the Stagecoach 766/767 Tamworth and Nuneaton services from the A5 into the proposed development has been agreed with Stagecoach, WCC and SCC together with suitable turning areas, waiting facilities and real-time passenger information will be provided.
- E.V. charging will be provided at 20% of all car, motorcycle and LGV spaces across the site and all parking spaces will be ducted for E.V. for future conversion. E.V. charging for HGVs will be provided at 10% of the proposed lorry parking spaces and/or loading docks.
- A travel plan coordinator will be appointed and will promote sustainable transport choices such as car share and to monitor the effectiveness of the plan over a sustained period.

9.15 The Vision Based Travel Plan estimated that the sustainable transport measures would lead to an 18% reduction in the car driver mode share, and that the proximity of the Birch Coppice Rail freight facility could reduce HGV movements by 10%.

9.16 The Vision Based Travel Plan was agreed by SCC in October 2023 and by National Highways in January 2024.

9.17 In the NH SoCG it is agreed that the site is in a sustainable location, the site is rail served, that an acceptable package of sustainable transport measures are proposed which are likely to reduce the level of traffic generation.

Summary

9.18 The Appeal site is in a sustainable location for freight and logistics being adjacent to the SRN and sufficiently close to Birmingham Intermodal Freight Terminal at Birch Coppice to be rail served. Transfer of freight from road to rail will reduce HGV miles, road emissions and congestion.

9.19 WCC and SCC have respectively agreed that the newly proposed 41 and 66 bus services could be extended/ diverted to serve the Appeal site together with a suitable level of financial support. It has also been agreed, that if required, the developer could fully fund reinstatement of the 766/767 services.

9.20 A number of improvements to pedestrian and cycle connections between the Appeal site Tamworth, Polesworth, Dordon are proposed, some of which are unlit rural routes. Reasonable lit alternative routes are available in line with guidance.

9.21 A Vision Based Travel Plan has been agreed with SCC and NH which sets out a range of sustainable transport measures which will be implemented. These include significant improvements to pedestrian/ cycle connections between the Appeal site, Tamworth and Dordon, as well as public transport improvements and promotional measures.

9.22 The Travel Plan also estimates that the likely reduction in traffic generation which can be reasonably expected is 18% and has been agreed by NH.

9.23 The Appeal site meets national and local policy requirements for sustainable transport.

10.0 Third Party Comments

10.1 The NWBC committee report notes that there were 361 residents who submitted representations to the applications. The following highway concerns were identified.

- Adverse impacts on the highway network.
- Adverse impacts on highway safety.
- Increased traffic and congestion.
- The effect on traffic speeds.
- The effect on lorry parking.

10.2 The committee report also noted objections from Dordon Parish Council, and from Polesworth Parish Council together with Wharton and Birchmoor Parish Councils on the following grounds:

- Traffic generation and the impact on road and access.
- The impact on road safety.
- Increased traffic on the B5000.
- The loss of footpaths.

10.3 In the Dordon Parish Council, Polesworth Parish Council and Birchmoor Community Acton Group's Joint Statement of Case the following highway matters were raised:

- The access would increase traffic on the A5 which is already busy.
- The movement of freight to Birch Coppice would require transport along the A5 and M42 Jn10 which would increase traffic at these locations.
- Congestion on the A5 would increase traffic in Polesworth.

10.4 There are a number of common factors in the issues raised and I have addressed these under the headings below.

Increased traffic, increase congestion and adverse highway impact

10.5 The Appeal proposals will result in additional traffic travelling on the A5 and M42 Jn10. The amount of generated traffic and its distribution has been agreed with NH, WCC and SCC. The effect that the additional traffic has on congestion and delays has been assessed using Transyt and the model and the extent of the road network to be assessed have been agreed with the NH, WCC and SCC.

10.6 The assessment has shown that improvement works to M42 Jn10 are required to accommodate the additional traffic generated by the Appeal proposals. The measures include widening the A5 eastbound approach, parts of the circulatory carriageway, and extending the flared lanes on the westbound approach. In addition a package of pedestrian and cycle measures is proposed. The mitigation measures have been agreed in principle with NH.

10.7 With the mitigation measures the road network operates with acceptable levels of queues and delays in the 2033 Reference Case and in the 2033 Local Plan Case. The mitigation measures proposed form part of the local plan measures identified for M42 Jn10 and the Appeal proposals would bring them forward providing reductions in queues and delays sooner than anticipated in the Local Plan.

10.8 The analysis showed that the A5 junctions with Pennine Way, Quarry Hill, Birch Coppice and Core42 can all accommodate the additional traffic in both Reference and Local Plan cases without the need for improvements. The analysis also showed that the A5 Dordon Roundabout can accommodate the additional traffic in the Reference Case without improvement, and also in the Local Plan Case with the planned improvements for that junction.

10.9 Because the road network is anticipated to operate without excessive congestion there is unlikely to be a notable increase in traffic diverting from the A5 through Polesworth.

10.10 With regard to the B5000, the agreed assignment of traffic generated by the Appeal proposals does not result in a significant increase in flows on the B5000 and as a result no separate assessment of the impact of the Appeal proposals on this road was required by WCC or SCC.

Highway Safety

10.11 The Appeal proposals include a number of measures to improve road safety, such as wider footways and cycleways as well as improved signal controlled crossings.

10.12 A safety risk assessment to GG104 has been carried out which has shown that there are no unacceptable road safety risks associated with the proposed highway works. A Stage 1 RSA is due to commence shortly.

Traffic Speeds

10.13 The mitigation proposals include a reduction in the speed limit on the A5 from 70mph to 50mph from the Pennine Way overbridge to the existing 50mph speed limit east of the current bus stop on the A5 eastbound carriageway adjacent to the Appeal site. The reduction in traffic speeds is expected to lead to improvements in road safety.

10.14 Therefore as a result of the Appeal proposals traffic speeds on the A5 are likely to reduce.

Railfreight Movements

10.15 The Appeal site is sufficiently close to the Birmingham Intermodal Freight Terminal at Birch Coppice for it to be considered rail served. The use of rail for freight will mean fewer HGV miles travelled on the road and lower emissions with consequential sustainability benefits.

10.16 For freight shipments to use the rail freight terminal, loads will need to be transported from the site, along the A5 to the Birch Coppice junction a distance of 640m, and then to the rail head. The MDS Transmodal report (**CD A14**, para 5.13 refers) estimates that there will be 126 daily HGV movements between the site and rail terminal. This number of HGVs is small in relation to the daily traffic volumes on the A5.

Lorry Parking

10.17 The Appeal site is located in the Hams Hall – Dordon lorry parking hotspot as identified in the DfT 2017 Lorry Parking Study (**CD I9**). There is a strategic need to provide lorry parking in the area because there is a shortage of on-site lorry parking, which results in overspill to off-site locations such as laybys and industrial estates.

10.18 The Appeal site includes a secure 150 space lorry park which will provide a significant contribution to the supply of on-site parking in the Hams Hall – Dordon hotspot, and so will reduce the demand for lorry parking in laybys and industrial estates.

10.19 The proposed lorry park is located conveniently close to the motorway and strategic road networks as it is next to the M42 Jn10 and A5. Signing would be provided to guide drivers to the proposed facility.

10.20 The Appeal proposals will more than offset the loss of the two existing laybys on the A5 as a result of the proposed formation of the access junction.

Loss of Footpaths

10.21 The Appeal proposals do not result in the loss of any footpaths, although one bridleway (AE45) will need to be diverted. The Appeal proposals will increase the number of paths publicly available with new paths to Barn Close, Dordon, and well as a new foot/cycleway to the north of the A5. In addition it is proposed to improve the surface of the existing rights of way.

Summary

10.22 Third parties have raised several issues in relation to the Appeal proposals which have been reviewed. There are no issues which would warrant the refusal of planning permission.

11.0 Policy Considerations

NPPF

11.1 The NPPF at para 114 sets the key requirements when assessing applications and includes:

a) appropriate opportunities to promote sustainable transport modes have been taken up;

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

c) the design of streets, parking areas, other transport elements reflects current national guidance; and

d) 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.

11.2 At para 115 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.3 My evidence has shown that in relation to para 114:

a) the Appeal site is in a sustainable location, it is rail served, it includes public transport, walking and cycling improvements, and provision to support EV cars, motorcycles, LGV and HGVs, as well as e-bikes, and a travel plan has been agreed with NH, which can be secured by planning condition.

b) a suitable site access can be provided which operates with acceptable levels of queues and delays, the layout of which has been agreed with NH in principle. An independent GG104 Safety Risk Assessment has found no unacceptable safety risks, and a Stage 1 Road Safety Audit is in progress.

c) the access and mitigation measure have been designed with due regard to DMRB.

d) a mitigation scheme has been agreed in principle with NH for improvements to M42 Jn10 which more than mitigates the impact of the Appeal proposals.

11.4 In relation to para 115 my evidence has shown that the Appeal proposals will not result in cumulative residual impact which is severe. With regard to the impact on

road safety, the GG104 Road Safety Risk assessment has found no unacceptable safety risks but is to be agreed with NH. A Stage 1 Road Safety Audit is in progress.

NWBC Polices

11.5 The NWBC Reason 3 cites a failure to comply with policies LP23, LP27 and LP29(6). These are considered in turn below.

11.6 Policy LP23 requires applications to be supported by Transport Assessments and these should address impacts on both the local and strategic highway networks, should be scoped, should ensure that proposals provide appropriate infrastructure measures to mitigate the adverse impacts of development traffic and other environmental and safety impacts either individually or cumulatively.

11.7 In my evidence I have shown that the assessment of the impacts of the Appeal site have been thoroughly and extensively scoped with NH, WCC and SCC, have been assessed using agreed Transyt, the model has been agreed with NH, and the impacts, including cumulative impacts with the Local Plan, have been agreed with NH and with SCC. Mitigation measures have been proposed which more than offsets the impact of the Appeal proposals and are agreed in principle with NH and with SCC. An independent GG104 Safety Risk Assessment has shown that safety risks associated with the proposed scheme are acceptable but is to be agreed with NH. A Stage1 RSA is in progress.

11.8 Policy LP 27 requires that all developments should consider what improvements can be made to encourage safe and fully accessible walking and cycling. In my evidence I have shown that the Appeal site is in a sustainable location, and a range of walking and cycling improvements which have wider community benefits are proposed.

11.9 Policy 29(6) requires that safe and suitable access to the site is provided for all users. The proposed site access design has been agreed in principle with NH and it operates with acceptable levels of queues and delays. An independent GG104 Safety Risk Assessment has found no unacceptable safety risks but is to be agreed with NH. A Stage 1 Road Safety Audit is in progress.

Summary

11.10 In summary the Appeal proposals, subject to the Stage 1 Road Safety Audit, meet the key transport policies of the NPPF, and the policies identified in NWBC's third reason for refusal.

12.0 Matters Raised by the Inspector

12.1 At the Case Management Conference, the Inspector identified 9 main issues to be addressed at this Inquiry, those relevant to transport or with a transport aspect are:

iv) Its effect on the nearby strategic and local highway network, and on the safety and convenience of users of these highways;

vi) Whether the appeal site represents an appropriate location for the provision of an overnight lorry parking area and associated facilities;

vii) How the proposed development would perform against the objectives for achieving sustainable development set out in the National Planning Policy Framework.

Matter 4

12.2 In my evidence I have shown that the effects of the Appeal site on the SRN and local roads have been thoroughly and extensively assessed using Transyt, to a methodology agreed by NH, WCC and SCC. The Transyt models and results have been agreed with NH, and the results with SCC.

12.3 The Transyt assessment has shown that in the Reference Case, mitigation is required to address impacts at M42 Jn10, particularly the A5 eastbound approach. An improvement scheme has been proposed and has been agreed in principle by NH, and by SCC for Pennine Way/ Pennymore Road. The mitigation measures result in a significant reduction in queues and delays on the A5 eastbound approach and is a betterment compared to the No Development situation.

12.4 The effect of the Appeal scheme has been cumulatively assessed with the Local Plan allocations and associated highway improvements. The Transyt model has shown that the Appeal scheme can be accommodated alongside the Local Plan and highway improvements (amended at M42 Jn10), and that queues and delays can further reduced with a small additional mitigation to the A5 eastbound exit.

12.5 The mitigation scheme includes improved pedestrian and cycle facilities between the Appeal site, Dordon and Tamworth including signal controlled crossings at a number of locations.

12.6 An independent GG104 Safety Risk Assessment has shown that safety risks associated with the proposed scheme are acceptable but is to be agreed with NH. A Stage1 RSA is in progress.

Matter 6

12.7 The Appeal site is located in the logistics Golden Triangle and is adjacent to the M42 and the A5, both parts of the SRN and key freight routes. As a result there is locally a high level of logistics use and demand for lorry parking. National lorry parking surveys in 2017 and 2022 (**CD I9, I10** and **I11**) identify a shortage of on-site spaces in the West Midlands region which results in high levels of off-site lorry parking with concomitant problems of litter, noise and waste (**CD B13, B14** and **B40** refers).

12.8 The site is located in the Hams Hall – Dordon lorry parking hotspot and a recent Appeal decision at Curdworth confirms that there is a strategic need to improve lorry parking provision.

12.9 Consequently, the Appeal site is ideally located, from a transport perspective, to provide on-site lorry parking facilities to address the strategic need.

Matter 7

12.10 The Appeal site is in a sustainable location for freight and logistics being adjacent to the SRN and sufficiently close to Birmingham Intermodal Freight Terminal at Birch Coppice to be rail served. Transfer of freight from road to rail will reduce HGV miles, road emissions and congestion.

12.11 WCC and SCC have respectively agreed that the newly proposed 41 and 66 bus services could be extended/ diverted to serve the Appeal site together with a suitable level of financial support. It has also been agreed, that if required, the developer could fully fund reinstatement of the 766/767 services.

12.12 A Vision Based Travel Plan has been agreed with SCC and NH which sets out a range of sustainable transport measures. These include significant improvements to pedestrian/ cycle connections between the Appeal site, Tamworth and Dordon, as well as public transport improvements and promotional measures.

12.13 The Travel Plan also estimates that the likely reduction in traffic generation which can be reasonably expected is 18% and has been agreed by NH.

12.14 The Appeal proposals meet the transport aspects of sustainable development in the NPPF.

13.0 Summary and Conclusions

13.1 The Appeal site is located to the north east of M42 Jn10 and to the north of the A5 Watling Street. Both the M42 and A5 are parts of the Strategic Road Network for which National Highways (NH) is the Highway Authority.

13.2 Warwickshire County Council (WCC) are the Highway Authority for the local roads of Green Lane and Trinity Road arms at M42 Jn10, and the Long Street and Gypsy Lane arms at Dordon Roundabout.

13.3 Staffordshire County Council are the Highway Authority for the B5404 Quarry Hill and B5080 Pennine Way which are the minor roads at a grade separated junction to the west of M42 Jn10, and of Kinsall Green a minor road also to the west of M42 Jn10.

13.4 Highway SoCGs have been agreed with WCC and SCC, these set out that all highway matters are agreed. A highway SoCG has been signed with NH in which all matters are agreed, however the outcome of a GG104 Safety Risk Assessment and Stage 1 RSA remain to be agreed. Discussions will continue with NH to resolve these outstanding matters.

Background

13.5 There has been a long and detailed assessment of the highway impact of the Appeal proposals commencing with Scoping by Bancroft Consulting in 2020 and the submission of the Bancroft TA (**CD A9.2**) with the application in December 2021.

13.6 Following our appointment in 2022 we agreed a Transyt16 based modelling strategy in March 2022 and undertook traffic surveys in the same month. A base Transyt16 model was prepared and its validation was agreed by WCC and NH in August 2022. The model was used to assess the impact of the Appeal proposals and a mitigation scheme for M42 Jn10 was identified. SCC also required assessment of the B5404 Quarry Hill and B5080 Pennine Way roundabouts which was originally done with Junctions10, and showed satisfactory performance.

13.7 A Revised TA (**CD B25**) was prepared which set out the Transyt assessment, accessibility improvements, proposed access junction and proposed highway improvements at M42 Jn10. The TA concluded that with the proposed mitigation the impact on the road network was acceptable in the Reference and Local Plan Cases.

13.8 Following advice from NH and WCC in February 2023 that the previously agreed 2022 surveyed traffic flows were not yet stable post Covid-19, that the previously agreed WCC A5 Atherstone Paramics model was not acceptable, and that the previously agreed network extent was not acceptable, a revised Transyt16 modelling strategy was prepared and agreed with NH, WCC and SCC. The Transyt model was extended to include the B5404 Quarry Hill and B5080 Pennine Way roundabouts in the west and A5/ Dordon Roundabout in the east. A new traffic survey was undertaken in early July 2023, and the committed developments were rebased to 2023.

13.9 A revised base Transyt16 model was prepared and its validation was agreed by NH, WCC and SCC. The model was used to assess the impact in 2026 and 2033 Reference Case and in a 2033 Local Plan Case. The results and an updated accident assessment were reported in a TAA report of December 2023 (**CD B39**).

13.10 In January 2024 SCC agreed that the impact of the Appeal proposals were acceptable.

13.11 Following some discussions and adjustments to the Transyt models NH agreed on 2 May 2024 that the models were acceptable, that the impact of the Appeal proposals was acceptable and that the site access, and proposed mitigation measures were acceptable in principle. NH also agreed that the design comments could be addressed at later design stages.

13.12 A GG104 Safety Risk Assessment was submitted to NH, WCC and SCC on 23 April 2024. The assessment finds that the safety risks associated with the proposed works are at an acceptable level. The GG104 is not yet agreed with NH, but discussions are ongoing.

13.13 At the time of writing a Stage 1 Road Safety Audit has not yet been completed. This is because NH had initially requested that the Audit is delayed until they have provided design comments. Design comments were provided on 2 May, and the Audit brief is now with NH for approval, but has been approved by WCC and SCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

13.14 On 29 April WCC confirmed that their consultants SLR had reviewed the Transyt models and that the impact on WCC network was minor/ negligible, subject to confirmation of agreement being reached between TT and NH. Confirmation of NH's agreement was provided to WCC on 7 May with copies of the agreed drawings and summary model results

13.15 All highway matters have now been agreed with SCC and WCC as set out their respective SoCGs. All matters with the exception of a GG104 Safety Risk Assessment and a Stage 1 Road Safety Audit have been agreed NH as set oun the in SoCG.

Site Access Junction

13.16 The proposed site access junction comprises a traffic signal controlled junction with a separately signalled right turn lane from the A5 into the site, a signal controlled pedestrian crossing of the A5 and a signal controlled pedestrian/ cycle crossing of the site access junction. To accommodate the junction the A5 will be widened to three lanes in each direction, and the eastbound carriageway will be raised to remove the level difference between the eastbound and westbound carriageways. Improved pedestrian/ cycle facilities on the north side of the A5 will be provided between the site and M42 Jn10.

13.17 The Transyt assessment has shown that the proposed access junction will operate with acceptable levels of queues and delays in both AM and PM peak hours in all assessed scenarios. The Transyt model and the results have been agreed by NH. The Transyt assessment is robust because the traffic flows did not take into account the likely traffic reductions resulting from a travel plan.

13.18 Appropriate stopping sight distance can be provided for traffic approaching the junction and to the back of the expected queues in accordance with DMRB.

13.19 The formation of the access junction will require the removal of two existing laybys on the A5. The Appeal proposals include a 150 space lorry park, in an area where there is a strategic need for more on-site lorry parking to address existing shortfalls. In addition to the proposed secure lorry park there are existing services at Tamworth Services on Green Lane as well as existing laybys on the A5 east of Grendon, east of

Atherstone and at the A5/ A453 interchange. As agreed with NH the additional on-site lorry parking more than offsets the loss of the two laybys.

13.20 A GG104 Safety Risk Assessment was submitted to an NH, WCC and SCC on 23 April 2024. The assessment finds that the safety risks associated with the proposed access junction are at an acceptable level. At the time of writing, the GG104 assessment has not yet been agreed with NH, but discussions are ongoing.

13.21 Design comments were provided by NH on 2 May, and a Stage 1 Road Safety Audit brief has been submitted to NH, WCC and SCC. The latter two authorities have agreed the brief, and NH's comments have not yet been received. The Stage 1 Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

13.22 In conclusion, the layout of the proposed access junction is agreed in principle, subject to a Stage 1 Road Safety Audit, and agreement of the GG104 Safety Risk Assessment. The access junction includes improved provisions for pedestrians and cyclists and it operates with acceptable levels of queues and delays in all assessed scenarios.

Impact of Generated Traffic – Reference Case

13.23 The impact of the Appeal proposals have been assessed in the 2026 and 2033 Reference Case using the agreed Transyt model.

13.24 The Reference Case includes committed developments, background traffic growth, and the existing highway network, including the existing roundabout at Dordon.

13.25 The development traffic flows, as required by NH, did not make any reduction for the anticipated effects of a travel plan nor the use of the nearby rail freight terminal at Birch Coppice. This means that the assessment of impact is robust.

13.26 In the 2033 No Development AM situation, long queues and delays are predicted on the A5 eastbound approach to M42 Jn10. The queues are predicted to extend back along the A5/ Pennine Way merge, to the Pennine Way roundabout, and along the Pennine Way north arm. A combined queue of 86pcu is predicted and drivers on Pennine Way north are expected to queue for 7 minutes 20 second to reach the M42 Jn10 stopline. Traffic on the A5 eastbound Lane 3 is expected to queue for 3¾

minutes to reach the M42 Jn10 stopline. Elsewhere on the network queues and delays are within acceptable parameters.

13.27 In the No Development PM scenario, Green Lane has a queue of 18pcu and a delay of 2mins 14 sec (Lane 2). The southern overbridge has a queue of 20pcu and a delay of 19 seconds (Lane 1) and a queue of 26pcu with a delay of 36 seconds in Lane 2. Trinity Road has a queue of 18pcu and a delay of 1min 52sec in Lane 1. Elsewhere on the network the queues and delays are relatively modest.

13.28 With the addition of traffic generated by the Appeal proposals and the proposed mitigation measures there is a substantial reduction in AM queues and delays on the A5 eastbound Lane 1 approach. The queues no longer block back to the Pennine Way merge and drivers from Pennine Way are expected to queue for just 20 seconds to reach M42 Jn10, a reduction of 7 minutes per vehicle. Traffic on the A5 eastbound Lane 3 approach are expected to queue for just 19 seconds, a reduction of 3¼ minutes per vehicle. Elsewhere on the network the queues and delays are relatively modest.

13.29 In the PM peak there is a small reduction in queues and delays at Green Lane and a reduction in queue, but a small increase in delay at Trinty Way. Elsewhere on the network the impact of the Appeal proposals are again relatively modest.

13.30 The Transyt model and the results have been agreed by NH, WCC and SCC in their SoCGs (**CD D18, D19 and D20**).

13.31 The M42 Jn10 mitigation scheme comprises widening the A5 eastbound approach to M42 Jn10, introducing a lane-gain merge for traffic from Pennine Way, enhancing pedestrian and cycle facilities, improving the diverge to Kinsall Green, widening the circulating carriageway between the A5 westbound exit and the M42 northbound on slip, and extending the Lane 4 flare length on the A5 westbound approach.

13.32 An independent GG104 Safety Risk Assessment predicts that the proposed mitigation measures will operate with acceptable safety levels. At the time of writing the GG104 Assessment has not been agreed with NH, but discussions are ongoing.

13.33 Design comments were provided by NH on 2 May, and a Stage 1 Road Safety Audit brief is now with NH for approval, but has been agreed by WCC and SCC. The Audit

will be conducted as soon as possible and a further update to the Inquiry will be made.

13.34 In conclusion the significant impacts from the development on the transport network (in terms of capacity and congestion) can be cost effectively mitigated to an acceptable degree and meets the requirement of the NPPF and local policy in this regard.

Impact of Generated Traffic – Local Plan Case

13.35 Circular 01/2022 advises that sites not allocated in a local plan should be in an area of high accessibility and that they should not pose a significant constraint to the delivery of the local plan.

13.36 The Appeal site is in an accessible location. For freight and logistics it is highly accessible being located next to the A5 and M42 Jn10 and is rail served which gives excellent opportunities for sustainable rail based distribution. The Appeal site is also accessible for staff and its accessibility will be enhanced with improved bus services, pedestrian and cycle facilities. The Appeal proposals include EV provision for cars, e-bikes, motorcycles, LGVs and HGVs to future-proof sustainable transport options.

13.37 The impact of the Appeal proposals on the Local Plan was assessed in 2033 assuming that there was full delivery of committed developments, local plan allocations, the A5 Dordon to Atherstone scheme and the improvements to M42 Jn10.

13.38 The Transyt analysis has shown that in the Local Plan scenario the Appeal proposals (with the M42 Jn10 scheme amended for the Reference Case mitigation measures) the highway network can accommodate the additional traffic generated by the Appeal site in both AM and PM peak periods. It was also found that by providing 3 lanes at the A5 eastbound exit, queues and delays on the M42 Jn10 A5 eastbound approach could be reduced.

13.39 The Transyt analysis showed that the Appeal proposals did not result in a significant constraint to the Local Plan and that the requirements in Circular 01/2022 were satisfied. The Transyt analysis also shows that the Appeal proposals would not result in a severe cumulative residual impact on the highway network in the Local Plan scenario.

13.40 The Local Plan assessments have been agreed by NH and SCC, and the amended Local Plan scheme at M42 Jn10, and the additional mitigation measures have also been agreed in principle by NH subject to Stage1 Road Safety Audit.

13.41 The agreed Reference Case Transyt models have been used to assess the implications of different levels of local plan traffic on the existing road network in 2033 assuming full delivery of the committed developments. In the absence of the Appeal site and its proposed mitigation measures, the assessment found that with 15% (or greater) of the Local Plan traffic, queues and delays were an issue at M42 Jn10 in both AM and PM peak periods. The analysis also showed that with 30% of Local Plan traffic queues and delay became an issue in the AM peak only on the A5 westbound approach to Dordon roundabout.

13.42 When the assessment was done with the Appeal site and its mitigation measures included, M42 Jn10 could accommodate up to 80% of the Local Plan traffic. With the Appeal site the queues and delays at Dordon Roundabout were somewhat longer in the AM peak, but not excessively so. As a result the Appeal site does not require the Dordon roundabout improvement scheme to be brought forward. The analysis takes no account of the likely Travel Plan effects on the Appeal site trip generation nor the slightly lower traffic flows which would occur at earlier time horizons and therefore the assessment is robust.

13.43 In conclusion the Appeal site can be delivered alongside the Local Plan and its proposed highway schemes (as amended). If these do not come forward then the Local Plan faces significant restraint at M42 Jn10. The Appeal site can provide a notable infrastructure boost, as up to 80% of the Local Plan could be delivered at this junction as a result of the proposed Appeal site mitigation measures. At Dordon Roundabout, the Local Plan is currently constrained and our assessment shows that up to 30% of the Local Plan traffic can be delivered prior to the need for improvement.

Road Safety

13.44 The Appeal proposals and mitigation measures include a number of features which are likely to enhance road safety. The layout of the highway proposals are agreed in principle with NH for the SRN and with SCC for Pennine Way/ Pennymoor Road.

13.45 An independent GG104 Safety Risk Assessment has been prepared and which finds no unacceptable road safety impacts with the proposed works. The assessment is not yet agreed with NH, but discussions are on going.

13.46 A Stage 1 Road Safety Audit has not yet been completed. The Audit brief is with NH for approval, and has been approved by WCC and SCC. The Audit will be conducted as soon as possible and a further update to the Inquiry will be made.

Lorry Parking

13.47 The Appeal site is located in the logistics Golden Triangle and is adjacent to the M42 and the A5, both parts of the SRN and key freight routes. As a result there is locally a high level of logistics use and demand for lorry parking. National lorry parking surveys in 2017 and 2022 (**CD I9, I10** and **I11**) have identified a shortage of on-site spaces in the West Midlands which result in off-site parking with concomitant problems of litter, noise and waste (**CD B13, B14** and **B40** refers).

13.48 Consequently, the Appeal site is ideally located, from a transport perspective, to provide on-site lorry parking facilities to meet a significant proportion of the identified strategic need.

Sustainable Transport

13.49 The Appeal site is in a sustainable location for freight and logistics being located adjacent to the SRN and sufficiently close to Birmingham Intermodal Freight Terminal at Birch Coppice to be rail served. The transfer of freight from road to rail will reduce HGV miles, road emissions and congestion.

13.50 A public Transport Strategy for the site had been agreed with WCC and Stagecoach which includes diversion of the 766/767 service into the Appeal site together with a suitable level of financial support. Owing to recent funding changes this service in being withdrawn and Birch Coppice will be served from Tamworth by the No 66 and from Nuneaton by the 41 service. WCC and SCC have agreed that these services can be extended/ diverted to serve the Appeal site, and that the Sc106 contribution of £216,000 per annum could be used to reinstate the 766/767 or provide support to the 66 and 41 services.

13.51 A number of improvements to pedestrian and cycle connections between the Appeal site Tamworth, Polesworth, Dordon are proposed, some of which are unlit rural routes. Reasonable lit alternative routes are available in line with guidance.

13.52 A Vision Based Travel Plan has been agreed with SCC and NH which sets out a range of sustainable transport measures which will be implemented. These include significant improvements to pedestrian/ cycle connections between the Appeal site, Tamworth and Dordon, as well as public transport improvements and promotional measures.

13.53 The Travel Plan also estimates that the likely reduction in traffic generation which can be reasonably expected is 18% and has been agreed by NH.

13.54 The Appeal site meets national and local policy requirements for sustainable transport.

Third Party Comments

13.55 Third parties have raised several issues in relation to the Appeal proposals which have been reviewed. There are no issues which would warrant the refusal of planning permission.

Policy Considerations

13.56 The Appeal proposals, subject to the Stage 1 Road Safety Audit, meet the key transport policies of the NPPF, and the policies identified in NWBC's third reason for refusal.

Conclusions

13.57 In my evidence I have shown that:

(i) The site can be accessed from a new traffic signal controlled junction on the A5, that the access operates within acceptable queue and delay parameters and that it provides improvements for pedestrians and cyclists.

(ii) In the Reference Case the impact of the Appeal proposals on M42 Jn10 and A5/ B5080 Pennine Way can be accommodated provided mitigation measures at M42 Jn10 are provided.

(iii) The mitigation measures provide a significant reduction in queues and delays on the A5 eastbound approach and on Pennine Way.

(iv) In the Local Plan Case, the Appeal site can be accommodated on the highway network with the planned improvements at M42 Jn10 (as amended by the Reference Case mitigation) and the planned improvements at Dordon Roundabout.

(v) That without the Local Plan improvements, M42 Jn10 is predicted to have queue and delay issues with around 15% of the Local Plan traffic, however with the addition of the Appeal site and its mitigation measures, M42 Jn10 can accommodate around 80% Local Plan traffic

(vi) That without the Local Plan improvements, Dordon Roundabout is predicted to have queue and delay issues with around 30% of the Local Plan traffic, however with the addition of the Appeal site the queues and delay are not significantly worse.

(vii) An independent GG104 Safety Risk Assessment has shown that safety risks associated with the proposed scheme are acceptable but is to be agreed with NH. A Stage1 RSA is in progress and a further update to the Inquiry will be made.

(viii) The site is ideally located to provide a new secure on-site lorry parking facility in an area of identified strategic need.

(ix) The site is in a sustainable location, it is rail served, that an acceptable package of sustainable transport measures are proposed which are likely to reduce the level of traffic generation.

(x) The issues raised by third parties have been reviewed and no significant additional issues were raised.

13.58 Turning back to the Reason for Refusal I have shown that the Appeal proposals do not result in a severe impact in terms of congestion and delays, and is in an accessible location and passes both national and local policies in these respects.

13.59 The only issue outstanding is whether the site access and proposed mitigation measures are acceptable in road safety terms. Discussions are in progress with NH

on the GG104 Safety Risk Assessment, and a Stage 1 Road Safety Audit is in progress.

Appendix NRB 1: SCC/TT Emails 22 January & 1 November 2023

Appendix NRB 2: 22 February Meeting Notes (NWBC, NH, SCC, WCC, TT, Hodgetts Estates)

Appendix NRB 3: NH/TT Email 2 May 2024

Appendix NRB 4: WCC/TT Emails 29 and 30 April 2024

Appendix NRB 5: TT/WCC Email 7 May 2024

Appendix NRB 6: WCC/TT Email 9 May 2024

Appendix NRB 7: Proposed A5 Site Access Junction: TT Drawing 784-B033920-TTE-00-ZZ-PL-H-0002-P03

Appendix NRB 8: A5 Site Access Junction Long Section and Cross Sections

Appendix NRB 9: A5 Eastbound Exit SSD: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0020-P01

Appendix NRB 10: A5 Eastbound Exit SSD with Site Access Junction: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0021-P01

Appendix NRB 11: Reference Case. M42 Jn10 Proposed Improvements: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-1001-P01

Appendix NRB 12: Agreed 2033 Reference Case Transyt Results

Appendix NRB 13: A5/ Dordon Roundabout Illustrative Local Plan Improvement Scheme: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009-P01

Appendix NRB 14: M42 J10 Illustrative Local Plan Improvement Scheme: Phil Jones Associates Drawing 02853-01 Rev A

Appendix NRB 15: Local Plan Case. M42 Jn10 Proposed Improvements with Local Plan Improvements: TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1002-P01

Appendix NRB 16: Agreed 2033 Local Plan with Additional Mitigation Transyt Results

Appendix NRB 17: Local Plan Case. M42 Jn10 Proposed Improvements with Local Plan Improvements plus Additional Mitigation: TT Drawing 784-B033920-TTE-00-ZZ-DR-H-1003-P01

Appendix NRB 18: 2033 Local Plan Additional Mitigation Transyt Results

Appendix NRB 19: DfT Ministerial Announcement, 9 March 2023

Appendix NRB 20: Extract of NWBC Local Infrastructure Plan 2020

Appendix NRB 21: Vectos/TT Email14 February 2022

Appendix NRB 22: WCC/TT Email13 May 2022

Appendix NRB 23: Effect of Different Levels of Local Plan on the Existing Highway Network in 2033: Transyt Result Tables 1 and 2

Appendix NRB 24: Effect of Different Levels of Local Plan on the Highway Network with the Appeal Proposals & with the Existing A5/ Dordon Roundabout in 2033: Transyt Results Tables 3 and 4

Appendix NRB 25: Effect of Different Levels of Local Plan on the Highway Network with the Appeal Proposals & the Local Plan Improvement at the A5/ Dordon Roundabout in 2033: Transyt Results Tables 5 and 6

Appendix NRB 26: A5/ Dordon Roundabout Amended Illustrative Local Plan Improvement Scheme: TT Drawing 784-B033920-TTE-00-ZZ-SK-H-0009-P02

Appendix NRB 27: Stagecoach/TT Emails 6 February 2024 & 8 May 2024

Appendix NRB 28: WCC/TT Email 9 May 2024

Appendix NRB 29: Cycle Routes.

Appendix NRB 30: WCC & SCC Bus Meeting 22 May 2024.