

CD-D38

NORTH WARWICKSHIRE BOROUGH COUNCIL

**Appeal Against Non-Determination of Planning Permission by: Hodgetts
Estates**

Site Address: Land North East of M42 Junction 10

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

Application Number: PAP/2021/0663

**Highways Rebuttal by
Mr. Moises Muguerza Espino
BSc PGDip MSc MRTPI MCIHT MICE MTPS
on behalf of Warwickshire County Council**

7 June 2024

1. Personal Qualifications

- 1.1. My name is Moises Muguerza Espino. I am a Principal Transport Planner for Warwickshire County Council (WCC). I provide advice on transport and highways schemes, and provide advice to WCC's Development Management team for planning applications to evaluate impacts of new developments and identify the required mitigations using traffic modelling.
- 1.2. I hold a Bachelor's degree in Civil Engineering and a Postgraduate Diploma in Roads and Railways from the National Autonomous University of Mexico (UNAM), and a Master's degree in City Planning and Transport from the University of Glasgow. I am a Chartered Member of the Royal Town Planning Institute (RTPI), a Member of the Chartered Institution of Highways and Transport (CIHT), the Institution of Civil Engineering (ICE) and the Transport Planning Society (TPS).
- 1.3. I have over 11 years of experience in transport matters, having worked for WCC for over 5 years. I previously worked in international consultancies for over 4 years (Transconsult and GI Moen) for reviewing transport and highways projects in Mexico, USA, and Belize. I also worked as logistics coordinator in Procter and Gamble for 2 years.
- 1.4. I was appointed to advise on transport matters for the proposed development in March 2020, and have continuously provided support to WCC Development Management and North Warwickshire Borough Council.
- 1.5. I have visited the site on a number of occasions and have also had discussions Hodgetts Estates, their consultants Bancroft Consulting and Tetra Tech, and officers from Staffordshire County Council, and National Highways in regards of the proposed planning application and subsequently with the appeal.
- 1.6. I have produced this Rebuttal in response to Dr Bunn's Proof of Evidence (PoE CD-32/A) presented by the Tetra Tech on behalf of Hodgetts Estates (referred as "the Appellant") in May 2024.

2. Background

- 2.1. In order to evaluate any level of delivery of the developments included within the Local Plan, WCC would require these to be evaluated as per Warwickshire County Council Local Transport Plan (LTP4 – CD-H6) Policy MS4 which requires the use of micro-simulation modelling techniques in accordance with WCC's Modelling Protocol. A link to WCC's LTP4 can be found here: <https://www.warwickshire.gov.uk/localtransportplan>

- 2.2. WCC's Modelling Protocol comprises a series of advice notes which indicates when micro-simulation modelling is required, what assumptions need to be agreed with WCC, and what outputs must be shared with WCC for reviewing the impacts of new developments and new infrastructure. The Modelling Protocol also provides advice on how Isolated Junction Assessments. The protocol allows proposed developments in Warwickshire to be evaluated on the same platform, similar input assumptions, and requires all results to be agreed and shared for review by WCC's modellers. A link to the Modelling Protocol can be found here: <https://www.warwickshire.gov.uk/modelling-surveys/traffic-modelling-development-assessments/1>
- 2.3. As stated within paragraph 7.2 and Matters Agreed of Section 7.0 Assessment of Highway Impact of the Statement of Common Ground (SoCG) signed by WCC and Tetra Tech on the 14th of May 2024 (CD-D19), WCC agreed on using TRANSYT 16 for analysing exclusively the proposed development solely due to the fact that the Paramics Microsimulation Model for the A5 corridor was under development and the majority of the road network analysed is managed by National Highways, and National Highways agreed on using TRANSYT 16.
- 2.4. Following in Matters Agreed of Section 10.0 M42 Jn10 Mitigation Measures: Local Plan Case of the same SoCG, WCC agreed that "The amended Local Plan scheme at M42 Jn10 mitigates the impact of the appeal proposals on the highway network in both AM and PM peak hours in the Local Plan Case."
- 2.5. No further agreements were sought with WCC by the Appellant or any of their consultants.

3. Summary of Concerns

- 3.1. Contrary to the signed SoCG, the Appellant has sought to produce further analysis using TRANSYT 16 within their PoE. On paragraph 6.25 of Dr Bunn's PoE, he mentioned that the Appellant and Tetra Tech have used the TRANSYT 16 Model to assess the impact of varying level of Local Plan development on the highway network. Dr Bunn mentioned that they did this analysis by removing the proposed development and including 10%, 15%, 20% and 30% of the Local Plan traffic on the network of the TRANSYT 16 Model. This is the first time the Appellant is presenting this information to WCC and it is contrary to Policy MS4 of WCC's LTP4 which requires the use of micro-simulation modelling and to follow WCC's Modelling Protocol.
- 3.2. Dr Bunn's PoE applied a blanket percentage of traffic for the Local Plan developments. This assumption does not consider that any specific development site could be delivered as a whole, would not follow the

established trajectory for delivering Local Plan developments and this might not be commercially feasible to developers.

- 3.3. Following WCC's LTP4, Policy MS4, modelling assessments would need to be evaluated in accordance with WCC's Modelling Protocol. Contrary to this policy, in paragraphs 6.26 to 6.37 of Dr Bunn's PoE, the impacts of the different levels of inclusion of Local Plan developments (10% to 30%) are analysed within the TRANSYT 16 Model, and the results are evaluated against an ungraded criteria. Therefore, not following the methodology of WCC's Modelling Protocol Advice Note 003 – Model Analysis and Reporting.
- 3.4. Similarly in paragraph 6.38 of Dr Bunn's PoE, he mentioned that the Appellant and Tetra Tech have analysed Dordon signals with 60%, 70% and 80% of the Local Plan traffic. It is assumed that as per their analysis from paragraph 6.25, the Appellant's consultant is not including the proposed development in an attempt to evaluate the impacts of the Local Plan within their TRANSYT 16 Model. As per previous assessment in paragraphs 6.25 to 6.37, this is new information presented by the Appellant to WCC, this methodology has not been agreed with WCC and it, and it is contrary to Policy MS4 of WCC's LTP4.
- 3.5. Within paragraphs 6.39 to 6.43 of Dr Bunn's PoE, he analysed the impacts of the different levels of inclusion of Local Plan developments (60% to 80%) within the TRANSYT 16 Model. Similar to previous paragraphs the analysis of the proposed results does not follow the methodology of WCC's Modelling Protocol Advice Note 003 – Model Analysis and Reporting.
- 3.6. In paragraph 6.44 Dr Bunn concludes that the M42 Junction 10 can take up to 30% of the Local Plan traffic. As mentioned before, Dr Bunn is assuming this 30% of traffic is distributed across all developments of the Local Plan. This assumption is not either feasible or commercially attractive for developers, and therefore it is not the correct methodology to analyse the impact of the Local Plan developments.
- 3.7. Similarly on the same paragraph 6.44, Dr Bunn's PoE concludes that their proposed mitigation would enable to deliver "around 80%" of the Local Plan. Similar to previous analysis, this assumption is applied to the overall traffic and not to specific developments.
- 3.8. Within paragraphs 6.51 and 6.52 of Dr Bunn's PoE, he concludes that the Appeal site would enable 80% of the developments from the Local Plan to be delivered. The analysis submitted to provide such conclusion has not been consulted with WCC, does not follow WCC's LTP4 Policy MS4 requirements,

and has been evaluated without following WCC's Modelling Protocol Advice Note 003 – Model Analysis and Reporting.

- 3.9. In order to evaluate a cumulative impact of the Local Plan, WCC would need to establish which developments could be delivered as a whole and then determine their trip generation and distribution accordingly. Assuming a delivery of a percentage of the Local Plan developments by applying an inclusion of any level the overall traffic is very high level of analysis, would not align with the trajectory of the development, and might not be commercially attractive to developers or feasible deliverable for North Warwickshire Borough Council.
- 3.10. Furthermore, the analysis for delivering any level of developments from the Local Plan would require these assumptions to be evaluated in a Microsimulation Model to analyse the interaction of traffic with different Origins and Destination, and the infrastructure available. Contrary to evaluating a single development as per the Appellant's proposal, evaluating the delivery of the Local Plan requires a more complex interactions and rerouting assessment which can only be analysed with a Microsimulation Model as indicated in the Modelling Protocol Advice Notes 000 – Model licensing and Advice Note 002 – Expected model scenarios.
- 3.11. All assumptions, inputs and outputs for Isolated Junction Models would need to be agreed with WCC and must follow WCC's Modelling Protocol, and results would need to be evaluated accordingly as indicated in the Modelling Protocol Advice Note 009 – Use of isolated junction models.
- 3.12. Using TRANSYT 16 does not aligns with how the impacts of the Local Plan has been assessed previously within the A5 Corridor Paramics Micro-simulation Model. If the Appellant wishes to evaluate the cumulative impact of the Local Plan and their proposed mitigation, they must do this within the updated A5 Corridor Paramics Micro-simulation Model. WCC can provide advice on the assumptions as per required by LTP4 Policy MS4 and WCC's Modelling Protocol.

4. Conclusions

- 4.1. WCC agreed on using TRANSYT 16 for evaluating the Appellant's proposed development subject to the matters agreed in the SoCG (CD-D19).
- 4.2. WCC has not agreed with the Appellant or their consultants that TRANSYT 16 would be a suitable tool to evaluate the impacts on the Highways Network of any level of development from the Local Plan.

- 4.3. WCC has not agreed the assumptions considered by Dr Bunn in his PoE to analyse the delivery of any level the Local Plan developments.
- 4.4. WCC has not agreed that any level of the Local Plan developments can be delivered in advance of any mitigation previously considered in the Local Plan infrastructure.
- 4.5. WCC has not agreed with the Appellant of their consultants that the proposed mitigation would help to deliver any level of the Local Plan development.
- 4.6. The information presented on paragraphs 6.25 to 6.44, inclusive of tables and appendices referenced, is new information which WCC has not agreed the inputs and has not been provided with the opportunity to evaluate the results.
- 4.7. WCC considers that the TRANSYT 16 Model can only be used for evaluating the proposed development exclusively on the grounds that have been previously agreed in the SoCG.
- 4.8. WCC can provide advice to the Appellant and their consultants on how to evaluate cumulative impacts of the Local Plan developments within the A5 Paramics Microsimulation Model following WCC's LTP4 Policy MS4 and WCC's Modelling Protocol.