

The draft Ryedale Plan - Highways

Response to Inspector 24th July 2013 – Highways

Introduction

This statement has been agreed by Councillor Andrews and Alan Martin who is a qualified highways engineer (see his qualifications listed in his statement) and was responsible for development control for the eastern quarter of North Yorkshire for over 30 years. His area included most of Ryedale, the whole of the North York Moors (excepting the small part in County Cleveland) and the Yorkshire Wolds to the Humberside /East Riding Boundary. The area stretched from Staithes to just north of Flamborough Head (with the exception of Scarborough town centre which had a local highways agency, although assistance had to be given from time to time). Cllr. Andrews is a qualified solicitor and has had considerable experience as a planning advocate. He was employed by Ryedale as their solicitor between 1988 and 1997, and has been a district councillor representing Malton since 2003.

It will be appreciated that there are some matters which only one of us is able to comment on. Although this is a joint statement, these will be pointed out.

This statement is issued in response to the Council's statement of 12th July 2013.

Conclusions

The Council has failed to answer the questions put to them, in that, inter alia, the answers given relate only to the STA and not to the proposals in the draft district plan. Further, there is no indication given as to how the figure given for the morning peak has been worked out, nor is there a breakdown in regard to hours outside that peak. There is also no indication of any allowance for natural growth, and few figures -have been given to show the number of trips generated by existing traffic.

There is no evidence to show that the Saturn Model used by Jacobs has been validated for North Yorkshire. Appendix B is based mainly on figures which apply to the big conurbations (eg. Sheffield), and not to rural areas such as Ryedale.

The Council have produced a figure for the morning peak of **4027** new vehicle trips for scenarios 4A and 4B of the STA. We do not accept this figure for the reasons stated above, but if this figure ~~were~~ ~~is~~ to be accepted, it should be increased so as to take into account evening shopping patterns. The evening peak ~~is~~ should also be considered. In order to establish the evening peak, the figure of **4027** trips in the morning peak period should be increased by the number **216.7** trips in respect of trips generated by convenience retail and **269** trips in respect of trips generated by comparison retail, which gives a total of **4512.7** trips for the evening weekday peak hour of 1700 – 1800 hrs.

It is reasonable to assume that during the evening peak hour generates **12%** of all daily trips. On this basis it is possible to establish that the total weekday trips which

will be generated by Options 4A and 4B is **33,558.33** trips. If instead of **4027**, the figure of **4,512.7** is used for this calculation, the total number of weekday daily trips which will be generated by Options 4A & 4B is **37,605.83** trips. In all cases this substantially exceeds the weekend daily trip rate we gave in respect of the Council's draft district plan proposals of **28,756**.

The peak hour traffic generation rate based on the figure of **4027** is therefore a theoretical additional **1.1186 cars per second**, albeit not all will be using the same stretch of road. Based on the figure of **4,512.7**, this is some **1.2535** cars per second – i.e. **five new trips every four seconds** on the various roads of Malton and Norton.

It should be noted that none of these calculations or figures take into account annual rates of growth, including growth from existing development, or the fact that there will be differential rates of growth in respect of the new developments proposed as they are implemented and development occurs.

This is totally inappropriate for an attractive small country market town like Malton and Norton, which has its own unique character and an historic Mediaeval/Georgian highway layout, and which has no direct access to the A64 bypass from the Broughton Road (and ~~no~~ little prospect of getting one). It is also incompatible with one of the objectives of the draft district plan, which is to preserve the character of the market towns, including Malton/Norton.

This is the conclusion of Alan Martin who was responsible for development control for the eastern quarter of North Yorkshire for over 30 years. His experience and local knowledge should be given greater weight than the expertise of Jacobs who were engaged by North Yorkshire for a comparatively shorter time, and whose engagement has recently been discontinued.

It follows that the policies in the draft plan on the distribution of housing and employment land are unsustainable, and the Council should be asked to look at them again, and come up with different proposals.

If the Inspector is in any doubt about this, it would be appropriate to recall the hearing.

The Inspector will find set out below the reasoning for the above conclusions and a full response to the arguments put forward on behalf of the Council.

In general

No assurances should be accepted unless they are supported by evidence. In our view, the evidence does not support the assurances which have been given. These assurances should not therefore be accepted at their face value. Reliance is placed on the STA which applies the Saturn Model. However-no evidence can be found to show that the Saturn model has been validated by surveys to demonstrate that it adequately reflects traffic movements in the rural areas and market towns of Ryedale - or indeed of North Yorkshire. In the absence of such validation, it is unsafe to rely on a model which uses data from the conurbations to set its comparables. Unfortunately, this is what the Council's response shows. Figures from Sheffield, Liverpool, Dublin,

Greater Manchester etc. are listed in Appendix B as comparables which are applied to Malton/Norton. This is unacceptable, unless the figures have been validated, in which case evidence of validation (which is usually done by producing surveys and a report) should be produced.

It is abundantly clear from Mr. Martin's statement and from Cllr. Andrews' calculation that the figures quoted by us refer to a weekday daily and not a weekday hourly rate.

In assessing what is the highest weekday peak period, reference can still be made to the 1990 Parking Design Guide (pp 33 – 41 – copy attached). This document may be old, but it is incorrect to say that its only use was to determine car parking requirements. The Cover states clearly: ***“Recommended Standards for new development: Car Parking; Commuted Payments; Traffic Generation.”*** Para 4.1 of this document states categorically: ***“This section is to be used during the process of assessing the traffic generation characteristics of development proposals”*** That is how Alan Martin used it during the last fifteen years of his career (i.e. up until 2005), on the instructions of his superiors in County Highways. To suggest that Section 4 of this document was not used for this purpose is to accuse Mr. Martin of lying. The Council is therefore invited to retract this suggestion.

If there is no data to show which are the peak periods for Malton/Norton in the documents provided to the inspector, then it is appropriate to refer to Section 4 of the 1990 document. Pages 33-41 set these out, and it would appear that the main peak period for North Yorkshire is between 1700 and 1800 hours. During these hours, the amount of employment and residential generated traffic is similar to that generated between 0800 and 0900 hrs. but there is also a peak in trips generated by retail shopping which does not appear in the morning between 0800 and 0900 hrs.

It would therefore seem that the **4027** trip figures for the peak period would have to be increased considerably if one were to use the evening peak period as the hour during which there is likely to be the most traffic generation.

So the figure of 4027 new vehicle movements in the morning peak period is not accepted. If one were to take the afternoon peak period, this figure could be much higher. It cannot be known by how much the figure should be increased for the evening peak period until the Council provides the data requested in (a) – (d) below,

but on the basis of the tables in pages 33 – 41 of the 1990 document, we would expect 13.23% of all superstore shopping to take place in the evening peak period – as opposed to 3.7% in the morning period. This means that the figure of 4027 should be increased by 9.53% (13.23 – 3.7) ie by 216.17 vehicle movements, making a total of **4,243** new additional traffic movements likely to be generated by the Council's proposals. This does of course assume that the Council's figure of 4027 ~~can be~~ is accepted at its face value – which cannot be established without the further information requested above.

The figure Further should also be further be increased to take into account the increased number of trips in relation to evening comparison shopping. If a figure of 5% per 100 sq.m. is used, there should be added a further 269 trips, making a total of

4,512 additional trips during the evening peak hour period (i.e. 4027 + 216.7 + 269) but this is a little speculative depending upon the nature of the enterprises to be established.

As regards the figure of 4027, it is difficult to understand the Council's appendix A. It is possible that a figure of 4027 vehicle movements in the morning **peak period hour** may not be inconsistent with the calculation done by us which concludes that the additional **daily** increase in traffic which would be generated by the Council's proposals is 28,760 vehicle movements. The Council is therefore asked to produce tables showing the amount of additional traffic which would be produced hour by hour, so that a due comparison can be made.

Without these figures, it is still possible to calculate approximately the total weekday daily vehicle trips for Malton/Norton because the 1990 Car Park guide indicates that during the evening/afternoon peak (1700-1800 hrs), the number of trips generated is about 12% of the total for residential, employment and supermarkets.

If one uses algebra, where "x" is the total daily number of extra trips to be generated by the Council's proposals for scenarios 4A and 4B, one can calculate as follows:

$$\frac{12}{100} \times x = 4027$$

Therefore $x = 4027 \times \frac{100}{12} = 33,558.33$ additional daily trips likely to be generated by scenarios 4A/4B

If the figure 4,243 is used, the calculation becomes:

$$x = \frac{100}{12} \times 4,243 = 35,358.33 \text{ additional weekday daily trips likely to be generated by scenarios 4A/4B.}$$

If the figure of 4,512 is used, the number of additional weekday daily trips becomes **37,605.83**

In these circumstances, the calculation of 28,760 daily vehicle movements put forward by myself and Mr. Martin would seem to have been on the low side. It is therefore misleading of the Council to say as they do in para.5 that their total "is clearly significantly lower in absolute terms (97%) than those calculated by Alan Martin".

It should be noted that none of these calculations or figures take into account annual rates of growth, including growth from existing development, or the fact that there will be differential rates of growth in respect of the new developments proposed as they are implemented and development occurs.

Therefore, although much information has been provided, it would be appreciated if the Council would state clearly and fully on a weekday **daily** basis:

- a) How many vehicle movements they have applied to each house;

- b) How many vehicle movements they have applied to each hectare of employment land;
- c) How many vehicle movements they have applied per square metre of convenience retail development;
- d) How many vehicle movements they have applied to comparison shopping developments per square metre;
- e) Show how these figures are made up hour by hour, in each case over a 12 or (in the case of retail) a 14 hour period (between 0700 and 2100 hours);
- f) The number of trips generated currently by existing traffic, listing this separately for each of the three types of development and over a 12 or 14 hour period;
- g) The natural growth in traffic that can be expected from existing development – again separately for housing, employment and retail over a 12 or 14 hour period.

It was quite clear from our previous statement that the figures for items (a) – (d) were requested, and it is disappointing not to have received them.

The peak hour traffic generation rate based on the figure of **4027** is therefore an additional **1.1186 cars per second**. Based on the figure of **4,512.7**, it is **1.2535** cars per second – i.e. **five new trips every four seconds**.

An increase of this magnitude is totally inappropriate for a small country market town like Malton and Norton, which have their own unique character and an historic Mediaeval/Georgian highway layout, and which has no direct access to the A64 bypass from the Broughton Road (and no prospect of getting one). It is also incompatible with one of the objectives of the draft district plan, which is to preserve the character of the market towns, including Malton/Norton.

In these circumstances, Mr. Martin is justified in taking the view that *“nothing like the increase to be generated from present approvals and considerations”* (ie as set out in the disputed tables 3.1 and 3.2 on page 11 of the STA) *“can be accommodated by the existing road system without either extensive demolition or rebuilding of major part of the town”*

Specific points, with reference to the Council’s numbered paragraphs:

Paras 1 - 4

As mentioned, assurances given should not be taken at their face value unless supported by evidence. Councillor Andrews’ view is that Ryedale in particular has shown its determination to put its own policy and financial objectives above national

policy. This is why it gave planning permission for WWSCP, whilst refusing permission for the Livestock Market site, following officer recommendations for which Inspector Wildsmith stated there was no excuse. This is why the Council persisted with their retail policies in the draft plan, notwithstanding Inspector Wildsmith’s decision letter, until they were forced to make the change at the second hearing. This is also the reason the Council have made no change to their policies in

regard to distribution of housing and employment land following the revocation of the RSS. As regards housing, this is in spite of evidence of Table 3.3 of the ARC 4 report from which it appears that out of 6,360 households which moved in Ryedale, only 1,562 (ie 24.5%) moved into Malton/Norton. As regards employment land, this was in spite of Table 3 of the Final Draft Ryedale Employment Land Review of 2005 from which it appears that out of 157.92 ha of employment land, only 33.63 ha (ie 21.9%) are in Malton/Norton. The inspector will recall the discussion on this table, when Mr. Wheelwright referred to one of the rural employment sites and described it as a “quirk of history” – without pointing out that according to this table 56.11% of employment sites in Ryedale are situated in the villages and open countryside. In these circumstances, Ryedale cannot be trusted to follow national policy when this is not deemed to be in its own corporate self-interest, and so very little weight should be given to any assurances they provide, unless these are supported by substantial undisputed or undisputable evidence.

Paras. 5 - 10.

These paragraphs have been dealt with at length above. The following additional points require making:

- It should be clear from **Mr. Martin’s statement** that the calculations in his statement simply applied formulas which he has used in the past (and continues to use in discussions with County officers) to site areas set out in Jacobs STA report, in order to discredit that report. It is also clear that the **separate calculation prepared by myself and agreed by Mr. Martin (the one that shows the total number of new daily trips as 28,756)** applied the same formulas to the proposals which are set out in the draft district plan.
- Although much information has been provided, it is not clear how the figure of 4,027 has been arrived at, and at the very least, a calculation should be provided in a similar format to the separate calculation prepared by myself and agreed by Mr. Martin.
- The Council were requested to state the traffic impact of the proposals in the **plan**. Instead, they have provided a figure for traffic generation for **scenarios 4A and 4B of the STA**. These are not necessarily the same thing. What the inspector needs to know is how many new trips will be generated by the proposals of the plan – ie. 2,000 new houses, 36.2 ha of new employment land and the retail development (1,780 sq.m convenience and 5,394 sq.m comparison). This information should be given separately for each class of
- development, stating how many trips for each dwelling, how many for each ha of new employment land and how many for every 100 sq.m of retail. Only then will it be possible to make a direct comparison with the figures we have put forward.

Specifically on Para 9 and other similar comments suggesting that Mr. Martin’s statement is not sufficiently detailed.

It is not agreed that one needs to consider the detailed methodology set out in the STA at this stage in the plan. The district plan which was put out for consultation is on the basis that it contains no site allocation, and that site allocation should be dealt with at a later stage. The Council have conceded that this later stage should as far as Malton/Norton is concerned be through the Neighbourhood Plan Process. In these circumstances it is totally wrong to pre-empt the sites allocation process by plans and lists of sites set out in the STA, but this is exactly what the Council is doing.

It is stated that the methodology of the STA takes into account detailed considerations relating to specific sites (eg: “the levels of development associated with each of the 5 Groups of sites in sections 3.3 – 3.7”, “use of existing Transport Assessments for sites where available”, etc.). In other words, the STA is based on the assumptions that the sites listed and shown on the plans included in paras 3.3 – 3.7 are the sites which will be considered for development. It follows that there is an assumption that no other sites will be considered, and that only the sites so set out will be included in the sites document, if they fall within Scenarios 4A and 4B.

In other words, if this argument is accepted, the STA becomes the Sites Selection document.

This is not the way district plans should be prepared. Either there should be Core Strategy documents which are to be followed by a Sites Allocation document, or there should be comprehensive plans combining both core strategies and site allocation. If the plan includes specific site allocations, these should be consulted on. What Ryedale has done is to consult on the Core Strategy without consulting on the sites they have selected in the STA. So, the site selection process has been pre-empted by the very detailed plans contained in the STA.

In Councillor Andrews’ view, the inspector will be aware by now just how little importance Ryedale pay to the principle of public consultation.

- In their initial consultation, the public were not given the option of considering less than 50% of new housing in Malton/Norton.
- The draft plan was approved several months before the STA was submitted to members. A public consultation on the STA took place, but the outcome of the public consultation was not reported to Council and the final form of the STA was issued and put on the Council’s website without further reference to members “as a guide for developers”.
- The Council deny that there was a public consultation on the STA. If that is correct, there has been no consultation at all on the sites referred to in the STA, and so inserted by implication in the draft district plan.
- The council’s modifications were sent out for public consultation, but were never referred to Council members (except “for information”). Mr. Manley said the officers had delegated powers to deal with the outcome of the

In other words, Ryedale are endeavouring to both have their cake and eat it. In doing so, they are manipulating the local plans process for their own political purposes and for their own corporate self-interest. They are also misleading and deceiving not just the public, but the inspector himself.

The inspector will recall how he suggested that Mr. Martin's views and the report on land drainage presented by Mr. Beanland should be considered at the Sites Allocation Stage. Councillor Andrews' reaction was to say that this was like trying to shut the stable door after the horse has bolted. It will be seen that his fears in this respect are justified. The plan includes the sites within the STA by implication, and when the Sites document is considered there will be very little room to manoeuvre at a later stage.

As Mr. Housden said in the first hearing session: he would expect to be able to deal with 100% of planning applications after the draft plan is adopted – in other words, the Council will not need to wait until the Sites selection process has run its course.

It follows that if the plan was a comprehensive combined core strategy and sites selection document, it would be appropriate to consider all the matters listed in the bullet points of para 9 of the Council's statement. As the plan does not purport to be such a comprehensive combined document, and purports not to deal with site allocation, the statements in Mr. Martin's proof and the additional summary are all that is required at this stage of the process.

Paras. 11 & 12

It is correct that both NYCC and the Highways Agency appeared at the first hearing session. The inspector is asked to recall and check his notes how this discussion proceeded. The inspector will recall how Cllr. Andrews challenged the main assumption on which the STA made its recommendations. He pointed out how the tables under para.3.3.3 of Page 11 of the STA (Tables 3.1 and 3.2) included controversial or disputed sites which did not have planning permission and were not allocated. His recollection is that this was agreed by the Council, and that NYCC also stated that the information in these tables had been provided by Ryedale and had not been verified either by NYCC or Jacobs – they had simply accepted this data at its face value and then applied the Saturn programme to it. Cllr. Andrews suggested that this would produce a distorted result. Ryedale and NYCC responded by giving the inspector a series of assurances which were not supported by evidence. In his interim conclusions, the inspector accepted these assurances. However, he has an opportunity to re-examine these arguments, now that he has Mr. Martin's evidence.

Para 14 (and also para. 6)

The Parking Design Guide and the 2003 Transport Issues Development document. It is noted that the 2003 document does not contain new TRICS figures, and that NYCC has not adopted any – as seemed to be suggested in Mr. Kennedy's letter of 13th June

2013. It is also noted that the 2003 document is not intended as a guide for strategic transport planning. The relevance of the 2003 document is therefore not understood.

Para.15

As mentioned above Alan Martin was responsible for development control in regard to the Eastern area of the county over a period of 30 years – until 10 years ago. His area being as previously stated His view is that the volume of new trips which will be generated by the Council’s proposals is such that it is not possible to tweak the traffic impact by using a computer model, and so the inspector is entitled to rely on Mr. Martin’s experience, and should do so.

Further, if the view is taken that it is only possible to challenge one computer model with another, it will be impossible for any ordinary member of the public to challenge any highways projection except at huge expense, which is bound to be prohibitive. Further, the soundness of the result of computer modelling depends on the data fed into it, and in this case it is clear that the data fed into the programme contains flawed assumptions. This has been dealt with at length before (in regard to Tables 3.1 and 3.2 of the STA). It’s a case of “garbage in: garbage out”.

Para 16.

We stand by the comments Cllr. Andrews has previously made, and which have not been disputed. The Council has accepted that the Tables 3.1 and 3.2 of the STA assume that sites are commitments which had no planning permission and which were not allocated for development at the time the STA was finalised. Many of these are highly controversial sites. It has also been accepted that the list of these sites was prepared by Ryedale and not verified by either Jacobs or NYCC.

Para 17

The Council have never denied that the STA has been prepared and pushed through the Council in the way stated by Cllr. Andrews.

Par. 18

Subject to comments made above, we are unable to comment.

Para. 19

The inspector will recall that Mr. Manley suggested that the Council had delegated decision making power to deal with a public consultation to officers. However, the resolution containing this alleged delegation did not authorise officers to act on the public consultation. Cllr Andrews pointed this out and Mr. Manley did not deny it.

Cllr. PAUL ANDREWS LLB, BA.

ALAN MARTIN C.Eng., MICE,
MCIHT, MCIM

31ST July 2013