

## **Matter 6 – Transport and Other Infrastructure** *Hearing Statement Response – Matthew O’Connell*

*This hearing statement response has been prepared in conjunction with Steve Johnstone of Lawrence Walker Limited (“LWL”).*

*We would kindly request again that sufficient time at the Examination is devoted to discussion of the issue of traffic modelling (including to the west of WOB as mentioned again below) given the importance of this issue.*

*1498 words excluding questions and NEAs.*

1. Has funding been secured for the A120 improvement scheme between Braintree and the A12 through the Department for Transport’s RIS2 programme?

(b) If not, what are the consequences for the feasibility of the West of Braintree and Colchester Braintree Borders GCs?

The assertion in the NEAs’ hearing statement that WOB could accommodate lesser development in the absence of the A120 dualling is irrelevant - WOB is being examined today on the basis of it being fully built out. The Inspector has already opined that neither CBBGC nor WOB would be sound site selections without the A120 dualling having taken place.

6. What are the consequences of the answers to 3 (a), (b) & (c) for the feasibility of the West of Braintree and Colchester Braintree Borders GCs?;

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7. What are the consequences of the answers to 4 (a) & (b) for the feasibility of the Colchester Braintree Borders GC?

An examination of the A12 alternatives shows that the NEAs’ statement that the alternative alignments are ‘broadly similar’ to the AECOM work is simply incorrect. There is a significant likelihood of the eventual reality being very different to that shown within the evidence base, which is problematic from a Local Plan soundness perspective.

13 a) Are the section 1 Plan’s policies sufficiently clear about what infrastructure needs to be provided, and by when?

We note that the RTS phasing is anything but ‘*secured in a timely manner and programmed to keep pace with the growth of new communities*’ as claimed by the NEAs. There is little meaningful provision for sustainable transport for the entire life of the Plan.

13 b) Should the Plan’s policies require funding for key infrastructure to be committed before planning permission is granted for any of the GCs?; and

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13 c) Should the Plan’s policies link the phased provision of infrastructure to defined trigger points in the phasing of development at the GCs?

The NEA answers demonstrate a lack of willingness to commit to what is already looking like (particularly for the inadequate RTS) an ‘Infrastructure Lite’ approach to delivery. This does not bode well for likely direction of travel during the DPD stage.

14 Are the capital costs for the proposed RTS set out in section 5.1 of the Vision to Plan document [EB/079] realistic?

We welcome the NEAs' admission that the low level of segregation on the proposed BRT route will mean the system bears little resemblance to a relative exemplar system such as Fastrack, which could drive real modal share change.

Nevertheless - and as explained clearly in our hearing statement - this does not mitigate our concerns relating to the capital costs.

Our 3x figure is based on considerations of the key areas of RTS implementation:

i) **Construction and Infrastructure Costs:** these have already – with little justification – been heavily discounted from apparent comparables. We also refer to our hearing statement observation regarding those comparables not having been 'inflated' for present day. Figure 1 shows the adjusted discounts:

*Figure 1 – Adjusting Comparable Capital Cost Benchmarking for Inflation*

	<b>NEA</b>	<b>Bristol</b>	<b>Salford</b>
<b>Capital Costs in EB/079</b>	£2.8 - 4.1m/km	£4.6m/km	£5.5m/km
<b>Corrected for Inflation</b>	£2.8 – 4.1m/km	£5.3m/km	£6.6m/km
<b>Discount vs. Comparables *</b>	-	23% - 47%	38% – 58%

*\* Range is for high and low NEA investment cases (EB/079). For inflation corrections we have assumed straight-line distribution of capital costs across project construction period and 3.5% as an assumption for UK civil engineering inflation.*

The capital costs are clearly far too low based on the comparables.

There is a related problem in the NEA assertion that comparables include 'structures': this is unclear, but even if it is true, given structures are large fixed costs (same across systems), it is even less justifiable to impose such a significant discount vs. comparables.

ii) **Land Acquisition Costs:** the NEAs now claim that these will be limited because most required land is 'on site'. An examination of the routes shows a significant amount of 'off site' land acquisition will be required, including in city centres; Routes 3 and 4 are the most prominent examples.

This will involve significant additional cost (including blight / ransom considerations) which EB/079 says are not "explicitly included" in the capital costs though the NEAs now appear to claim that land is included in comparables.

We would note that if comparables include land this would be – as with structures – yet another justification not to discount them heavily. But we note also that given the land acquisition here may well be larger than for comparables, appropriately cautious assumptions should be made over this item – the opposite of what we see in the evidence base.

iii) **Usage Incentivisation:** We reiterate that this needs to be substantial and ongoing, not basic pump priming, in order to drive meaningful modal share. Regardless, this is not included in any way in the cost requirements / modelling. For Fastrack, this was developer-funded, at around 65% of the construction cost quantum.

Overall, we continue to believe strongly that the costs included in the viability analysis for an appropriate BRT system should be around 3x.

15. Have sources for all the necessary capital funding for the RTS been identified?

The response admits to a sizeable funding shortfall and limited identifiable potential sources of funding which have not yet been explored. This is simply not a robust approach to plan-making.

16 Do sections 5.2, 5.3 and 5.4 of the Vision to Plan document provide reliable estimates of revenue, operating costs and commercial viability for the RTS?

We welcome the NEA's admission (translating the NEAs' response in 6.16.1) that EMME has been used here only as a manual assignment tool (i.e. data being transferred manually) rather than an appropriate fully-functioning multi-modal model.

As noted previously, this does not consider congestion in any sort of dynamic fashion, which is of critical importance given the levels of congestion implied in the NEAs' base modelling.

There has also been no acceptable explanation for the inadequate and out-of-date dataset. We reiterate that the Jacobs approach is not Web-Tag compliant (DfT's Modelling Standard) and by some margin.

These factors mean that the EMME model is fit for neither:

- i) Forecasting journey times of RTS vs. private car
  - a. This means that convenience vs. private car cannot be demonstrated; certainly the journey times in EB/079 do not themselves demonstrate convenience over the private car unless robust modelling shows that private car journey times become much longer; nor
- ii) Predicting RTS passenger numbers
  - a. This means that the operational viability analysis is entirely unsound (even before the flawed whole-route-from-Day-1 assumption is considered, as LWL has previously noted)

In relation to 6.16.2ff, we strongly disagree that the modelling is proportionate in the context of the Local Plan (and observations re the HIF process are irrelevant).

Based on experience, we would expect the Local Plan process to use an appropriate fully-functioning multi-modal model such as VISUM – this is the standard approach rather than being exceptional. However, it is clearly even less appropriate to use an inadequate substitute when large strategic sites are involved and the sustainable travel credentials of those sites have been acutely questioned.

The statement that *“it is not generally required for promoters to build a transport model at this stage”* is particularly misleading: here we are talking about strategic sites that will completely overload the road network in North Essex, and an appropriate RTS solution without which the Plan is clearly unsound; the implication that a promoter of a standard new housing estate would not be expected to use VISUM is irrelevant.

For good order we note that the NEAs intend to switch to using VISUM and an updated dataset for their Stage 2 assessment. However, this is too late to prove soundness here as required under NPPF.

Finally, in the broader context of operational modelling for RTS, we note that the NEAs have not addressed at all the concerns from our consultation submission specifically regarding the traffic modelling of the A120 to the west of WOB, namely that *“Congestion along the A120 to and from Stansted will force traffic from WoBGC and CBBGC in particular to find alternative routes, which in turn will result in impacts along local roads used by the RTS that have not*

*been examined. This is an unsound approach to Local Plan making as it does not demonstrate that sufficient capacity exists along key roads as is required by Para's 157, 162 and 177 of the NPPF". We believe this is of great significance to Plan soundness.*

19 a) Is the proposed phasing of the introduction of the RTS system realistic?

6.19.a2 is a puzzling answer as the NEAs appear to be suggesting that the Plan has included two alternative phasings: one phasing where RTS is not presented for a meaningful impact during the Plan period; another phasing where an appropriate system is put in place such that it has *"a directness, journey time and convenience benefit over the private car from the very beginning"* (Inspector). Unfortunately this is very misleading as only the former is shown in the evidence base and is the basis for the Examination.

It is clear from the viability analysis and representations that an earlier phasing will drive site viabilities further into non-viability.

19 b) Is the proposed phasing of the introduction of the RTS system consistent with the proposed timing of development at the garden communities?

This is again a concerning answer from the NEAs as it suggests that phasing will be funding- rather than requirement-driven. This implies that even the inadequate phasing proposed may be further delayed.

We reiterate our comments regarding the inadequate nature of the phasing, with the likelihood of near zero modal share change at CBBGC or WOB in the Plan period being examined.

20. Does the Vision to Plan document provide sufficient reassurance at this strategic stage of planning that it would be feasible in physical terms to construct the proposed RTS system?

There is little to take comfort from in the NEAs' response, which appears to rely on a currently very preliminary design process for Route 1. RTS routes are a hugely complicated matter and there is a real chance that they are not deliverable "on the ground" even in watered-down form. No evidence has been presented to justify soundness on this front.

21. What are the implications for the GCs of the proposal not to build Route 4, linking the Colchester and West of Braintree sub-systems, until after 2033?

With Route 4 unfunded and there being no identified funding, the likelihood is that it is never implemented. The NEAs comment that *"neither RTS viability nor growth at garden communities depends on this connection being made"* despite the ASA document (4.39) highlighting the distinctly inferior sustainability results arising from the lack of Route 4: *"it can be assumed the benefits in terms of modal shift would not be as great as if it were in place."*

22. The Vision to Plan document proposes a bus rapid transit system initially, potentially to be replaced beyond the Section 1 Plan period by trackless trams. Are these proposals justified and consistent with the Plan's aspirations for high quality rapid transit networks and connections?

The reference to a *"pragmatic form of RTS"* is bizarre: RTS is either predominantly segregated, rapid and modal share-altering or it is not. What is proposed here is not RTS.

6.22.3-4 is a clear example of obfuscation of what is being proposed. It is noted that *"replacement of this RTS system with a trackless tram.... would be an important step in fully realising the benefits of the system"* - but conversion to a trackless tram system is entirely

abstract in terms of what has been presented as achievable / fund-able in the evidence base. 6.22.5 is simply misrepresentative.

23. Are the refined mode share targets set out at Figures 7-1, 7-2 & 7-3 of the Mode Share Strategy document [EB/080] justified by the evidence contained and referenced in that document?

We reiterate our concerns around the traffic modelling being unfit for purpose and this having the impact of rendering EB/080 (even more) meaningless. At the same time we also note the table in Matthew O'Connell's consultation submission in the context of the NEAs themselves admitting in 6.23.3-4 that there is indeed little quantitative or indeed other directly relevant evidence in EB/080 to support a change in modal share in a UK context.

24. Should these (or other) mode share targets be included as requirements of the Section 1 Plan policies?

We are not surprised to note that the NEAs do not consider that modal share targets should be included in the Plan.

While we continue to believe that this is rather tangential to the point (ie the RTS is unfit for purpose and therefore a suitable RTS should be hard wired into the Plan, rather than hardwiring unachievable modal share targets), we equally would expect at the very minimum the ongoing progression of the developments to be directly linked to modal share targets, for otherwise the key principle of sustainable development is in no way protected.