SUMMARY PROOF OF EVIDENCE OF DAVID CUMMINS

BEng(Hons) MSc CEng MCIHT MCILT

HIGHWAYS MATTERS

ON BEHALF OF THE APPELLANT, HALLAM LAND MANAGEMENT

LAND AT JUNCTION OF NEWARK ROAD, COXMOOR ROAD, SUTTON IN ASHFIELD, NOTTINGHAMSHIRE

PINS REF: APP/W3005/W/24/3350529
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1. I am David Cummins, a Chartered Engineer with 30 years of post-graduation experience in the planning, design, and assessment of transport infrastructure. I have been advising on the proposed development since January 2017.

2. Nottinghamshire County Council (NCC), the local highway authority, raised no objection to the development. Their view is important, as they are the independent regulator, the local highway authority. They have assessed the development through two planning applications, raising no objection on each occasion.

3. Nevertheless, Ashfield District Council say they would have refused the application, and the Inspector's Case Management Conference Summary sets out two highways related Main Issues:
   (i) sustainability of location
   (v) effects on the safety and performance of the local highway network, with particular reference to the proximity of the Newark Road level crossing.

Main Issue 1

4. On Main Issue 1, my evidence explains the opportunities for sustainable travel. It does so reflecting the hierarchy set out in paragraph 117 of the NPPF (December 2024), that applications for development should, "*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*"

5. It also considers paragraph 110, that, "*… development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

6. The evidence shows that the development will be in a highly sustainable location. It will be adjacent to the largest settlement in the Borough, and close to Mansfield, the largest settlement in the neighbouring District. It will be surrounded by numerous amenities, employment, education, retail, medical, and leisure destinations. The infrastructure available to reach those locations is already excellent, and will be enhanced by the development. That infrastructure includes pedestrian and cycle facilities, a railway station, and bus facilities.

7. Changes to the bus services mean that less of the development would be within easy walking distance of the stops on Kirkby Folly Road. However, the appellant will contribute the funds requested by NCC to allow buses to reroute closer to the site. There are options for how that may be achieved, which depend on the strategic framework and funding at the time. NCC's role is to take a holistic view of services to ensure an appropriate network of services, stepping in where necessary to supplement purely commercial services, or to help pump prime them. Thus, the development will be accessible by bus.

8. Even if that one mode of transport were less convenient for some, the travel demand would be taken up in other ways. People could instead walk, cycle, take the train, get a lift, car share, travel to a different location, travel at a different time, or not at all. The location is still inherently sustainable, close to a vast range of facilities however they are accessed. The current bus arrangements remaining is however a moot point, as the £220,000 contribution to NCC will ensure that the development is more accessible by bus.

9. On Main Issue 1, I conclude that the location would be sustainable, and the development's residents would be able to take up the opportunities to travel by sustainable modes of transport.

Main Issue 5

10. On Main Issue 5, the key test as to the acceptability of the development is paragraph 116 of the NPPF (December 2024):

> *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

11. The Transport Assessment that supported the planning application examined the highway safety and capacity impacts of the development over a wide study area beyond which the development would not materially alter traffic volumes. Mitigation works were proposed where necessary.

12. Specifically, around the Newark Road level crossing, the Transport Assessment reported on a survey of the level crossing, how long barriers were down, and a capacity analysis of the Newark Road/Kirkby Folly Road mini-roundabout. A mitigation scheme was proposed at the mini-roundabout, which was approved by NCC. There was no objection from Network Rail.

13. The assessments have been brought up to date. There have been no accidents at the level crossing in the 24 years for which data is available (1999 to 2022). In the last five years, there have been accidents at the mini-roundabout. However, there is no common causal factor amongst the accidents and none were caused by the level crossing.

14. The development will add 76 and 72 traffic movements to the mini-roundabout in a morning and evening peak hour, respectively. That is an increase of 3.3% on the forecast traffic volumes in the 2032 evening peak hour, when traffic volumes would be greatest. The Kirkby Folly Road approach to the mini-roundabout would be overcapacity in the evening peak hour, even without the development. Nevertheless, to mitigate the development traffic increases, a scheme is proposed that provides a better than nil-detriment improvement to the capacity of the mini-roundabout. Importantly, it also improves the pedestrian facilities and ability to cross Kirkby Folly Road on the key east-west desire line between the development and the town centre.

15. The Newark Road (West) approach to the mini-roundabout will operate with plenty of spare capacity, and minimal queues and delays. In normal operation, there would be no interaction between the mini-roundabout and the level crossing.

16. The development will add 18 and 15 traffic movements over the level crossing in the morning and evening peak hours, respectively.

17. The level crossing has greatest impact in the evening peak hour, when the barriers come down four times. On average, the barriers are closed for 3 minutes and 3 seconds. In the worst case 2032 evening peak hour, that will lead to an eastbound queue at the level crossing of 16 vehicles. The additional development traffic added to that queue would be 0.6 vehicles. Once released, that queue of traffic moves forward over the level crossing in a platoon, and gives-way at the mini-roundabout. However, the Newark Road (West) approach to the mini-roundabout operates with plenty of spare capacity and minimal delay and hence the queue quickly dissipates. There are numerous measures in place to manage that situation, on both the rail and road network.

18. In the worst case 2032 evening peak hour, the level crossing closure will lead to a westbound queue at the level crossing of 13 vehicles. That queue fills the space between the level crossing and the mini-roundabout. Queues build on Kirkby Folly Road, where there is stacking space in the inside left turning lane approach to the mini-roundabout. On the Newark Road (East)

approach there is stacking space in the outside lane for ahead traffic. The additional development traffic added to the queue on Newark Road would be 0.2 vehicles.

19. On Main Issue 5, the development traffic added to the road network will be managed by an agreed set of interventions. Around the level crossing there would not be an unacceptable impact on highway safety. The residual impact, after the improvement to the mini-roundabout, would be a betterment and therefore not severe. The change to queueing at the level crossing would be negligible.

Summary

20. The development would be in a highly sustainable location. The proposals ensure that the opportunities for sustainable transport are taken up. The proposed development would not create an unacceptable impact on highway safety. It would not have a severe impact on the road network. It would comply with the NPPF and policy ST1, and should not be prevented on highways grounds.