

Transport Rebuttal of Proof of Evidence

APP/F2415/W/22/3300227

HMP Gartree, Market Harborough, Leicestershire

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Rebuttal of Proof of Evidence of Mr Hickie, and Mr Weekes

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY THE MINISTRY OF JUSTICE

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1. Introduction

1.1. Background

- 1.1.1. This Rebuttal relates to issues raised in the Proof of Evidence (“PoE”) submitted by Mr Hickie (Gartree Action) and Mr Weekes (on behalf of Harborough District Council).
- 1.1.2. I have focussed my evidence within this Rebuttal on the matters where I consider Rebuttal evidence would most assist the Inquiry. However, this should not be taken as a concession that I accept the other parts of the PoE submitted by Mr Hickie and Mr Weekes which I do not make specific comments on here.

1.2. Rebuttal structure

- 1.2.1. This Rebuttal uses the following structure:
 - a. Chapter 2 provides evidence in response to the PoE submitted by Mr Hickie; and
 - b. Chapter 3 provides evidence in response to the PoE submitted by Mr Weekes.

2. Mr Hickie (Core Document G3)

2.1. Access by Foot or Cycle

- 2.1.1. In paragraph 4.2 Mr Hickie states that “*the MoJ accepts that no visitor and no staff member will walk to site*”. As per Section 5.3.1 within my Proof (Core Document E5), the TA assessed the vehicular impact of Gartree 2 using a scenario which made assumptions about the mode share for the proposed Prison. This scenario was developed to ensure a robust highway assessment, and as such underemphasised the potential for sustainable travel. However, walking remains a genuine choice of transport. Walking trips to/from the residential properties in Gartree can be undertaken within 10 minutes (refer to Figure 3-2 within the TA, Core Document A10). Further afield there are footway connections to Foxton. Whilst the number of walking trips are likely to be very low, it does not mean that they are not an option.
- 2.1.2. In paragraph 4.2.1 Mr Hickie states that “*There is a gap of approximately 12.5 metres between the end of the proposed footpath within the site boundary and the beginning of the extant footpath in front of 74, Welland Avenue. Pedestrians would need to walk on the roadway to progress towards Gartree village and the bus stop*”.
- 2.1.3. It is acknowledged that there is a short section of Welland Avenue which does not have a separate footway and therefore pedestrians would be required to walk on the carriageway for approximately 12.5 metres.
- 2.1.4. I undertook a site visit on Thursday 1st September 2022 and walked the entire length of Welland Avenue, including the section without footway. Welland Avenue is a lightly trafficked street. It is not a car dominant environment.
- 2.1.5. The traffic flows presented in Table 7-4 of the TA (Core Document A10). Table 7-4 demonstrates that in the ‘2025 Opening Year with Development’ scenario, the section of carriageway Mr Hickie is referring to would have 26 vehicles in the AM Peak Hour and 14 vehicles in the PM Peak Hour. This would equate to approximately one vehicle every 2 minutes. Assuming an average walking speed of 1.4 m/s, it would take 9 seconds to walk between the sections of footway. The section of carriageway is also adjacent to the proposed highway mitigation scheme along Welland Avenue (refer to Appendix E within the TA (Core Document A10)) which will also help reduce vehicle speeds. I do not consider this gap in footway to be an issue.
- 2.1.6. In Paragraph 4.3, Mr Hickie states that “*the MoJ’s estimate that 2.8% of day staff will cycle to work seems optimistic*”. As per Section 3.7 within the TA (Core Document A10), Atkins has taken the existing mode shares for Harborough (District Area) and amended them to remove waking trips, this has resulted in a mode share of 2.8% for cyclists. Table 2-1 overleaf provides a comparison of the amended mode share presented within the TA (Core Document A10) and the observed mode share for Harborough 007, the Middle Super Output Area (MSOA) which includes the existing Gartree Prison. The analysis demonstrates that the existing mode share for cycling in

Harborough 007 is 3.5%, this is higher than the amended 2.8% value used to inform the analysis within the TA. Therefore, I do not consider Mr Hickie's statement to be correct.

Table 2-1 – Census Journey to Work Mode Splits – Comparison

Mode	Harborough (District) Table 3-8 within TA (%)	Harborough (District) Table 3-9 within TA (%)	Harborough (007) (%)
Car Driver	75.3%	84.3%	72.6%
Car Passenger	7.3%	8.2%	5.3%
Taxi	0.2%	0.3%	0.3%
Motorcycle	0.7%	0.8%	0.7%
Bus	2.5%	2.8%	1.8%
Train	0.8%	0.9%	1.2%
Cycle	2.5%	2.8%	3.5%
Walk	10.6%	0.0%	14.7%
Total	100%	100%	100%

- 2.1.7. Mr Hickie's evidence provided in Appendix C of his PoE (Core Document G3) and referenced in Paragraph 4.3.2 demonstrates that a proportion of the existing staff and/or visitors to Gartree Prison do in fact cycle, and therefore in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1), cycling would be a genuine choice of transport to Gartree 2.
- 2.1.8. Mr Hickie's Appendix C states four cycle movements were observed in the month, and includes photographs taken at an unspecified time on occasional days throughout August 2022. It is not clear if this is the cycling survey referenced in Paragraph 4.3.2, or if a more conventional traffic count was also undertaken. No survey data has been provided.
- 2.1.9. By contrast, the TA (Core document A10) in appendix A.2 (pages 52-58) contains a classified turning count traffic survey undertaken on Wednesday 16 June 2021 at the Gallow Field Road / Welland Avenue junction. The survey provides detailed continuous traffic survey information for all vehicle types throughout the day. On that day there were a total of 117 cycle movements across the whole of the junction.

- 2.1.10. In the TA (Core document A10) appendix A.4 (pages 65-68) contains a classified turning count traffic survey undertaken on Wednesday 16 June 2021 at the Foxton Road / Welland Avenue junction. The survey provides detailed continuous traffic survey information for all vehicle types throughout the day. On that day there were a total of 63 cycle movements across the whole of the junction.
- 2.1.11. The data in the TA provides observed survey evidence that cycling trips are present on the local highway network, whereas Mr Hickie provides no survey evidence in his Proof.
- 2.1.12. In Paragraph 4.4 Mr Hickie suggests that provision of bicycle sheds will be unsuccessful as a measure to promote cycling. Cycle parking is only one of several measures proposed to maximise opportunities for cycling to Gartree 2 (see Cycling Strategy in OTP Core Document A11 page 24). Furthermore, the s106 agreement (secured via a planning condition) allows the County Council to ensure that the Appellant complies with the measures outlined within the OTP.
- 2.1.13. In Paragraph 4.5, Mr Hickie states that he has “*no reason to believe that cycling to Gartree 2 would be more popular than cycling to HMP Gartree*”. The £6,000 Section 106 Contribution for the purposes of monitoring the implementation of the OTP (Core Document A11) allows the County Council to ensure that the Appellant complies with the measures outlined within the OTP, including those measures designed to maximise opportunities for cycling. Therefore, I disagree with Mr Hickie’s statement, and I believe that the combination of measures proposed at the site would mean that cycling would be a genuine choice of transport to Gartree 2 in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1).

2.2. Access by Bus or Rail

- 2.2.1. Mr Hickie suggests in Paragraph 5.7 that “*the private car will be the shorter, more convenient transport mode for the vast majority of staff*”. NPPF at Paragraph 105 notes that development should offer a choice of transport modes. The policy makes no reference about offering a choice that must be more convenient than private car.
- 2.2.2. As per Table 5-2 in my PoE (Core Document E5), it is possible for all non-uniformed staff (154) to arrive for their shift using the existing bus provision, and therefore in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1), the bus would be a genuine choice of transport for a proportion of staff to Gartree 2.
- 2.2.3. Mr Hickie’s evidence provided in Appendix F of his PoE (Core Document G3) and referenced in Paragraph 5.8 demonstrates that it is in fact possible to arrive on site before 08:30 using a combination of train and bus from destinations including Leicester, Nottingham, Bedford, Kettering, and London. Therefore, in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1), the train / bus would be a genuine choice of transport mode for a proportion of staff to Gartree 2.

2.2.4. As per Section 4.1 within my PoE (Core Document E5), sustainable transport is a defined term within the National Planning Policy Framework (refer to Annex 2 within Core Document H1). The National Planning Policy Framework defines sustainable transport as:

Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport.

2.2.5. Mr Hickie's PoE concentrates on access via bus and rail. However, he has not acknowledged the 53 3kw Electric Vehicle (EV) charging stations and the 27 car sharing spaces proposed as part of Gartree 2. Both provide a further genuine choice of sustainable transport modes given the type of development and its location.

2.3. Accessibility to Site via Private Vehicle

2.3.1. Mr Hickie suggests in his PoE that “*accessibility by private vehicle has not been fully represented and the impact cannot be properly assessed*”. I would point out that Leicestershire County Council (LCC), as the Local Highway Authority (LHA), have no highways objections to Gartree 2 (please refer to Section 2.7 within my PoE (Core Document E5)). In addition, SYSTRA stated in their review of the TA (Core Document B37) that they agreed with a statement from LCC that the approach to the staff and visitor trip generation is a “reasonable, evidence-based approach” (refer to Paragraph 2.1.2 in Core Document E5).

2.4. Accessibility Once on MoJ Land

2.4.1. In paragraph 7.3 Mr Hickie suggests that Welland Avenue is not an appropriate access route for Gartree 2. As per Paragraph 2.3.1 above, the LHA have no highways objections to Gartree 2 (please refer to Section 2.7 within my PoE (Core Document E5)).

2.5. Car Park Provision Within the Site

2.5.1. Paragraph 8.4 of Mr Hickie's PoE states that the “*MoJ plans 20% more employees in Gartree 2 versus Garth Wymott 2*”. Mr Hickie goes on to suggest that this would cause the proposed car park to overflow. I understand Mr Hickie is referring to the numbers provided in Appendix H of his PoE, specifically Mr Hickie states that Gartree 2 is proposed to employ 778 members of staff.

2.5.2. The figure of 778 members of staff is found in the Planning Statement (Core Document A2) which notes at Section 6.26:

Based on comparison data from the MoJ the proposed development could employ 778 staff employed directly at the prison

2.5.3. As per Section 4.2 of the TA (Core Document A10), Atkins has based the TA on an assumption that Gartree 2 will employ up to 858 members of staff. This figure has been used to calculate the proposed trip generation and the proposed parking accumulation contained within the TA.

Therefore, the proposed level of parking provision is considered robust and Mr Hickie's concerns are unfounded.

2.5.4. Further details relating to the assumptions contained within the TA are provided in Appendix F and Appendix G of the TA (Core Document A10).

2.5.5. Paragraph 8.51 of Mr Hickie's PoE states that "None of these vehicles that contain staff as passengers appear in the transport calculations". The staff as passengers in this instance are likely to be car sharing with other staff, as opposed to staff being dropped off. As such, the vehicles are captured in the transport calculations as part of the staff car driver trips. The vehicle will have multiple occupancy (i.e., 2 staff – one driver and one passenger) but will be 1 vehicle trip. Mr Hickie also states that there would be no room in the car park for staff as passengers. There are 27 car sharing spaces proposed as part of Gartree 2. As per Paragraph 2.2.4, car sharing is defined as a sustainable transport mode in the National Planning Policy Framework (refer to Annex 2 within Core Document H1).

2.5.6. Mr Hickie goes on to state in Paragraph 8.6 of his PoE that "*the Appellant may claim that car park provision is overstated, given that there is provision for visitors in the car park sizing calculations*". Mr Hickie is correct in acknowledging that a proportion of the parking demand at Gartree 2 is forecast to be generated by visitors to the site (refer to Figure 6-1 in the TA (Core Document A10)). The demand for visitor parking is based on the assumptions that every inmate will receive a 100% uptake in their permitted number of visits, and that every visitor trip will be made by private car.

2.5.7. However, the MoJ has confirmed that:

- a. Whilst most prisoners are entitled to two visits per month, take-up is usually much lower. In some cases, the observed take up is often less than 50%; and
- b. During Covid restrictions, changes were introduced which allow prisoners to have their visits with friends and family via a video link. Following its success, this will be rolled out as a permanent feature across the Prison estate, which could further reduce demand for the number of 'in-person' visits.

2.5.8. Therefore, in the absence of any recognised national or local parking standards for Prisons, the approach outlined within the TA (Core Document A10) is considered robust because the proposed parking provision has been calculated based on the number of staff proposed, the forecast demand from staff and visitors based on the availability of existing public transport provision, and the existing travel characteristics for the area (Harborough District).

2.5.9. This approach was agreed with LCC, as the Local Highway Authority, and ensures that sufficient parking provision is provided to prevent overspill onto the local highway, whilst not overproviding parking which could encourage car dependence.

2.6. Mitigation Actions

- 2.6.1. Paragraph 10.2.2. of Mr Hickie's PoE states that the "*the site access preliminary design clearly demonstrates that Gartree 2 traffic can pass along the northern section of Welland Avenue*". During the Public Consultation undertaken in relation to Gartree 2, the permanent closure of Welland Avenue was discussed with those in attendance and the general feedback was that residents wanted to continue using the southern section of Welland Avenue as a means of access. Therefore, the proposed highway mitigation scheme along Welland Avenue (refer to Appendix E within the TA (Core Document A10)) was designed to allow access for residents along Welland Avenue whilst deterring staff and/or visitors through the introduction of directional signage, speed cushions, and chicanes.
- 2.6.2. Paragraph 10.3.2. within Mr Hickie's PoE states the suggested s106 provision is insufficient to secure a safe walking route to Foxtan Primary School, and that an alternative solution would need to be brought forward, as confirmed in an audit of the site included as Appendix K.
- 2.6.3. At Appendix K of his PoE (Core Document G3) Mr Hickie provides a 'School Route Safety Assessment' undertaken in September 2022. The assessment has been undertaken on the assumption that there would be an increase in two-way traffic flows from 300 to 400 vehicles during the peak school times (refer to Paragraph 1.5 in Appendix K of Core Document G3). It is not clear how Mr Hickie has calculated this increase in traffic. Figure 5-1 in the TA (Core Document A10) presents the total trip generation profile for Gartree 2 and compares this to the peak hours for Foxtan Primary School. Figure 5-1 demonstrates that Gartree 2 would generate an additional 72 trips during the AM School Peak (08:30-09:00) and 0 trips during the PM School Peak (15:30-16:00). However, only 40 trips would route past Foxtan Primary School during the AM School Peak once you consider the trip distribution outlined within the TA (Core Document A10). Therefore, the assessment contained within Appendix K of Mr Hickie's PoE is based on incorrect assumptions and is therefore unreliable.
- 2.6.4. Notwithstanding the flawed assumptions underpinning the assessment, Mr Hickie fails to recognise that the contribution is subject to the tests set out in NPPF Paragraph 57 which specify that planning obligations must be directly related to the development, and fairly and reasonably related in scale and kind to the development. It is my professional opinion that, based on an increase of 40 vehicles in the AM school peak from the development, the contribution is fairly and reasonably related in scale and kind to the development.

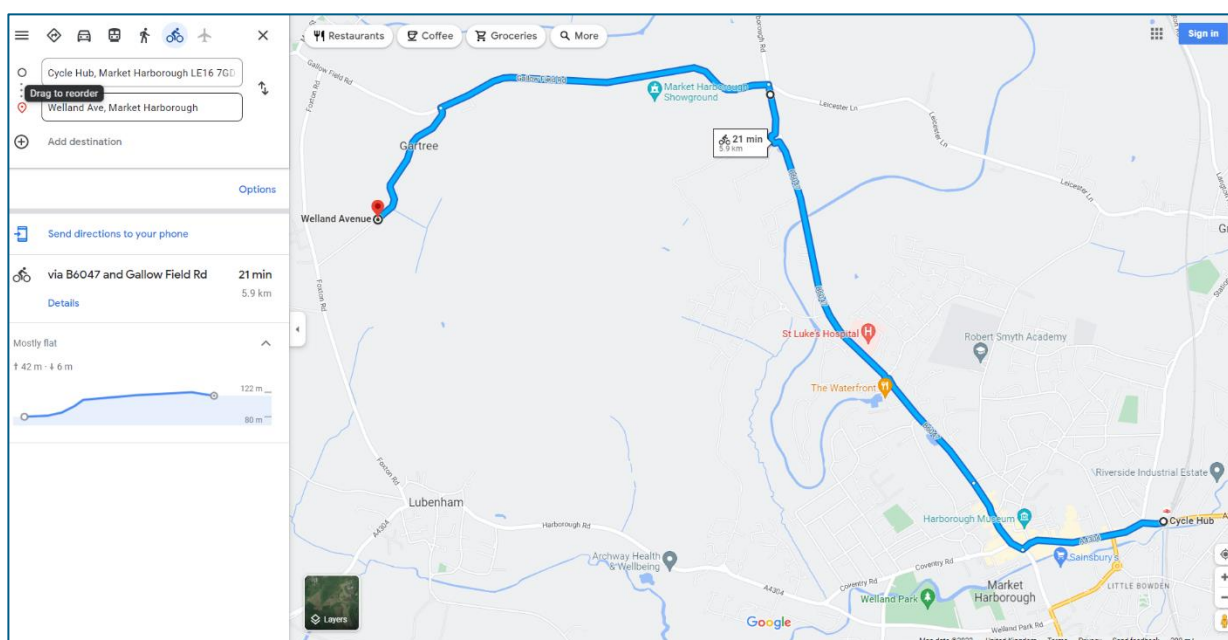
3. Mr Weekes (Core Document F1)

3.1. Access by cycle

- 3.1.1. Mr Weekes states in his PoE (Paragraph 6.15) that the surrounding highways are "*generally unlit, national speed limit highways, with no dedicated cycle lanes*".

- 3.1.2. Figure 5-1 in my PoE (Core Document E5) demonstrates that there is a designated cycle route along the B6047 Harborough Road with cycle lanes provided in both directions. South of St Luke’s Hospital the speed limit reduces to 30mph and street lighting is present.
- 3.1.3. National Cycle Route 6 provides an alternative route along the Grand Union Canal. Both routes are entirely possible to cycle using a conventional bike, with the majority of the access routes predominantly flat (refer to Figure 3-1, specifically the gradient summary in the bottom left corner).

Figure 3-1 - Cycle Route between Market Harborough and Welland Avenue (Google Maps, 2022)



- 3.1.1. Mr Weekes states in his PoE (Paragraph 6.15) that the surrounding highways are “*not the most inviting routes for use for cycling. Additionally, the prison is located on the top of a hill, meaning that there is undulation in the access routes, which may discourage cycle journeys*”.
- 3.1.2. I refer to Paragraph 2.1.5, and the evidence provided by Mr Hickie in Appendix C of his PoE (Core Document G3). I also refer to Paragraph 2.1.9 and 2.1.10 which reference surveyed evidence of cycling trips. The evidence demonstrates that there are existing cycling trips, and a proportion of the existing staff and/or visitors to Gattree Prison do cycle. Therefore, in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1), cycling would be a genuine choice of transport for Gattree 2. This is also supported by the observations which I made whilst out on site on Thursday 1st September 2022, with several people observed cycling along Gallow Field Road, Foxtton Road and Harborough Road.
- 3.1.3. In addition, Mr Weekes has also failed to acknowledge the growing popularity of e-bikes and the positive impact they are predicted to have on cycling in the UK. In 2021, e-bikes accounted for

23% of the total bike sales value in the UK¹ and the demand is forecast to increase. These can overcome any perceived obstacles created by gradients for some cyclists.

3.2. Access by Bus

- 3.2.1. Mr Weekes states at Paragraph 6.23 that the potential for workers to be able to use the bus is therefore limited due to its geographical restrictions. I highlight that NPPF states that when assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location (refer to Paragraph 110 (a) within the NPPF 2021). NPPF in Paragraph 105 also notes opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. As noted above, sustainable transport modes are not limited to public transport.

3.3. Rail Access

- 3.3.1. Mr Weekes incorrectly states in his PoE (Paragraph 6.24) that “*the only realistic access possible from (Market Harborough Railway Station) would be in association with public transport, or taxi (a private vehicle)*”. However, as per Section 3.1, I have demonstrated that cycling also provides a genuine choice of transport from Market Harborough Railway Station to Gartree 2, in line with Paragraph 105 of the National Planning Policy Framework (Core Document H1).

3.4. Accessibility to the Facility Conclusions

- 3.4.1. In Paragraph 6.27, Mr Weekes concludes that it is not considered that walking, cycling, or public transport represent realistic alternatives to the private motor vehicle, thus the proposal fails to accord with the sustainability aims set out in the NPPF, and in particular the content of Paragraphs 84 and 85.
- 3.4.2. These paragraphs relate to supporting a prosperous rural economy. I note Paragraph 85 refers to policies and decisions which should recognise the difference between public transport in urban and rural areas. It notes that in these rural circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable.
- 3.4.3. Paragraph 2.7.3 of my Proof of Evidence (Core Document E5) notes that Leicestershire County Council (LCC), as the Local Highway Authority (LHA), have no highways objections to Gartree 2 and specifically that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

¹ <https://cyclingindustry.news/electric-bike-sales-value-bike-demand-rising/>

- 3.4.4. With regard to exploiting opportunities to make a location more sustainable, I again note that sustainable transport modes are not limited to public transport, and that car sharing and EV use are sustainable transport options.
- 3.4.5. Furthermore, NPPF Paragraphs 105 and 110 are directly relevant to sustainable transport. Paragraph 7.2.2 of my Proof of Evidence (Core Document E5) identifies it is my professional opinion that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Therefore, the proposals comply fully with the NPPF in terms of sustainable transport.

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