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
LPA REF: V/2022/0629

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APPENDICES (SEPARATELY BOUND)

1.0 INTRODUCTION

Qualifications and experience

1.1 I am David Cummins, a Chartered Engineer with over 30 years of post-graduation experience in the planning, design, and assessment of transport infrastructure.

1.2 I have an honours degree in Civil Engineering, and a Masters degree in Transport Engineering and Planning. I am a Chartered Engineer (CEng), a Member of the Chartered Institution of Highways and Transportation (MCIHT), and a Chartered Member of the Institute of Logistics and Transport (MCILT).

1.3 Since graduating in 1991, I have worked for private sector consultancies, specialising in transport planning and design. In August 2013, I established ADC Infrastructure. We have 30 employees providing consultancy services in Transport Planning, Infrastructure Design, and Water Management. My consultancy specialises in providing expert planning and design advice on transport related issues across a broad range of property development projects.

1.4 I have prepared numerous Transport Statements, Transport Assessments, and Travel Plans, and have appeared as an expert witness at Public Inquiries. I appear at this Inquiry on behalf of Hallam Land Management (the Appellant) to present factual evidence and expert opinion on the transport issues raised by the appeal scheme.

1.5 The factual evidence that I provide for this Inquiry within this proof of evidence is true, and has been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions, irrespective of by whom I am instructed.

Involvement in the planning application

1.6 I have been advising on the proposed development since January 2017. We provided advice to support the previous application validated in October 2017 ("the 2017 application")[1], as well as the most recent application that is the subject of this appeal[2]. We prepared the transport reports that supported the applications. I am familiar with the appeal site and the surrounding area having visited on many occasions.

Core document references

1.7 I refer in this Proof of Evidence to documents that are listed in the agreed Core Documents list, using the abbreviation CD.

[1] application reference V/2017/0565, validated on 3 October 2017
[2] application reference V/2022/0629, validated on 23 August 2022

2.0 BACKGROUND AND SCOPE OF MY EVIDENCE

The reason for refusal

2.1 The Statement of Case by Ashfield District Council ("the LPA") notes that had the appeal not been made, they would have been minded to refuse the planning application for five reasons. Two relate to highways matters:

> *Reason 1 - The site is not a sustainable location for further residential development by virtue of the limited public transport opportunities and the need to travel by car to access higher level services. The development would therefore be contrary to Policy ST1 of the Ashfield Local Plan Review 2002 and the aims and objectives of the National Planning Policy Framework (2023).*
>
> *Reason 5 - Insufficient information has been provided to fully assess the impact upon the local highway network. In particular there is insufficient information on the impact of the development having regard to its proximity to the existing the level crossing and the implications when the crossing gates are closed during peak times. Consequently, this lack of information means that it has not been demonstrated that the proposal would not have a severe impact upon the highway, which would be contrary to Policy ST1 of the Ashfield Local Plan Review 2002 and paragraph 115 of the NPPF.*

Main Issues

2.2 Hence, following clarification of the LPAs position, 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.

2.3 The LPA clarified that the first main issue goes beyond bus accessibility to include walking and cycling to services and facilities, which the LPA claim makes bus accessibility more important.

Matters in dispute with the LPA

2.4 On these highways related Main Issues, there is little common ground with the LPA. My evidence therefore addresses the Main Issues in their entirety. Despite the claim in the reasons for refusal, the Main Issues were addressed in the material submitted as part of the planning application. Therefore, I draw on that material, supplemented as necessary for this evidence. I also draw on the consultation responses of the local highway authority, Nottinghamshire County Council (NCC), who raised no objections subject to conditions and obligations to both the 2017 and 2022 planning applications.

3.0 POLICY

Introduction

3.1 The following documents and policies are referenced in the LPA's Statements of Case and reasons for refusal:

- national - National Planning Policy Framework (NPPF)
- regional - Nottinghamshire Highway Design Guide
- local – Ashfield Local Plan Review 2002 Policy ST1

National Planning Policy Framework (NPPF)

3.2 The reason for refusal says that the appeal proposal would be contrary to the aims and objectives of the NPPF (2023), including paragraph 115, which stated:

> *"115. 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 would be severe."*

3.3 NCC believed the development should not be prevented or refused on highways grounds, or on sustainable travel grounds, and they offered no objection subject to conditions and obligations. For the reasons given in my evidence, my opinion is the same as NCC's. The development would not have an unacceptable impact on highway safety or a severe impact on the road network.

3.4 In December 2024 the government published a revised NPPF. The slightly amended text of paragraph 115 is now in paragraph 116. Paragraph 109 has become 110, and paragraph 116 has become 117, although the text is unchanged. The new paragraphs state the following.

> *"116. 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."*

> *"110. The planning system should actively manage patterns of growth in support of these objectives. Significant 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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."*

> *"117. Within this context, applications for development should: a) 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;"*

3.5 The changes to the NPPF do not change my evidence. The development would be in a sustainable location, the proposals have prioritised pedestrian and cycle movements, and facilitate access to public transport. The development would not have an unacceptable impact on highway safety or a severe impact on the road network. It should not be prevented on highways grounds.

Nottinghamshire Highway Design Guide

3.6 Nottinghamshire County Council (NCC), the local highway authority, publish on their website the Nottinghamshire Highway Design Guide [CD 5.4]. The Highway Design Guide endorses, and is a companion to, Manual for Streets and other current guidance. Part 1.2 sets out the Road Network Policy, and includes NCC's requirements for assessing development proposals. Further parts provide guidance on related matters such as highway design standards, criteria for assessing accessibility, and other matters.

3.7 The development proposal, vetted by NCC, is compliant with their Highway Design Guide.

Ashfield District Council

3.8 The reason for refusal refers to Policy ST1 of the Ashfield Local Plan Review 2002. It states that:

> *Development will be permitted where:*
> *c) it will not adversely affect highway safety, or the capacity of the transport system*

3.9 This is not the same test as paragraph 115 of the NPPF, or its revised version in paragraph 116, quoted above. The LPA's Policy is not consistent with the NPPF and is not up to date. With reference to the relevant policy, my evidence is that the development would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. Therefore, the development should be permitted.

4.0 TRAVEL DEMAND

4.1 The development's impact, and hence proposals and mitigation, must be proportionate to its travel demands. Forecast travel demands were derived in the Transport Assessment [CD 1.29 para 4.1]. The development would generate 188 and 178 traffic movements in a morning and evening peak hour, as summarised in the table below.

85th percentile vehicle trip rates and traffic generation		arrive	depart	two-way
trip rates (per dwelling)	AM peak hour	0.165	0.462	0.627
	PM peak hour	0.444	0.149	0.593
vehicle trips (300 dwellings)	AM peak hour	50	139	188
	PM peak hour	133	45	178

4.2 These figures are robust. They come from 85th percentile trip rates per dwelling derived from surveys of existing housing estates. Trip rates have decreased over time, and current TRICS best practice is to use average trip rates. The Transport Assessment demonstrated that had average trip rates been used, the 188 morning peak hour vehicle movements would instead reduce to 153, a reduction of 34 vehicles or 18.7%. The 178 evening peak hour vehicle movements would instead reduce to 154, a reduction of 24 vehicles or 13.5%.

4.3 Moreover, the forecast vehicle demands do not take account of a reduction in traffic resulting from the targets of the Travel Plan [CD 1.31]. That is despite the Travel Plan being part of the mitigation package, and it including various measures with significant costs, such as the travel packs and free bus passes provided to each household.

4.4 Following the calculation of traffic movements, the modal share was estimated. Unlike traffic figures, on which there is a lot of good evidence to determine accurate figures, information about other modes of transport is more limited. The Census includes a question about how people travel to work, and the percentages it gives are commonly used as a proxy for all journey purposes, given the lack of anything better. The 2011 Census for the MSOA Ashfield 007 in which the site is located gives the modal share percentages in the table below. In my experience, a car proportion of 66.5% is low, reflecting the accessibility of the area by other modes.

	on foot	bicycle	bus	train	motorcycle	car driver	passenger	taxi
modal share	14.0%	2.8%	6.4%	1.0%	0.9%	66.5%	8.1%	0.2%
peak hour	40	8	18	3	3	188	23	1

4.5 The modal share percentages are for journeys to work, at any time of day. Nevertheless, they can be used as a proxy for all journey types, in a peak hour, by taking the number of traffic movements to be the number of car drivers, as shown in the table above. This gives an approximate demand by all modes. The figures are approximate, as percentages may have changed since 2011 for many reasons. Nevertheless, they give a sense of scale of the travel demand.

5.0 PEDESTRIAN MOVEMENTS

Catchment

5.1 *Guidelines for Providing for Journeys on Foot*[3] describe acceptable walking distances for commuters and school pupils, where up to 500m is the desirable walking distance, up to 1,000m is an acceptable walking distance, and up to 2,000m is the preferred maximum walking distance.

5.2 Manual for Streets talks about walkable neighbourhoods, which are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas that residents may access comfortably on foot. However, Manual for Streets also states that this is not an upper limit, noting a reference to the extinguished PPS13, which stated that walking offers the greatest potential to replace short car trips, particularly those under 2km.

5.3 NCC's Under-16 Home To School Transport Policy notes that The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 1996 at two miles (3.2km) for under eights and three miles (4.8km) for those aged eight years and above. In excess of these distances NCC generally must fund 'free' school transport.

5.4 There are, therefore, different measures of what constitutes walking distance, although in my experience 2km is an appropriate maximum for most people. The Transport Assessment included **Figure 1** below, showing a 2km catchment from the centre of the site as embracing the facilities within walking distance.

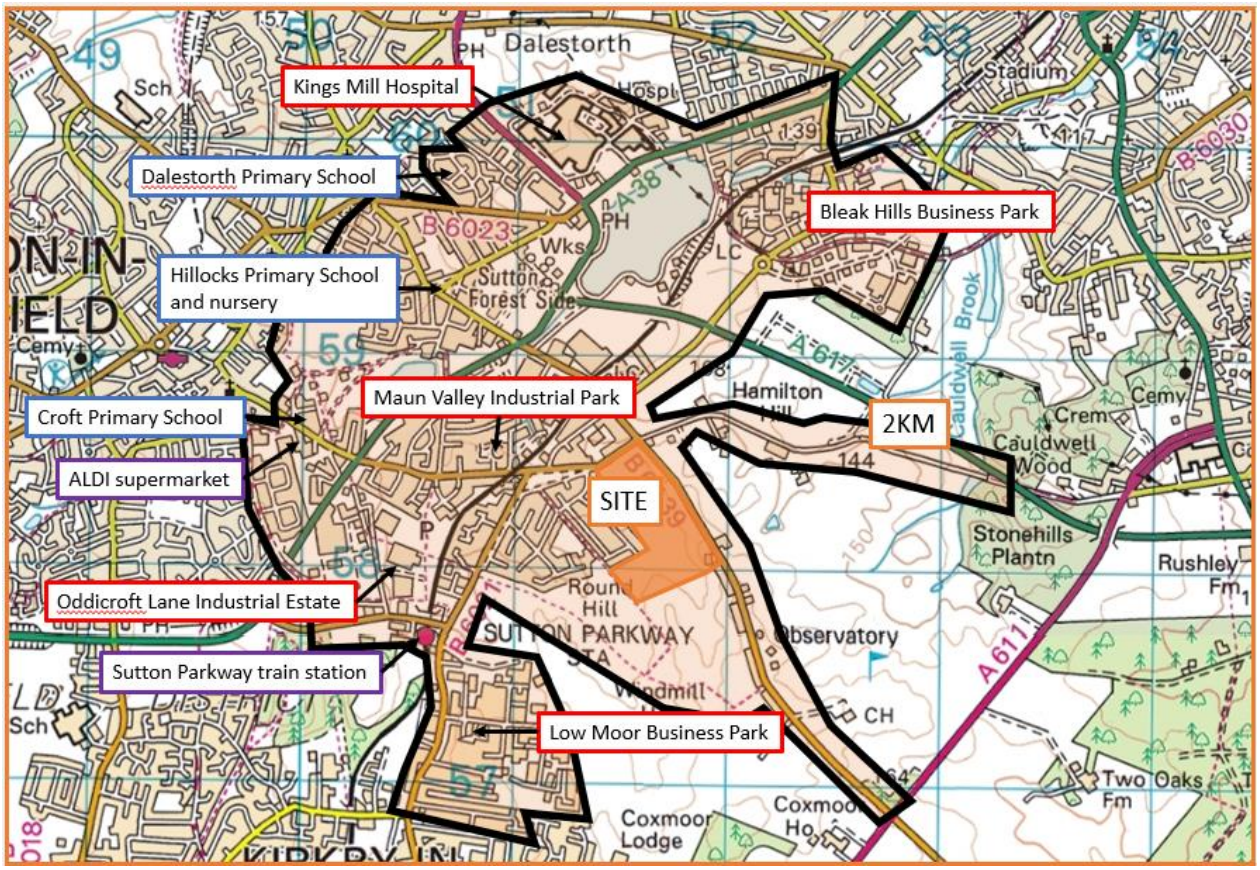

Figure 1: 2km pedestrian catchment area

[3] Guidelines for Providing for Journeys on Foot, Institution of Highways and Transportation, 2000

Facilities within the catchment area

5.5 Figure 1 also shows some, but not all, of the facilities within the catchment. A longer list was included in the text of the Transport Assessment, highlighting the local centre on Kirkby Folly Road, which includes the Junction pub, Shanon Loge veterinary surgery, KM Hair Studio (ladies and gents hair styling), Bow Wow Boutique (dog grooming parlour), and Hewitts Stores Premier convenience store on the corner of Kirkby Folly Road and Farndon Road. As part of the Design and Access Statement, Pegasus produced a Local Facilities Plan that shows those locations and others, and a copy is in **Appendix C**.

5.6 Additional destinations of note within walking distance are the Sutton Parkway train station, Kings Mill Hospital, Croft Primary School, Aldi supermarket, and numerous industrial and business parks. Destinations not shown on either plan include the large Amazon warehouse on Hamilton Road, the West Notts College Construction Centre on Kirkby Folly Road (providing entry level courses in construction and building services), and the West Notts College Engineering Innovation Centre on Penny Emma Way (specialising in mechanical and electrical engineering and motor vehicle maintenance).

5.7 There are significant numbers of destinations of all types in all directions surrounding the development site.

Existing and proposed pedestrian infrastructure

5.8 To comply with the adoptable standards of the Nottinghamshire Highway Design Guide, when the reserved matters application is submitted the internal road network will include a network of footways and footpaths to connect to the external pedestrian network. Various routes are shown on the illustrative masterplan - an extract is in **Figure 2** below. Amongst others, it shows key routes along the central spine road, to the Searby Road connection, and along the western edge of the development.

5.9 At the interface between the development and the external network, the proposed works drawings in **Appendix A** show connections to Coxmoor Road, Searby Road (in two places), and to the public footpath. Those connections are shown indicatively on the illustrative masterplan in Figure 2.

5.10 The drawings in Appendix A also show the proposed works at the Newark Road frontage. Those works are comprehensive, including a new footway along the southern side of Newark Road, a widening of the existing footway on the northern side, and the introduction of traffic signal controlled pedestrian crossings. There would also be a new signal controlled crossing of Coxmoor Road, and a new footway along Cauldwell Road.

5.11 These proposed works will directly connect the development to the existing pedestrian network that runs throughout the area and provides continuous links to all the facilities within walking distance. In keeping with a well established urban area, the pedestrian routes in all directions are of good quality, surfaced, and well lit. They are also flat. There are pedestrian crossings appropriate for the location, such as signal controlled crossings over major roads, and less formal crossings over minor roads.

5.12 Again as shown on the proposed works drawings in Appendix A, the existing network will be further enhanced by:

- the proposed Toucan crossing on Coxmoor Road north of the Hamilton Road mini-roundabout

- the proposed Sparrow crossing on Newark Road just east of Hamilton Road
- an improved pedestrian crossing over the Newark Road/Kirkby Folly Road mini-roundabout.

Figure 2: extract from the illustrative masterplan (drawing EMS.2254_120 01 Rev D)

5.13 For illustrative purposes, the following paragraphs explain some of the many desire lines that serve the attractions that are in all directions.

5.14 **Figure 3** shows a walking route to Sutton town centre (taken to be the market place at the junction of Low Street and Forest Street). It is a 2.1km walking distance from the site entrance on Newark Road. Along that route, from the site, there will be a continuous footway for the whole journey, with street lighting. There will be the improved pedestrian crossing over the mini-roundabout at Kirkby Folly Road, uncontrolled crossings over all the minor side roads, a signal controlled crossing over Kings Mill Road East, further uncontrolled side road crossings, and a signal controlled crossing over High Pavement.

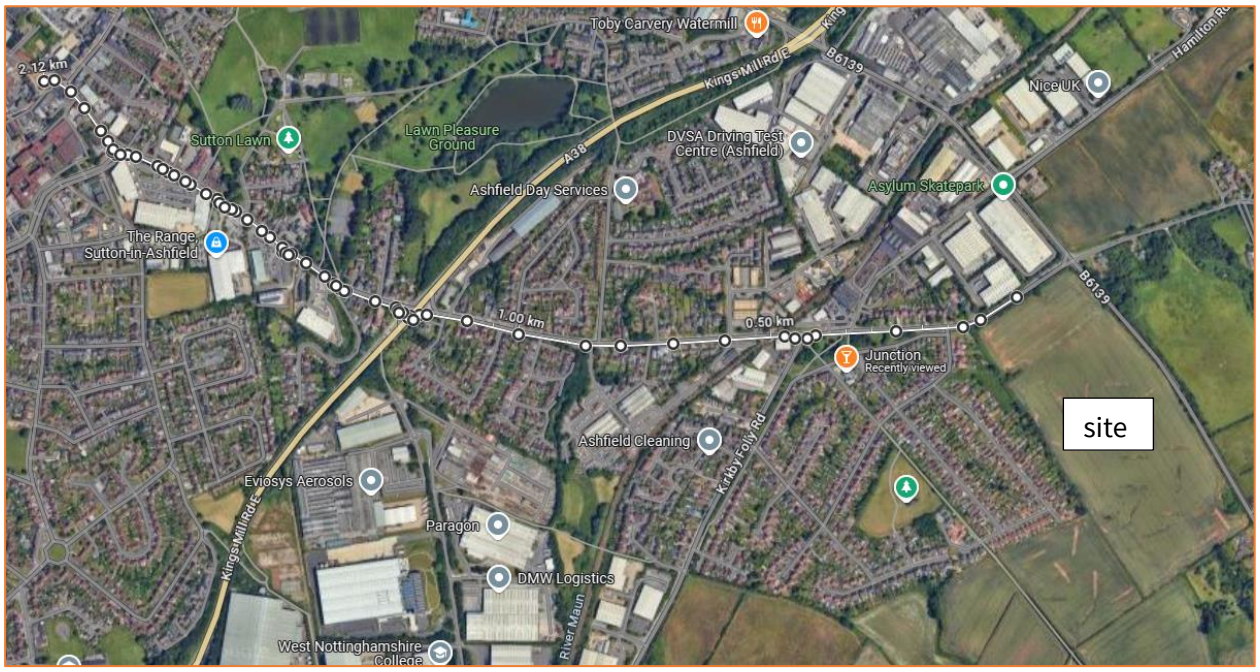

Figure 3: 2.1km walking route from the Newark Road site entrance to the town centre

5.15 Along that route walking west from the development, amongst other things, the pedestrian will directly pass:

- The Junction pub and the local centre at Kirkby Folly Road
- Lion Motor Group car sales and servicing
- Cable-Tec, and Cromwell Tools employment units
- Station Motors servicing and repairs
- Maun Valley Industrial Park, with numerous industrial units
- The Scruffy Dog pub
- Ashfield District Council depot, including MOT services, and Trade Waste Services
- the Station Road local centre that includes a Premier convenience store and Post Office
- Academy of Beauty Training
- Wickes
- Sutton Lawn park with its bowls club, skate park, tennis and badminton courts
- NCC's Young People's Centre, County Wide team and Inspire College
- Aldi, The Range, Home Bargains
- Croft Primary School
- Lidl
- The Broad Centre retail park, with Poundland, Matalan, The Salvation Army Donation Centre, Anytime Fitness, Pets at Home
- Sutton Christian Fellowship, and the Catholic Church of Saint Joseph the Worker
- Forest Retail Park, including Halfords and Angling Direct
- Small units adjacent to the town centre including Papa Johns, Little Dessert Shop, Top Pets, Marmaris Barbers, Pizza Palace, Barber Shoppe, Barnes estate agent, Café Caprice.

5.16 Each of these locations is a place to work, or shop, or relax, or spend time. They are very well connected to the development.

5.17 **Figure 4** shows a walking route to the Sutton Parkway station, a 1.4km walk, and the adjacent employment areas on Low Moor Lane, Penny Emma Way, and Oddicroft Lane.

Figure 4: 1.4km walking route from the Searby Road site entrance to the Sutton Parkway station

5.18 There is good quality infrastructure immediately west of the site, with multiple route options on street lit lightly trafficked residential roads. There are good footways on both sides of Searby Road, which in turn connect to good footways on Sotheby Avenue, and Farndon Road, directly passing the Hewitts Stores Premier convenience store. In turn these footways connect to the footways on Kirkby Folly Road, which becomes Low Moor Road. The Station Park industrial estate on Low Moor Road includes three industrial units plus West Notts College Construction providing entry level courses in construction and building services.

5.19 The footways continue to the signal controlled junction of Low Moor Road/Penny Emma Way. There are signal controlled pedestrian crossings at the junction that provide access to the station. The footways continue south to the large employment area east of Low Moor Road. They also continue west to the employment areas around Penny Emma Way and Oddicroft Lane.

5.20 All of these employment units provides a place to work, and the West Notts College provides a place to learn. The train station provides access to a wider area, as explained in Section 7.

5.21 **Figure 5** shows a walking route to the employment area directly north of the site. The illustrated route is 540m from the site entrance on Newark Road.

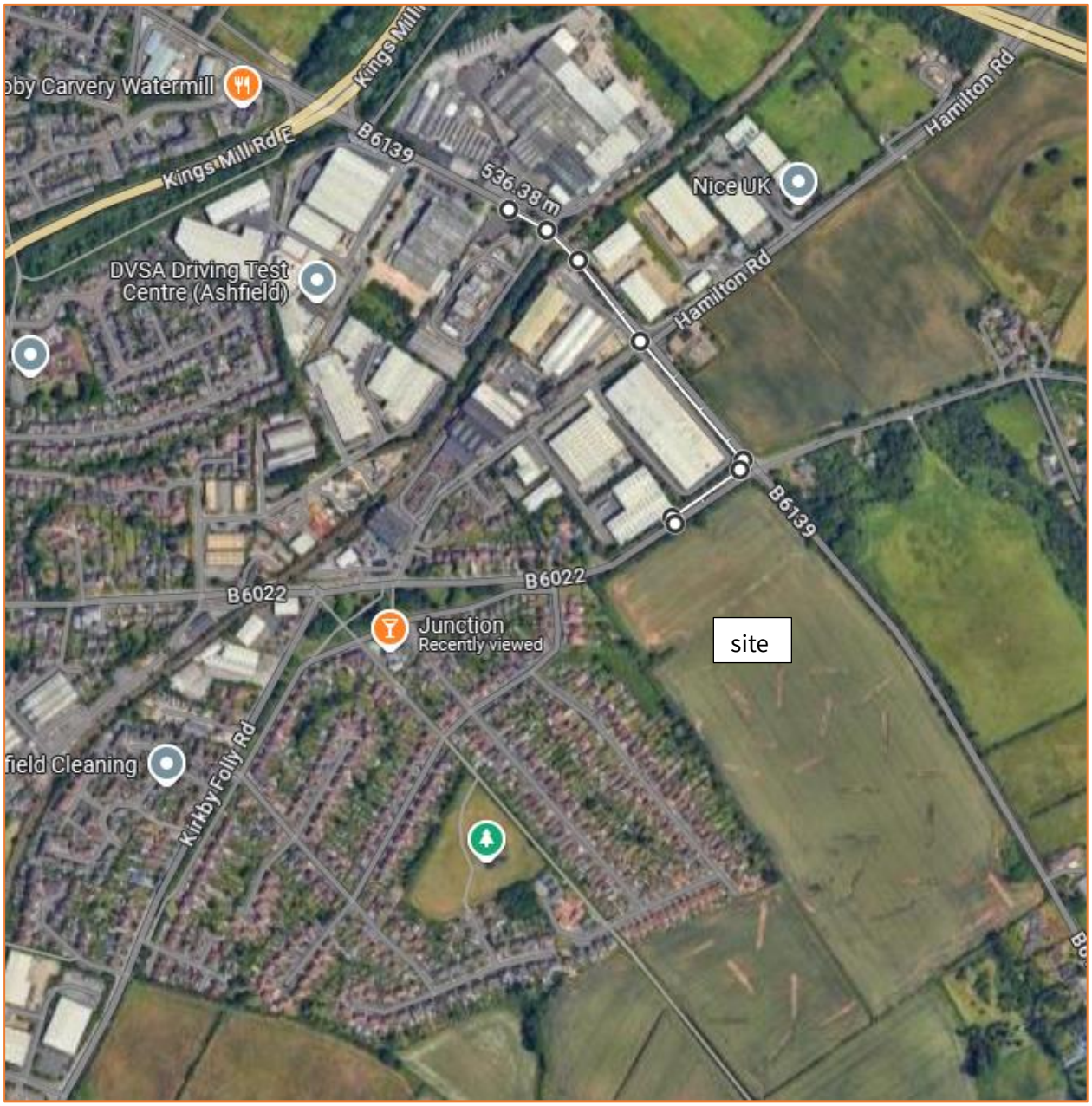

Figure 5: 540m walking route from the Newark Road site entrance to the employment area to the north

5.22 A pedestrian walking from the site in this direction will have a continuous footway route with street lighting. Leaving the site, a pedestrian will take advantage of the new footways and pedestrian crossings provided along Newark Road. The new footway connects to the existing footways along Coxmoor Road and Hamilton Road. The new Toucan crossing just north of the Coxmoor Road/Hamilton Road mini-roundabout will allow pedestrians to cross to either side of the road, where they can access the numerous industrial units. Those industrial units contain numerous employers. They also contain the Asylum Skatepark, The Bouldering Asylum, MC Fitness, JA Sports Massage, and Bike Services UK (bike hire) for leisure pursuits, and the Fordon Bakery and café.

5.23 **Figure 6** shows the walking route to the large Oakham Business Park, which is a 1.35km walk from the site entrance on Newark Road.

Figure 6: 1.35km walking route from the Newark Road site entrance to Oakham Business Park

5.24 The initial part of the route is as described under Figure 5. The route continues along Hamilton Road along the continuous footway with street lighting. There is a signal controlled crossing at Sherwood Way South, and the route continues, passing the Amazon unit before reaching the entrance to he business park where there are numerous industrial units.

5.25 Figure 6 also shows King's Mill hospital and the surrounding facilities such as Morrisons, McDonalds, B&Q. It shows the King's Mill Reservoir with its boat house and adventure base. All these locations are within the 2km walking distance shown on Figure 1.

Summary

5.26 There will be numerous employment, education, health, retail, and leisure facilities within walking distance of the development. There is already an excellent continuous network of

pedestrian provisions to enable walking journeys to those destinations, along good quality footways that have street lighting and appropriate crossing facilities, built up over years within the mature urban environment. The development will enhance those provisions, with new footways and crossings. The proposed works will adequately cater for the demand created by the development, and will also benefit existing highway users. The development will be very well located for pedestrian movement, at the top of the hierarchy for sustainable transport.

6.0 CYCLE MOVEMENTS

Catchment

6.1 Statistics from the National Travel Survey 2023 show that the average length of a cycle journey is approximately 5.8km, although this is an average and cyclists will commute significantly longer distances if the topography and highway conditions are favourable, as they are in Sutton. DfT guidance notes that, "*cycling has the potential to replace trips by other modes, typically up to 10km".*

6.2 The Transport Assessment illustrated a 5km catchment from the centre of the site, as the crow flies, repeated in **Figure 7** below. The cycle catchment area covers all of Sutton-in-Ashfield, Kirkby-in-Ashfield and large parts of Mansfield.

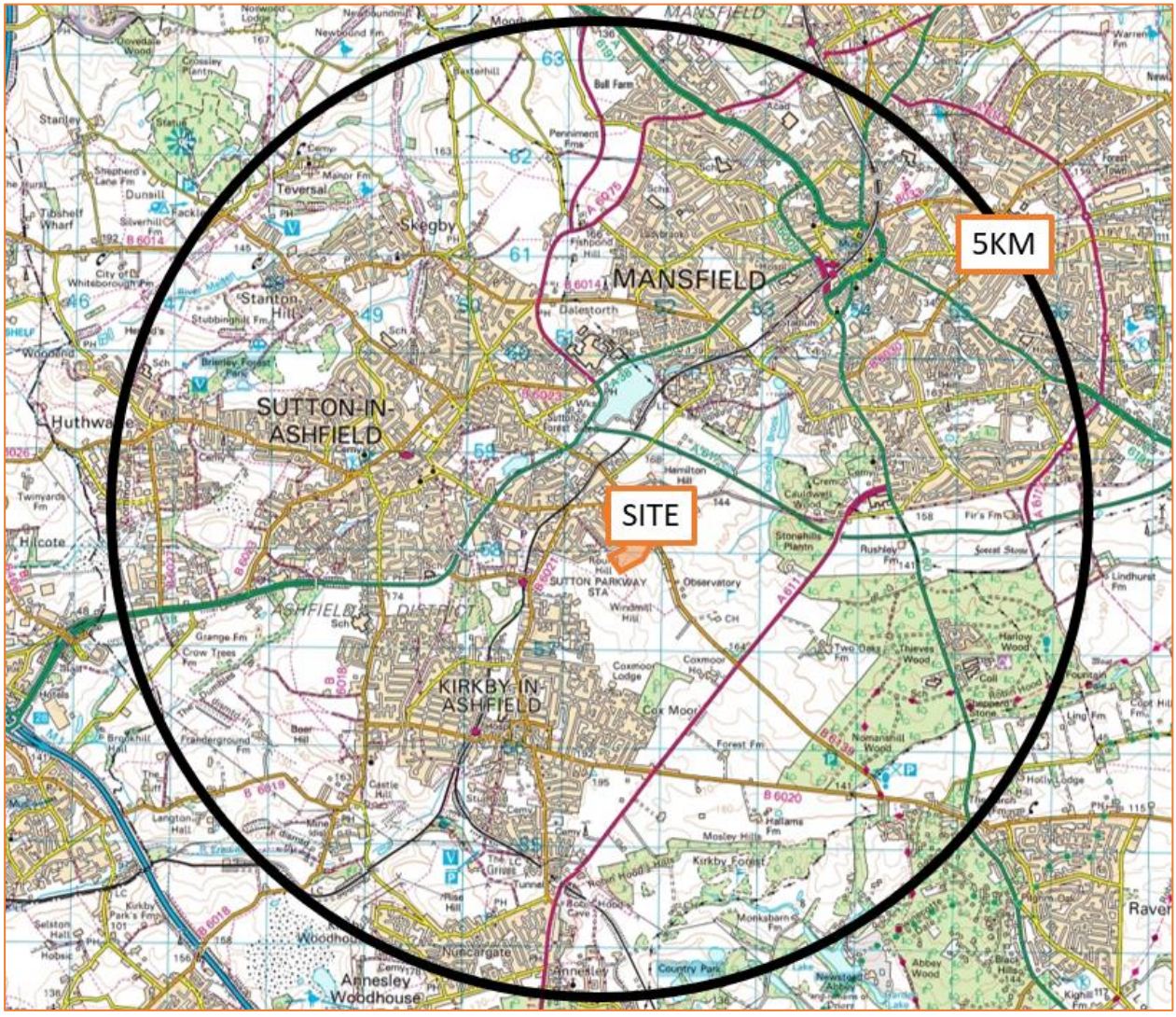

Figure 7: 5km crow-fly cycle catchment area

6.3 A new catchment is shown in **Figure 8**, using actual distance travelled in 1km increments. It shows a very similar catchment.

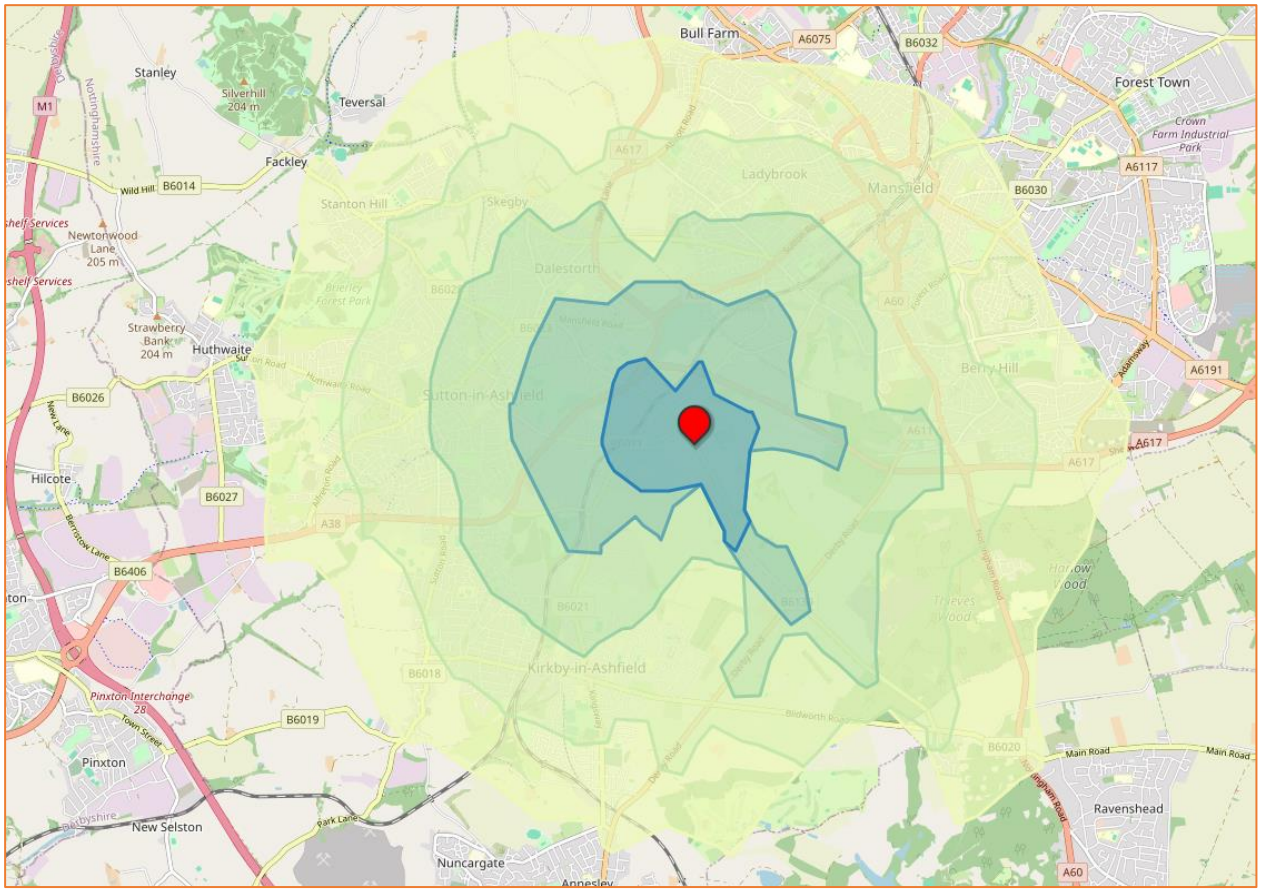

Figure 8: 5km cycle catchment, in 1km increments

Facilities within the catchment area

6.4 The cycle catchment area covers all of Sutton-in-Ashfield, Kirkby-in-Ashfield, and large parts of Mansfield. It therefore covers all of the facilities noted above under pedestrian movements. It also covers the facilities within the three town centres, Mansfield being the largest settlement within the neighbouring Mansfield District. The catchment covers a significant and comprehensive number of destinations for all journey purposes.

Existing and proposed infrastructure

6.5 In **Appendix D** is NCC's cycling guide for Sutton-in-Ashfield and Kirkby-in-Ashfield[4]. An annotated extract showing facilities immediately around the site is below in **Figure 9.**

6.6 There are currently no cycle routes immediately adjacent to the site. However, there are various on-road and off-road cycle routes on the desire lines to the north, east, and west. There is an off-road cycle route via a segregated footway/cycleway along Kirkby Folly Road and Low Moor Road connecting to the Sutton Parkway railway station, which can be reached from the site via the lightly trafficked Searby Road, Sotheby Avenue, and Farndon Road. There is an on-road cycle route along Hamilton Road, which further east becomes an off-road route. There are off-road routes along the A617 and A38. In general, there is greatest provision along the busier roads, and least provision along the lightly trafficked residential roads, to give cyclists the appropriate safe infrastructure for the location.

[4] sia-kia_cycling.pdf (nottinghamshire.gov.uk)

Figure 9: extract of NCC's cycle map

6.7 The development proposes significant high quality segregated cycle infrastructure. The drawings of the proposed highway works in **Appendix A** show the following.

- A new cycleway along the southern side of Newark Road that will connect with the existing cycle routes to the west on Kirkby Folly Road.
- A Sparrow crossing (to accommodate pedestrians and cyclists side by side) to the cycle lane on Hamilton Road.
- A new Toucan crossing (to accommodate pedestrians and cyclists) where Hamilton Road meets Coxmoor Road, to link to the off-road route to the northeast.
- A new cycleway along the southern side of Newark Road that will connect to a new crossing over Coxmoor Road, and a length of segregated cycle lane along Cauldwell Road (a very lightly trafficked route that links to the National Cycle Network and the A617 further east).

The new infrastructure will fill the gaps in the existing routes, as shown in **Figure 10**.

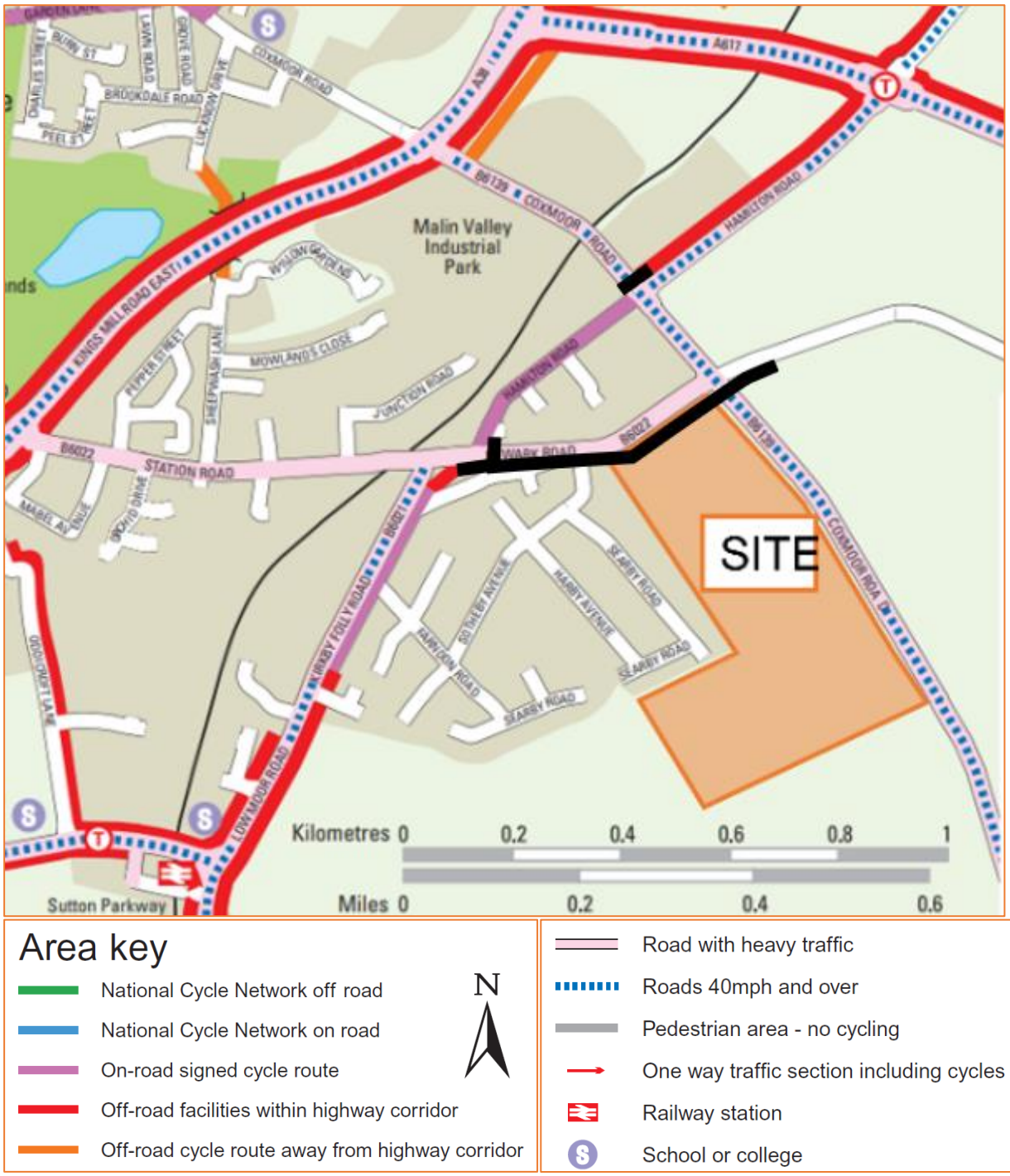

Figure 10: proposed cycle routes and crossings (in black) filling the gaps in the existing routes

6.8 Hence, new residents will benefit from a comprehensive network of cycle routes in all directions. The new infrastructure will also benefit existing cyclists, linking existing routes together.

Cycle parking

6.9 There will be a direct cycle route to the Sutton Parkway train station, from where longer distance journeys by train can be undertaken. At the station there is secure cycle parking in both the northern and southern car parks (**Figure 11**). There are four units on the northern side and 6 units on the southern side, 10 in total. All are covered by CCTV.

Figure 11: cycle parking at Sutton Parkway station in the northern (top) and southern (bottom) car parks

6.10 At the last minute during the application process, the LPA requested a contribution towards further secure cycle parking at the station. There was no request for a contribution from NCC. There is no definition for secure cycle parking, although as noted above, there is already secure parking. Nevertheless, Hallam Land Management have offered a £10,000 contribution to provide a secure, covered, cycle compound. The travel demand figures in Section 4 show the development would generate 8 cycle journeys in a peak hour. Those journeys will be to all destinations and not just the station. Allowing for further journeys at other times of day, an 8 cycle compound would be proportionate to the development's demand, and will almost double the current provision. An example of such a shelter would cost £3,439 + VAT[5]. A contribution of £10,000 would therefore be appropriate.

Summary

6.11 There will be very many destinations within cycling distance of the development. They include the employment, education, health, retail, and leisure facilities in Sutton and Kirkby, the two largest settlements in the District, and the town centre of Mansfield, the largest settlement in the neighbouring Borough. There are good cycle facilities within that catchment to provide for the longer distance journeys, including various off-road routes along the heavily trafficked corridors. The development proposes significant cycle infrastructure to directly connect to, and fill the gaps in, that network of routes. The new infrastructure will adequately cater for the cycle demand created by the development, and be a benefit to other cyclists. The development will be very well located for cycle movement.

[5] https://www.bikedocksolutions.com/secure-cycle-compound

7.0 TRAIN

7.1 Sutton Parkway train station is within walking distance of the development and there will be a continuous footway network linking both. There is a signal controlled pedestrian crossing over Low Moor Road that links to the station car park and the platforms on both sides of the tracks.

7.2 The station is also within cycling distance, and with the proposed works there will be a continuous off-road cycle link between the station and the development. There is secure cycle parking at the station and the development will deliver additional secure and sheltered cycle parking.

7.3 There are two large car parks at the station. There is no charge for parking. New residents could therefore park and ride.

7.4 They could also be dropped off at the station, for kiss and ride journeys. They could reach the station by taxi.

7.5 The station is operated by East Midlands Railway as the Robin Hood Line. Trains run between Nottingham and Worksop via Mansfield. From Sutton Parkway there are hourly departures from early to late, increasing to half-hourly during peak times and for most of Saturday. The full timetable is in **Appendix E**, and it is summarised in the table below.

At Sutton Parkway	Mon to Fri	Saturday	Sunday
Nottingham > Mansfield > Worksop	hourly 0546 to 2256 half-hourly 1656 to 1857	hourly 0546 to 2326 half-hourly 0756 to 1856	hourly 0840 to 0943 two-hourly 1140 to 2050
Worksop > Mansfield > Nottingham	hourly 0617 to 0009 half-hourly 0751 and 1718 to 1918	hourly 0618 to 2320 half-hourly 0851 to 1918	hourly 0906 to 1008 two-hourly 1206 to 2114

7.6 The trains therefore give access to a wider range of locations. Nottingham provides higher order services, and its station is part of the national rail network that connects directly to London, Sheffield, Leeds, Birmingham, Peterborough, and other UK cities.

7.7 The journey from Sutton Parkway to Nottingham is timetabled to take 34 minutes. For example, there is a 08:18 departure that arrives in Nottingham at 08:52. The train takes 6 minutes to reach Mansfield, for example 07:56 to 08:02. To Worksop it takes 37 minutes, for example 07:56 to 08:33.

7.8 There are excellent opportunities for rail travel as part of a multi-modal journey. The development will be very well located for train travel.

8.0 BUS

8.1 The first putative Reason for Refusal says, "*the site is not a sustainable location for further residential development by virtue of the limited public transport opportunities.*" The LPA means bus opportunities, as there are excellent opportunities to use the train, as explained above.

Meeting with NCC and their position

8.2 As far as I can see, the reason for refusal arises because of the changed bus routes during the course of the planning application. However, this ignores the provision of various measures, including a £220,000 contribution to be paid to NCC, that will deliver one or more options that bring bus services close to the development and make it accessible by bus.

8.3 Upon learning of the LPA's reason for refusal, a meeting was held with Robin Riley, Development & Funding Manager in NCC's Transport and Travel Services team, on 21 November 2024, to discuss bus services in detail. The meeting resulted in a report, summarising the discussions in the meeting, which is in **Appendix B**. The report includes a description of the existing bus services, and how they could be altered to serve the development, along with the other provisions to enable bus use that will be provided by the developer. The report was sent to NCC, who have confirmed it accurately reproduces the discussions and represents their position. An email confirming that is in **Appendix B**.

8.4 The report should be read in full to understand the position. It isn't repeated here for brevity. Its summary notes that when the planning application was submitted, buses routed along Sotheby Avenue and Searby Road adjacent to the site. In August 2023 that changed, and the nearest bus stops are now between 400m and 900m walk from different parts of the development.

8.5 Hallam Land Management propose various measures to ensure that bus services remain accessible to future residents. They include a development layout that can accommodate bus services, improved walking and cycling routes, enhancement of the existing stops, and encouragement of bus use through the Travel Plan, including bus taster tickets.

8.6 In addition, a £220,000 contribution to NCC to support future bus provision has been requested and is proposed. There are various options for how that figure could be spent, depending on the situation at the time. Based on the current situation, the best option would be a rerouting of the 90 service along Sotheby Avenue and Searby Road, as the 3C service used to. The 90 service is already part funded by NCC in partnership with the bus operator. Such a rerouting would bring the bus within 400m walking distance of most of the development. NCC consider this both likely and acceptable in terms of the site's accessibility to bus services.

8.7 The contribution was derived by modelling the anticipated demand and revenue generation. Importantly, it was also based on NCC's expert understanding of the strategic framework for the funding and provision of bus networks. That framework is multifaceted. It includes recent government policy emphasis on enabling bus use, local bus planning in the BSIP, and the accompanying funding streams. It includes the routine review of bus services that NCC undertakes as development is planned, gets permission, and comes forward, and as developer and other sources of funding is gained. It also includes the ongoing programme of highway improvements to prioritise bus movement.

8.8 Given the current bus services around the appeal site, the S106 monetary contribution that meets NCC's request in full, and what can be achieved with that contribution, NCC confirmed that the appeal proposal adequately addresses any concerns about the accessibility of the development

by bus. There are no areas of disagreement about the suitability of the appeal proposals in terms of bus accessibility.

Meeting travel demand

8.9 The travel demand figures are set out in Section 4. They explain the 2011 Census modal share of 6.4% of journeys to work being undertaken by bus. As an approximation, it was therefore taken that the development would create a demand for around 18 bus journeys in a peak hour for all purposes. Effectively, this assumes the bus will be available to new residents, as it was to existing residents in the area in 2011.

8.10 The concern expressed by the LPA is that the bus stops are beyond reasonable walking distance, and therefore the new residents will instead use their cars. Thus, the development is not a sustainable location.

8.11 That is wrong for many reasons. Firstly, the assumption that those unable to use the bus will instead use their cars. As described above, the development will be very accessible by other modes of transport. If a resident is unable to use a bus they could walk, or cycle, get a lift, or car share.

8.12 Moreover, travel is dynamic. Journeys can be made to different locations, at different times, or not at all, as well as by different modes. The post-pandemic increase in home working is an obvious example of how travel patterns can alter. If a location is difficult to get to by bus, or a bus is not available, people can choose to visit (or work at) a different location. They can choose to travel at a different time of day, or week, perhaps when they can accompany a partner, or friend. People can choose to instead walk, cycle, car share, get dropped off, or catch a train.

8.13 As noted in the Buses report in Appendix B, NCC are confident that bus services are capable of being run closer to the site with the appellant's contribution for that purpose. With the current bus services, residents in the northern part of the development will be around 400m from the bus stops on Kirkby Folly Road, and there are excellent opportunities to travel by other modes of transport. Hence, the location would be sustainable even if the bus was less attractive to some residents. Some of the bus demand would be taken up by other modes. Some would be taken up by the dynamic responses explained above, such as travelling to a different location or at a different time. Thus, the unsatisfied demand that might be taken up by car would be much less than the approximately 18 forecast bus journeys. Even if there were such a marginal increase in people choosing to drive, the location would still be very sustainable given all the opportunities to travel by other modes and the nearby facilities.

8.14 The travel demand figures in Section 4 noted 284 journeys in the morning peak hour by all modes of transport, of which 18 might be by bus. If a proportion of that demand was undertaken instead by car, for the reasons explained above, spread across a peak hour, and dispersed across the road network, there would not be a material change to traffic volumes on the road network.

8.15 Further, in case it is suggested that the traffic forecasts would be different if there were less bus use, that is also incorrect. The trip rates and hence traffic generation were derived by selecting a set of comparable developments where counts had been undertaken and stored in the TRICS database. When selecting comparable sites, the factors that have most influence on the amount of traffic generated are locational ones, such as whether the site is in a town centre, or on the edge of a town centre, and the level of surrounding population.

8.16 Locational factors were taken in to account when determining the amount of traffic that would be generated by the appeal development, and the forecasts were accepted by NCC. The vehicle trip rates would have been the same even if they had been selected after the bus routes altered.

8.17 More generally, there are very many locations where development is permitted despite much fewer facilities, and poorer accessibility by sustainable modes of transport. For example, the draft Ashfield Local Plan includes nine sites in the Selston Jacksdale and Underwood Area. Residents in each of those villages needs to travel to reach amenities and employment that are not locally provided, are beyond walking distance, could be reached by cycle but with little dedicated cycle infrastructure, have a poor bus service, and no train service.

8.18 To illustrate the point, one of those nine draft allocations that I am familiar with is the 149 dwellings allocated on Land Adjacent to the Bull and Butcher in Selston. That site is passed by the hourly Rainbow One bus service. However, there are almost no employment opportunities within walking distance, and a very limited retail offer. There is no dedicated cycle infrastructure. The nearest train stations are at Alfreton and Kirkby-in-Ashfield, both of which are 6.7km from the site and therefore beyond walking and cycling distance.

8.19 The above is a moot point anyway. Hallam Land Management are supporting buses through various measures. Notably the contribution of £220,000 will allow buses to once again run close, or into, the development so that the development will be accessible by bus. As noted by the Buses report, that is a position agreed with NCC.

9.0 CONCLUSIONS ON MAIN ISSUE 1 – SUSTAINABILITY OF LOCATION

9.1 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;*"

9.2 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.*"

9.3 The evidence above 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.

9.4 The LPA previously identified the larger land parcel as a draft housing allocation, and their SHLAA assessed it as deliverable. They were right to do so. The reasons for removing the allocation were not about the sustainability of the location and its accessibility.

9.5 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.

9.6 Even if that one mode of transport were less convenient, 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 would still be sustainable. It is a moot point, as the £220,000 contribution to NCC will ensure that the development is accessible by bus.

9.7 Active Travel England is the government's executive agency responsible for making walking, wheeling and cycling the preferred choice for everyone to get around in England. Their February 2024 consultation response did not object to the development. NCC, the local highway and transport authority, and the independent regulator, did not object either.

9.8 Overall, therefore, 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.