



Weston Homes plc

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# **REDEVELOPMENT OF ANGLIA SQUARE, NORWICH**

Ref: WH 7/4: Rebuttal Proof of Evidence of Martin J Paddle  
BSc CEng CWEM MICE FCIHT MCIWEM in regard  
Transport, Highway and Accessibility Matters: PINS ref:  
APP/G2625/V/19/3225505; LPA ref: 18/00330/F



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**TYPE OF DOCUMENT (VERSION) PUBLIC**

**PROJECT NO. 62241024**

**OUR REF. NO. ANGLIA SQUARE, NORWICH: WH 7/4 REBUTTAL PROOF OF  
EVIDENCE OF MARTIN J PADDLE**

**DATE: 13 JANUARY 2020**



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# QUALITY CONTROL

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Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	27 Dec 2019	13 January 2020		
Prepared by	Martin Paddle	Martin Paddle		
Signature	Martin Paddle	Martin Paddle		
Checked by	Tim Parker	Tim Parker		
Signature	Tim Parker	Tim Parker		
Authorised by	Martin Paddle	Martin Paddle		
Signature	Martin Paddle	Martin Paddle		
Project number	62241024	62241024		
Report number	Draft	FINAL for issue to PINs		
File reference	Version r01c	Version r02a		



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## **APPENDICES** (*BOUND SEPARATELY AS: WH 7/3*)

# 1 STRUCTURE OF MY REBUTTAL EVIDENCE

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- 1.1 This Rebuttal evidence addresses transport, highway and accessibility matters raised by Rule 6 parties and other interested bodies who have presented evidence to this Inquiry. I refer to my main Proof and other supporting documents as appropriate.

## 2 AIR QUALITY

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### Norwich Cycling Campaign – Dr Andrew Boswell

- 2.1 Dr Boswell raises air quality matters in his main Proof and cites the three ‘ClientEarth’ judgments and in particular, one arising from the refusal of planning permission by Swale Borough Council for a development of some 330 homes and 60 sheltered accommodation units as proposed by Gladman Developments Ltd.<sup>1</sup> Dr Boswell specifically relies on the fact that in the particular circumstances of that case, the Inspector was found to be lawfully able to say that there was insufficient evidence before him to form a judgment as to the effectiveness of particular measures to improve air quality.
- 2.2 In the Gladman case, the Appeal Court made it clear that its decision turned on the specific circumstances of the case and particularly the very limited nature of evidence before the Inspector on the improvement of air quality. The Court was very clear to make it plain that it was not establishing a principle that decision makers were unable to form proper conclusions on either the likelihood or effectiveness of ‘real world’ policy decisions relevant to air quality improvement.
- 2.3 Lindblom LJ specifically states<sup>2</sup> that:
- “In different circumstances, and on different evidence, an inspector might be able to assess the impact of a particular development on local air quality by taking into account the content of a national air quality plan, compliant with the Air Quality Directive, which puts specific measures in place and thus enables a clear conclusion to be reached on the effect of those measures. But that was not so here.”*
- 2.4 The Court of Appeal notes that there was not even a sensitivity test available to the Inspector presiding over the Gladman case which assessed the potential impact of air quality enhancements. In short, the Court is saying that without appropriate evidence, the Inspector is being asked to accept simply that *“things will improve sufficiently”*.

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<sup>1</sup> Paragraphs 22-29, Pages 7-10 of Dr Boswell’s main Proof

<sup>2</sup> Judgement approved by the Court of Appeal, 12 September 2019; Appendix 3, paragraph 41, page 66 to Dr Boswell’s main Proof

2.5 The planning application currently before this Inquiry differs significantly from the specific circumstances considered in the Gladman case for the following reasons:

- i) Government has now established definitive proposals to achieve net zero emissions by 2050<sup>3</sup>; this policy led strategy did not exist at the time of the Gladman appeal. The views on climate change and the influence of vehicle emissions have evolved rapidly over the past five years. This is no longer a case of simply relying on Government to comply with European Law (EU) law. I explain in my main Proof<sup>4</sup> the policies that Government has adopted and their strategy to achieve their objective for 2050;
- ii) The rapidly developing energy technology<sup>5</sup> that supports Battery Electric Vehicles (BEVs) and Hydrogen Fuel Cell Electric Vehicles (FCEVs), greatly assist in reducing and eventually eliminating harmful tail pipe emissions. The Department for Transport (DfT) is clear that these developing sources of energy will deliver both air pollutant and 'green house' emission reductions in all driving conditions;
- iii) The locational characteristics of the Application Site compared with the Gladman case are materially different. The former is in the heart of a historic city centre with excellent public transport links and designated routes for cyclists and pedestrians. The Gladman site by comparison, comprises open agricultural land adjacent to A2 and is also located within 'strategic gap'. In this regard, the opportunity to influence the attitudinal behaviour of future residents on the Application Site and encourage the use of more sustainable travel modes would in my opinion be significantly greater;
- iv) The inspector's report on the Gladman planning application<sup>6</sup> indicates that the site is accessible by public transport and would be subject to a Travel Plan and also confirms that measures could be secured by means of planning conditions and a unilateral undertaking. The Inspector clearly acknowledges that some measures would also benefit existing residents of Newington and comply with Section 4 of the National

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<sup>3</sup> The Road to Zero, Next steps towards cleaner road transport and delivering our Industrial Strategy, Department of Transport, July 2018: Policies at a glance, page 2; Core Document CD10.7

<sup>4</sup> Main Proof of M J Paddle, paragraphs 5.12-5.14

<sup>5</sup> Transport Energy Model, Department of Transport, 2018; paragraph 2.15, page 14; Core Document CD10.6

<sup>6</sup> Appendix 1, Norwich Cycling Campaign, paragraphs 81-83, page 15



Planning Policy Framework (NPPF) 2012<sup>7</sup>. The inference in the Gladman case is that the Inspector accepts the principle that development of the site would increase choice and bring about much wider travel options that would benefit both future and existing residents of Newington;

- v) In the same context, given that the planning application currently before this Inquiry would be subject to the implementation of comprehensive residential and commercial Travel Plans, the proposed development would present a far greater opportunity to influence a significant 'step change' in behavioural attitudes across a wider area, well beyond the boundaries of the Application Site; and
- vi) Most importantly, given the advancement in vehicle technology and the changes required, it is possible to robustly assess the impact of these legal and policy changes and to present careful and cogent evidence and sensitivities on the same in the context of Norwich. This has been done in the present case, alongside other sensitivities of the type referred to by the Secretary of State.

2.6 For all these reasons, the Secretary of State in considering the case before this Inquiry, is in a good place to form the required judgments on the impact of the proposed development, including in the context of improvements to air quality that the Court accepts he is entitled to make if furnished with the appropriate evidence.

### **Norwich Cycling Campaign – Professor Stephen Peckham and Dr Ashley Mills**

2.7 In the Summary of their main Proof at point 10,<sup>8</sup> it is suggested that the proposed development should contain grass/woodland borders and be “*car free*.” Other witnesses will comment on the merits or otherwise of the former; I simply comment on the practicalities of the latter.

2.8 Government’s principal drive is to comply with the climate change agenda and in doing so reduce emissions and improve air quality. However, creating a development on the Application Site that is entirely “*car free*” is impracticable for the following reasons:

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<sup>7</sup> Appendix 1, Norwich Cycling Campaign, paragraphs 83, page 15

<sup>8</sup> Professor Stephen Peckham and Dr Ashley Mills main Proof; page 10

- i) It would, in the circumstances of the Application Site and Norwich as a whole, significantly reduce personal choice and mobility, contrary to the Section 9 of the NPPF 2019, which advocates the use of a range of travel modes including the private car;
- ii) As opposed to creating “*car free*” development, the NPPF positively encourages local planning authorities to improve the quality of parking in town centres so that it is convenient, safe and secure, in conjunction with measures for pedestrians and cyclists.<sup>9</sup> In this regard, the parking provision for the proposed development is therefore compliant with the NPPF and consistent other sites across the city;<sup>10</sup>
- iii) The proposed development is planned to incorporate charging infrastructure for BEVs to influence future residents to embrace cleaner and more sustainable vehicles; this is explained in greater detail in the Transport Assessment Addendum (TAA)<sup>11</sup>; and
- iv) The emergence of new vehicle technology with the introduction of BEVs and FCEVs will over time, reduce the dependency of vehicles motored by internal combustion engines, in line with Government’s policy objective of achieving net zero by 2050.<sup>12</sup>

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<sup>9</sup> National Planning Policy Framework (NPPF) 2019, paragraphs 105-106; Core Document CD1.1

<sup>10</sup> TA, Section 6, paragraphs 6.5.11 – 6.5.22; Core Document CD4.86 ES Volume 3 (h)

<sup>11</sup> TAA, paragraphs 3.2.14 – 3.2.15, page 5; Core Document CD7.81 ES Volume SEI (r)

<sup>12</sup> The Road to Zero – Next Steps towards cleaner road transport and delivering our Industrial Strategy; Core Document CD10.7

### 3 CYCLE AND PEDESTRIAN ROUTES

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#### Norwich Cycling Campaign – Mr Anthony Clarke

3.1 Mr Clarke's main Proof refers to an email from Mr Bruce Bentley at NCiC dated 19 November 2019 and raises a number of points which I comment on as follows:

- i) **The status of Botolph Street:** I understand that this route has been 'stopped up' and as such, the Application Site is not highway and is entirely within private ownership;
- ii) **Public Rights of Way:** There are currently no Public Rights of Way (PROWs) through the Application Site. Notwithstanding this, it is intended that the proposed development would provide full unhindered access for pedestrians and cyclists and a controlled access for service vehicles and taxis;
- iii) Although there is currently no formal agreement in place, the 'access rights' could either be secured under 'section 35' of the Highways Act 1980 for the provision of a 'walkways' agreement between the Applicant and NCiC/NCoC, or alternatively, permissive routes could be designated to secure access in perpetuity. I have no doubt that this matter would ultimately be addressed either by way of an appropriate planning condition, or obligation under section 106 of the Town and Country Planning Act 1990;
- iv) **Shared Space:** I address the use of Shared Space in my main Proof.<sup>13</sup> Notwithstanding the withdrawal of Local Transport Note LTN 1/11, the DfT's guidance, Manual for Streets<sup>14</sup> is still relevant and current. In addition, the Inclusive Transport Strategy<sup>15</sup> sets out Government's agenda for ensuring that the mobility impaired, pedestrians and cyclists are fully catered for in the planning of new infrastructure and shared space.<sup>16</sup>

3.2 Although routes through the proposed development would not be adopted as part of the public realm, the DfT guidance would still be applied where appropriate to ensure good quality planning

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<sup>13</sup> Martin J Paddle – main Proof, paragraphs 7.6-7.15, pages 16-19

<sup>14</sup> Manual for Streets (MfS) 1 and 2 – Department of Transport; Core Documents CD10.8 and 10.9

<sup>15</sup> The Inclusive Transport Strategy – achieving equal access for disabled people, Department for Transport, July 2018; Core Document CD10.11

<sup>16</sup> The Inclusive Transport Strategy – achieving equal access for disabled people, Department for Transport, July 2018; paragraphs 4.26-28; Core Document CD10.11

and design. Mr Clarke suggests at paragraph 1.5 that the Applicant has not followed regulations, design guides and best practise in the design of operation of routes through the Application Site, which is simply misleading and inaccurate for reasons explained above and in my main Proof.<sup>17</sup>

### **Save Britain's Heritage – Mr Alec Forshaw**

- 3.3 At paragraph 66 of Mr Forshaw's main Proof, he suggests that: *"the scheme does not optimise the opportunity to improve movement connections between St Augustine's Street and Magdalen Street"* and asserts that the route is: *"...dog legged, unlike the sinuous but continuous original line of Botolph Street."* This statement is clearly misleading, as the proposed masterplan does significantly enhance the permeability and connectivity across the Application Site and provide direct routes for pedestrians and cyclists and in doing so, complies with the NPPF and current guidance.<sup>18</sup>

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<sup>17</sup> Martin J Paddle, main Proof, Section 7, pages 14-19

<sup>18</sup> TA, Appendix B; Core Document CD4.86 ES Volume 3 (h)

## 4 CAR PARKING

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### Norwich Cycling Campaign – Mr Anthony Clarke

- 4.1 Mr Clarke has raised various matters in regard to the proposed multi storey car park (MSCP). At paragraph 1.3 of his main Proof he raises issues of congestion and delays along Edward Street. He also suggests that the effect of the car park operation on air quality and congestion have not been addressed.
- 4.2 I refer to Section 8 of the TA, which details the comprehensive modelling of key road junctions around the local network including Edward Street<sup>19</sup> and demonstrates that the comprehensive development of the Application Site would have a minor impact on the operation of the surrounding road network.
- 4.3 At paragraph 1.5 of his main Proof, Mr Clarke suggests that there is no mention of the car park entrance in Edward Street. The TA does in fact explain in some detail<sup>20</sup> the operation of the MSCP. Automatic Number Plate Recognition (ANPR) cameras would be installed at the point of access off Edward Street to ensure 'free flow' conditions for vehicles either approaching from Edward Street (north) or Magdalen Street. Given that Edward Street is currently lightly trafficked, vehicles turning to access the MSCP would be largely unopposed. Hence, based on my previous assessments, I do not envisage either significant queuing or congestion along Edward Street.
- 4.4 The proposed arrangement for accessing and egressing the MSCP along Edward Street is illustrated in the Transport Assessment Addendum (TAA).<sup>21</sup> It is intended that vehicles would enter the MSCP unhindered; drivers would not be required to stop and take a parking ticket as entry would be controlled by ANPR. Vehicles would proceed at very low speeds to enter the MSCP and continue via ramps into the heart of the car park.
- 4.5 The MSCP would incorporate a 'pay on foot' system managed by a private contractor. Drivers would return to their vehicle having first paid their parking ticket at a pay machine. Exit from the MSCP would be controlled by rising barriers and monitored with ANPR cameras.

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<sup>19</sup> TA, Junction 9, paragraphs 8.1.45 – 8.1.48; Core Document CD4.86 ES Volume 3 (h)

<sup>20</sup> TA, Section 6.5, paragraphs 6.5.1 – 6.5.10, pages 45-46; Core Document CD4.86 ES Volume 3 (h)

<sup>21</sup> TAA, Appendix A; Core Document CD7.81 ES Volume SEI (r)

## Save Britain's Heritage – Mr Alec Forshaw

- 4.6 At paragraph 66 of his main Proof, Mr Forshaw has questioned the need for “*large amounts of car parking*” and that “*the scheme does not promise to reduce the dependency on cars but encourages car ownership.*” Firstly, I confirm that the car parking provision is in line with residential development elsewhere across the city as explained in the TA.<sup>22</sup> Secondly, the TAA also explains<sup>23</sup> how BEV charging infrastructure would be introduced and potentially increased to reflect demand. The overall residential parking provision would be monitored through each build phase of the development to review the future demand to optimise provision consistent with national and local policies. Thirdly, car ownership does not directly reflect car usage, particularly where residents and employees have access to viable alternative modes of transport, which is the case on the Application Site.
- 4.7 Paragraph 109 of Mr Forshaw’s main Proof explains his alternative vision for the Application Site and describes a future where: “*the whole of central Norwich is largely car free, with local journeys carried out by foot, bicycle and bus, and the whole city served by a comprehensive park and ride regime.*” In my opinion this is an idealistic and unachievable objective which is not supported by NCiC’s current Development management policies 28 and 29,<sup>24</sup> that seek to retain and enhance the quality of the existing ‘off–street’ parking stock whilst ensuring that any new development should prioritise accessibility for pedestrians and cyclists and facilitate access to public transport services, as indicated by the NPPF.<sup>25</sup>
- 4.8 Furthermore, the supplementary text contained with Development Management policy DM 30<sup>26</sup> states that:

*“Despite the overriding aims of national, strategic and local transport policy to promote travel by alternative means, the private car is likely to remain an important mode of transport in the Norwich area for the foreseeable future.”*

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<sup>22</sup> TA, paragraphs 6.5.11-5.5.22, pages 46-50; Core Document CD4.86 ES Volume 3 (h)

<sup>23</sup> TAA, paragraphs 3.2.4 – 3.2.5, page 5; Core Document CD7.81 ES Volume SEI (r)

<sup>24</sup> Development Local Plan Policies 2014; Core Document CD2.3

<sup>25</sup> NPPF, 2019; Chapter 9, paragraphs 105, 106 and 110; Core Document CD1.1

<sup>26</sup> Development Local Plan Policy DM30, Access and Highway Safety; Core Document CD2.3

## Norwich Over the Water Society

- 4.9 I refer to Norwich Over the Water Society's (NOWS) Objection 3, page 6 and their 'Booklet number 2' in regard to parking matters, which *"is the subject that is our greatest concern."*<sup>27</sup> It is suggested that 1,000 public parking spaces should be provided, although this assertion is not supported in evidence. I refer to Section 7.9 of the TA<sup>28</sup> which reviews the parking accumulation for the MSCP and the projected demand that would be generated by the proposed uses on the Application Site. This indicates that 600 spaces for use by the public would suffice, but also include additional reserve capacity to accommodate any variation in seasonal demand.

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<sup>27</sup> NOWS, Booklet Number 2, page 6

<sup>28</sup> TA, Section 7.9, paragraphs 7.9.1-7.9.4, pages 72-73; Core Document CD4.86 ES Volume 3 (h)

## 5 CONCLUSIONS

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- 5.1 Having considered all the relevant evidence presented to this Inquiry, I remain firmly of the opinion that there are no sustainable reasons on transport, highways and accessibility grounds that should prevent the Secretary of State subsequently granting planning permission.





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