

Project	100152 - Land at Chidswell, Dewsbury (A13398/VAA)																																	
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Location	Microsoft Teams Meeting																																	
Date and Time	Tuesday 16 March 2021 – 10:00-12:00 hours																																	
Attendees	<table border="0"> <tr> <td>Simon Jones (SJ)</td> <td>Highways England (HE)</td> </tr> <tr> <td>Paula Bedford (PB)</td> <td>HE</td> </tr> <tr> <td>Richard Edwards (RE)</td> <td>Jacobs/CH2M (for Highways England)</td> </tr> <tr> <td>Mark Shaw (MS)</td> <td>Jacobs/CH2M (for Highways England)</td> </tr> <tr> <td>Mathias Franklin (MF)</td> <td>Kirklees Council (KC) Planning</td> </tr> <tr> <td>Chris Dows (CD)</td> <td>KC Highways</td> </tr> <tr> <td>Stephen Moss (SM)</td> <td>AECOM (for Kirklees Council)</td> </tr> <tr> <td>Jonathan Scott (JS)</td> <td>Leeds City Council (LCC)</td> </tr> <tr> <td>Catherine Kimuli (CK)</td> <td>LCC</td> </tr> <tr> <td>Lisa Brannan (LB)</td> <td>LCC</td> </tr> <tr> <td>Greg Jones (GJ)</td> <td>i-Transport</td> </tr> <tr> <td>Paul Beckett (PBe)</td> <td>Sterling Capitol</td> </tr> <tr> <td>Keith Wilson (KW)</td> <td>PLP</td> </tr> <tr> <td>Nolan Tucker (NT)</td> <td>Deloitte</td> </tr> <tr> <td>Paul Smith (PS)</td> <td>Pell Frischmann</td> </tr> <tr> <td>Stephen Evans (SE)</td> <td>Pell Frischmann</td> </tr> </table>		Simon Jones (SJ)	Highways England (HE)	Paula Bedford (PB)	HE	Richard Edwards (RE)	Jacobs/CH2M (for Highways England)	Mark Shaw (MS)	Jacobs/CH2M (for Highways England)	Mathias Franklin (MF)	Kirklees Council (KC) Planning	Chris Dows (CD)	KC Highways	Stephen Moss (SM)	AECOM (for Kirklees Council)	Jonathan Scott (JS)	Leeds City Council (LCC)	Catherine Kimuli (CK)	LCC	Lisa Brannan (LB)	LCC	Greg Jones (GJ)	i-Transport	Paul Beckett (PBe)	Sterling Capitol	Keith Wilson (KW)	PLP	Nolan Tucker (NT)	Deloitte	Paul Smith (PS)	Pell Frischmann	Stephen Evans (SE)	Pell Frischmann
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Circulation	All plus Matthew Naylor (Church Commissioners for England)																																	

Discussion Items

1 Introductions

1.1.1 Introductions were made.

2 Purpose of meeting

2.1.1 SE outlined the proposed purpose of the meeting, as agreed between Pell Frischmann and i-Transport, which was to discuss key high-level matters arising from their respective cumulative assessments of the M62 Junction 28 (Tingley Interchange), including:

- The suitability of the respective mitigation;
- Key principles, such as traffic growth or lack thereof;
- The benefits/disbenefits of pursuing localised improvements to the junction, versus the pooling of contributions to deliver wider improvements at a later date; and
- What is reasonable and necessary on the part of the respective applicants – the Church Commissioners for England (CCfE) and Sterling Capitol PLC (SC) – in the context of their planning applications.

3 Summary of the respective cumulative assessments conclusions and positions

3.1 Pell Frischmann (for the Church Commissioners for England)

3.1.1 SE summarised the outcomes of Pell Frischmann's cumulative assessment, undertaken on behalf of CCfE, and stated its position as follows:

1. The cumulative assessment undertaken by Pell Frischmann, dated February 2021, is in addition to the various technical assessments presented in the May 2020 Transport Assessment (TA) submitted with the Chidswell proposed development planning applications in summer 2020. The TA includes an initial assessment of the M62 Junction 28, however it acknowledges that a separate assessment will follow.
2. Pell Frischmann has received consultation responses on the TA from KC, LCC and HE, and has responded to each of these. **[Post-meeting note:** Pell Frischmann is currently preparing a further response to a further set of TA and Travel Plan comments from HE.]
3. Pell Frischmann produced a Scoping Report in July 2020, setting out the key assumptions and parameters that would inform its cumulative assessment of Junction 28 – separate comments on this were received from KC and HE and the approach and methodology were adjusted accordingly, where appropriate.
4. SE stressed that the cumulative assessment undertaken by Pell Frischmann has been undertaken entirely independently of i-Transport's assessment, although both parties have shared certain information such as proposed development traffic flows, for consistency.
5. In the assessment, Pell Frischmann has tested a 2019 base year scenario (based on 2019 HE traffic surveys), various 2032 forecast future year scenarios, and various additional scenarios (including a '2019 plus Chidswell proposed development' scenario) to show the isolated impacts of various contributory factors.
6. An assessment of the 2019 base year, using HE's TRANSYT model, demonstrates that the junction already operates with limited substantive spare capacity, and by 2032 traffic flows are forecast to be approximately 30% higher than 2019 flow levels.
7. Of the additional traffic forecast to arrive at the junction in the tested 2032 forecast future year scenario, in the weekday peak hours: approximately 47-48% is related to background growth (TEMPPro growth); approximately 12-13% is related to other Local Plan cumulative sites; approximately 25% is related to CCfE's proposed development at Chidswell; and approximately 15% is related to SC's proposed development at Capitol Park.
8. Pell Frischmann has investigated various potential mitigation options for the junction and has arrived at a potential solution which is shown to fully mitigate the predicted traffic impact of the Chidswell proposed development and partly mitigates other traffic impacts. However, the proposed junction improvements do not fully mitigate background traffic growth nor the predicted impacts from other Local Plan cumulative sites, alongside Capitol Park.
9. Pell Frischmann considers that the mitigation option presented in its February 2021 report represents, subject to possible refinement, the maximum amount of additional capacity that could be provided at the junction, whilst remaining within existing adopted highway boundaries.
10. SE noted that i-Transport's mitigation option, as presented in its TA for Capitol Park, has some aspects in common with Pell Frischmann's but also some differences. It remains untested as to whether the two mitigation options could be combined to provide yet further capacity.
11. Pell Frischmann considers that, should the aim of the three highway authorities (KC, LCC and HE) be to mitigate more than the predicted traffic impacts of the Chidswell and Capitol Park proposed developments, there would need to be a step-change in capacity at the junction which would go beyond the realms of what one or two applicants could realistically or indeed reasonably deliver on their own and, furthermore, could not be justified in planning policy terms.
12. If, however, such a longer-term scheme were desired by the respective highway authorities, Pell Frischmann considers that such measures should not be rushed into and that first a monitoring exercise should take place to establish whether or not background traffic growth, in particular, occurs at the rates predicted.

13. SE stated also that, rather than pushing ahead with delivering a smaller mitigation scheme in the more immediate term, contributions from various applicants would potentially be better spent on a longer term scheme, if required.
14. Pell Frischmann casts significant doubt as to whether tested forecast levels of background traffic growth will occur, in light of a number of factors including: previous trends whereby Department for Transport (DfT) traffic growth forecasts have overpredicted traffic growth; evidence from the DfT indicating that various types of trips have instead been in decline (including commuting and retail trips), as summarised in the February 2021 TRICS report; and the as yet unknown longer-term impacts of COVID-19, for example around increased working from home and online retail activity, replacing physical retail activity. These, together with the expected gradual build-out of the Chidswell proposed development (and other Local Plan sites) over a number of years, strengthen the case for monitoring in the first instance.

3.2 i-Transport (for Sterling Capitol)

- 3.2.1 GJ summarised the outcomes of i-Transport cumulative assessment, undertaken on behalf of SC. In summary:
- i-Transport's position is as set out in the submitted TA for Capitol Park (report ref: ITM10127-010 Rev B, dated 10 December 2020 – sub-section 8.6).
 - i-Transport has, in good faith, considered an end of Local Plan cumulative assessment and has independently reached very similar conclusions to Pell Frischmann.
 - Traffic demands at the end of the Local Plan period – prior to either development coming forward – are predicted to be significant in either network peak hour (circa 9,000 pcus).
 - The junction is already complex and there is relatively limited scope to make physical improvements within land controlled by the three highway authorities (which was agreed as being a key design parameter at pre-application stage).
 - In this context, a potential improvement scheme has been presented on a without prejudice basis – it assists mitigate the predicted traffic impact of the Capitol Park proposed development and partly mitigates other traffic impacts. However, the suggested junction improvements again do not fully mitigate background traffic growth nor the predicted impacts from other Local Plan cumulative sites.
 - Any improvements need to be fair and reasonably related in scale and kind to the Proposed Development.
 - The effects of background growth at M62 Junction 28 (which if they manifest as per DfT projections would be significant) should be met by the public purse.
 - Subject to further discussions, SC is willing to make a proportionate financial contribution towards an improvement scheme.

4 Mitigation

4.1 Overarching discussion

- 4.1.1 Responding to the summaries of the two cumulative assessments and the stating of the two applicants' respective positions, RE confirmed that it would be unreasonable to expect the applicants to mitigate forecast background traffic growth. RE noted, however, that there was a need to 'pull together' the two assessments, for example to agree common traffic flows where there are currently (albeit relatively minor) differences, and to pull together the two mitigation options into a single scheme, to ensure a consistent approach moving forward.
- 4.1.2 It was noted that a larger or alternative scheme at M62 Junction 28, for mitigating all background and Local Plan traffic growth, had not yet been identified. However, both SJ and RE accepted that it would first be sensible to monitor whether growth 'plays out' as has been predicted, before committing to what the larger/alternative improvement scheme should be.
- 4.1.3 SE and GJ reiterated that, based on their respective and separate assessments, it was concluded that there was no feasible highway improvement scheme for the junction for mitigating all forecast background and Local Plan traffic growth within the existing highway boundary. SJ and RE acknowledged that, even if there were, this would not be in accordance with national planning policy that requires developers to only mitigate their own

impacts. SJ noted the importance of ensuring what is agreed meets the Government's *National Planning Policy Framework* (NPPF) tests and acknowledged that ultimately and developer contributions must be fair and reasonably related in scale and kind to the respective development in accordance with the CIL Regulations (Clause 122).

- 4.1.4 All agreed that the two local highways authorities, together with HE, should come together to agree a way forward for monitoring and identifying a future transport solution for the junction, to deliver both the KC and LCC Local Plans. It was noted that future traffic patterns could be influenced by factors such as COVID-19 (but it would need to be seen what the longer term impacts of this would be), changing travel patterns prior to COVID-19, and future sustainable transport improvements such as the proposed West Yorkshire mass transit (tram) system, expected to include a mass transit park and ride facility near M62 Junction 28 and a direct mass transit connection between Leeds and Dewsbury.
- 4.1.5 SJ and RE stated that, if the two applicants (CCfE and SC) wished to secure planning permission prior to a future transport solution for the junction being identified and ultimately delivered – and the two local authorities wanted to avoid any immediate delays in delivering these two important sites in their respective Local Plans – the two applicants would need to demonstrate that their predicted traffic impacts at the junction could be mitigated in the shorter term.
- 4.1.6 RE stressed that any shorter term, interim, mitigation solution for the junction would need to take account of both the Chidswell and Capitol Park proposed developments, to avoid an unacceptable situation whereby one development secures the mitigation for itself and leaves the other without a workable solution.
- 4.1.7 It was noted that Pell Frischmann and i-Transport have each identified capacity improvement schemes for the junction that are shown to mitigate the impacts of their respective developments, plus some additional impacts. However, it was confirmed that neither mitigation scheme had been tested against a 2019 base scenario with only the Chidswell and Capitol Park proposed developments, i.e. a scenario that excluded background traffic growth and traffic associated with other Local Plan cumulative sites.
- 4.1.8 RE stated that the next step should be to identify a single improvement scheme that, as far as possible, mitigates the combined impacts of both proposed developments. SJ stated that the aim should be to achieve 'nil detriment' compared with the 2019 base plus Committed Development position and noted that, if there were any residual impacts arising from the Chidswell and Capitol Park proposed developments, these would need to be subjected to the NPPF test on "severe" impact.
- 4.1.9 Both LB (for LCC) and CD (for KC) agreed that this was a pragmatic way forward and could be supported by the Local Highway Authorities. MF added that the approach of identifying a shorter-term, interim, mitigation scheme to allow the two planning applications 'currently in the system' (i.e. Chidswell and Capitol Park) to come forward, was an acceptable approach, and it was important that both planning applications were assessed on their respective merits.
- 4.1.10 PS and SE asked what could happen if a junction improvement scheme to fully mitigate the combined impacts of the two proposed developments could not be found, noting HE's requirement to aim for nil detriment. PS suggested that, should this situation materialise, a trip budget could in theory be agreed for each site, equal to a percentage of their predicted traffic flows at the junction in the peak hours. It was suggested that, if this approach were adopted, should these trip budgets be exceeded (and for example either of both developments generate all of their predicted traffic at the junction), this could then trigger a contribution towards the aforementioned longer term larger/alternative transport solution. If however, through monitoring, it could be demonstrated that the proposed developments do not exceed their respective trip budgets, for example because the predicted vehicle trips from either or both proposed developments do not fully materialise, then no contribution would be required.
- 4.1.11 PS also suggested that a monitoring approach could be used to identify a trigger point for when the aforementioned interim junction improvement scheme (based on either Pell Frischmann's or i-Transport's

proposed mitigation) would be needed. PS suggested that, if background traffic flows decrease over time, this may delay when the improvement is needed and could negate it altogether.

- 4.1.12 PS referred to the recent TRICS publication (February 2021), *TRICS Guidance Note on the Practical Implementation of the Decide & Provide Approach*, which brings to the fore and discusses the paradigm shift from 'predict and provide' to 'decide and provide', that is to *decide* on the preferred future outcomes and, "...provide the means to work towards that...", rather than simply to *predict* continued traffic growth based on ageing and outdated trends.
- 4.1.13 PS noted that the TRICS report summarises a wealth of evidence from the DfT and others, pre-COVID-19, strongly supporting the notion that TEMPro traffic growth rates built into the modelling to-date are, at best, overly robust and, at worst, directly contradictory to many already evidenced downward trends.

5 Process for resolving outstanding HE issues

- 5.1.1 In the shorter term, SJ confirmed that the two applicants (CCfE and SC) should be responsible for delivering the interim improvement to the junction, with timings, trigger points and procurement arrangements to be agreed, noting that LCC had implemented the CRF scheme at M62 Junction 28 and, in principle, may be able to implement any interim improvement following the collection of agreed developer contributions. SJ stated that, as the final cost of the works would be subject to an external tender process, there would need to be mechanism in place to ensure that each applicant pays its agreed proportion to the overall final tendered cost of the works. HE and LCC undertook to advise on potential legal mechanisms based on prior experience, for review by the respective applicants' solicitors.
- 5.1.2 It was noted by the two applicants and their consultants that there remain a number of challenges and that it is important neither applicant ends up having to deliver the works on behalf of the other. Unless one of the highways authorities could take the lead in delivering the works (with appropriate contributions secured from each applicant), there would remain a number of issues, for example which party would be responsible for collecting contributions from the other and for delivering the works, what would happen if one applicant required the works to be delivered sooner than the other applicant, and how the party responsible for delivering the works would be fully recompensed if contributions had already been collected and these did not cover the full final cost of the works. It was noted that funding and delivery mechanisms would require further discussion before agreement could be reached.
- 5.1.3 LB noted that LCC agreed with the need to take a pragmatic view. She also noted that LCC has received a financial contribution of circa £1 million from the developers of Haig Moor Road (LCC ref: 17/08262/OT), with that being 'ring fenced' for use at M62 Junction 28. Given that Haig Moor Road is expected to come forward in advance of the developments by CCfE and SC, it is considered reasonable that this sum can be off-set against the final tendered costs of the interim junction improvement scheme.
- 5.1.4 PBe noted the discussion as being constructive but also queried whether public funding sources could be used to assist pay for any improvement. It was agreed that this would be revisited in further discussions once an interim improvement scheme had been identified.

6 Next steps

- 6.1.1 Agreed next steps were as follows:
- LCC to provide feedback on i-Transport's assessment by Friday 19 March 2021. [**Post-meeting note:** Consultation response issued on 19 March 2021 confirms LCC's agreement to the trip generation, distribution and assignment of Capitol Park development traffic flows and all committed developments.]
 - Meeting to be arranged between Jacobs/CH2M, Pell Frischmann and i-Transport to undertake a side-by-side comparison of the two cumulative assessments and to agree a common set of assumptions to inform a sensitivity test.

- The sensitivity test to be an assessment of the 2019 base plus the Chidswell and Capitol Park proposed developments only (i.e. without background traffic growth or traffic from other Local Plan cumulative sites). To test both Pell Frischmann's and i-Transport's mitigation options and a possible third mitigation option that included the most effective parts of each.
- Meetings to be arranged between KC, LCC and HE to discuss the longer term opportunities for addressing forecast background traffic and wider Local Plan issues at the junction.

7 Timescales

- 7.1.1 **[Post-meeting note:** Meeting between Jacobs/CH2M, Pell Frischmann and i-Transport arranged for Friday 26 March 2021 at 10:00 hours.]

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D02	-	Draft for i-Transport input and comment.	24-Mar-21	SME	PDS	PDS
D03	-	Revised draft incorporating i-Transport input.	24-Mar-21	SME	PDS	PDS
D04	-	Draft for attendees' review and comment.	25-Mar-21	SME	PDS	PDS
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