

26 October 2012

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Proposed Able Marine Energy Park, Killingholme

Associated British Ports (10015525)

Summary of Oral Representations by Associated British Ports at Road Traffic Hearing

22nd October 2012

1. Mr Simon Tucker of DTA confirmed to the Hearing that he had provided three written submissions to the Examination, on behalf of ABP. The three submissions were dated June, August and October 2012. Mr Tucker explained that it had been necessary to provide three submissions, because the detailed Transport Assessment (TA) for the scheme was not available to ABP and other objectors to the AMEP scheme until the application was registered.
2. In summarising his outstanding concerns on road traffic issues, Mr Tucker highlighted the following matters:
 - (i) Growth

The modelling undertaken by JMP on behalf of the Applicant did not make any allowance for background growth in traffic. Whilst Mr Tucker did not dispute the decision of JMP to ignore background growth¹, he explained that it was wrong for the modelling - when purporting to allow for *committed* growth – to ignore the prospect of future development at the Port of Immingham.
 - (ii) Humber Road/Rosper Road Junction

The mitigation works proposed at the junction would, as currently designed, result in delays to traffic accessing/exiting Port of Immingham. In consequence, they would have a seriously detrimental impact on the operations of the port. Such delays would be occasioned by the introduction of traffic lights at a junction where Port traffic currently has priority and thus where such traffic is not currently subject to any delay/constraints. Mr Tucker had in his June 2012 submission provided a sketch of a junction design which he considered would mitigate the position; however Mr Pickard of JMP (giving evidence on behalf of the Applicant) stated that he had not looked at Mr Tucker's mitigation proposal. When one had regard to the committed growth of the Port of Immingham, the capacity of the junction was significantly exceeded.

¹ Although others such as Royal Mail (represented by Northern Transport Planning) contended that the omission of such background growth rendered the modelling unreliable.

(iii) General Flaws

Mr Tucker explained that it was not possible to audit the Travel Assessment ('TA') submitted on behalf of the Applicant, owing to its multiple deficiencies and the lack of clarity/analysis in the documentation. There remain significant concerns as expressed by both ABP and Royal Mail to the effect that even the existing base flows adopted in the assessments are not robust. It was suggested to him that the modelling within the assessment contained various assumptions which rendered the assessment a credible 'worst case scenario'. Mr Tucker pointed out that as regards many of these assumptions, no detail or analysis was provided such as might allow someone reading the TA to consider whether it did in fact represent a worst case scenario or not. It was noted through discussions with Royal Mail that further and different submissions (again unaudited) were now being adopted by JMP. These have not yet been seen by ABP and as a consequence, ABP reserves the right to comment further once these new submissions have been received, although it is queried why such new information is being provided at such a late stage.

3. In view of the limited time made available by the Panel at the Hearing to put questions to Mr Pickard (in his capacity as witness for the Applicant), counsel for ABP explored the single issue of cycling/pedestrian access to the proposed AMEP, by way of an example of the deficiencies that ABP had identified in the proposed scheme.
4. In this context ABP noted that in the TA², it was asserted that the town of Immingham (as well as East Halton, North Killingholme, South Killingholme and Humber) was within reasonable cycling distance of AMEP. It was further noted that the Applicant represented that it would adopt a Travel Plan which promoted both walking and cycling as means to travel to work.
5. In answer to questions put by counsel for ABP, Mr Pickard agreed a number of matters, including the following, namely:
 - (i) The logical route for any person cycling from Immingham to AMEP would be to travel along Manby Road, and then Humber and Rosper Roads, by way of the A160/Humber Road roundabout and the Humber Road/Rosper Road Junction
 - (ii) Neither JMP nor the Applicant had examined the possibility of introducing a cycle lane along Manby Road.
 - (iii) It would be a dangerous manoeuvre for cyclists to negotiate the Roundabout and the Junction.
 - (iv) If any pedestrian were safely to walk to AMEP from Immingham, it would be necessary to introduce a pedestrian crossing at the Humber Road/Rosper Road Junction. Current modelling made no allowance for such a crossing.
 - (v) Although the Draft Travel Plan envisaged that those companies occupying the manufacturing units at AMEP could discourage their employees from driving to work by charging them for use of parking spaces, or by offering them increased holiday allowance in exchange for walking/cycling to work, neither Mr Pickard nor any other representative of the Applicant was able to name a private company in North Lincolnshire that charged for use of parking or offered such inducements.
 - (vi) Mr Pickard accepted that it was unclear how much control/influence (if any) the Applicant would be able to exercise over those companies which occupied the manufacturing units, in terms of encouraging them to induce their employees to travel to work in a sustainable manner.

² See paragraph 3.3 of the Transport Assessment (Appendix 15.1 of ES)

6. In the context of discussions regarding the safety of the Humber Road/Rosper Road Junction, Mr Pickard confirmed that the right turn into Rosper Road should be controlled by a right turn green filter. When asked whether the modelling assessment available at the Hearing had taken into account the delay/impact occasioned to oncoming traffic of introducing such a right turn filter, Mr Pickard stated that it had not. It was however, he indicated, his intention to submit further modelling shortly which would reflect this impact. It was put to Mr Pickard that it was unsatisfactory for the Applicant to be submitting fresh traffic modelling at such a late stage of the Examination, when the public/objectors would not have an opportunity to comment upon it or test it at the relevant Issue Specific Hearing.
7. In closing his questions of Mr Pickard, counsel for ABP suggested to Mr Pickard that the TA was not compliant with National Policy Statement for Ports because the assessment was not WebTag compliant (as required by paragraph 5.4.4 of the guidance), Mr Pickard claimed that the WebTag process was directed at public sector projects. It was pointed out to Mr Pickard that paragraph 5.4.4 of the NPS did not distinguish between assessments for public and private sector port development.