

From: carl@tonks-consulting.co.uk
To: [Metrowest1](#)
Cc: nigel.myres@coxauto.co.uk; Amy McCormack; "Christopher Burton"
Subject: MetroWest Phase 1 DCO TR040011 Closing
Date: 15 March 2021 18:07:01
Attachments: [c28b77bf.png](#)
[92e13839.png](#)
[cTc-2018-F-009 MetroWest DCO Hearing - Letter to PINS 15032021.pdf](#)

Dear Ma'ams,

Please find attached our closing correspondence, which incorporates an update in regard to the draft regulation 18, as discussed at the Site Specific Hearing.

Kind regards,

Carl

Carl J Tonks BSc MSc FCILT MCIHT FIHE

MANAGING DIRECTOR cTc Group
DIRECTOR carl TONKS consulting
DIRECTOR cTc Europe

Transport Planning, Traffic Engineering and Highway Consultancy

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Our Ref. 2018-F-009
Date: 15th March 2021

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By Email Metrowest1@planninginspectorate.gov.uk

Dear Ma'ams,

MetroWest Phase 1 DCO
TR040011
Closing

I write in order to conclude the joint submissions of **cTc** and SPLS in regard to the above DCO Hearing. As you are aware, we jointly represent ETM Group and Manheim Auctions, however, the matters raised on their behalf typically apply to businesses within the Ashton Vale industrial estate in regard to the proposal to increase the frequency of closure of the level crossing at the only vehicular access to the estate. You have seen several letters from other local employers expressing similar concerns.

These matters have been discussed at length throughout the DCO Hearing, hence you will be well aware of both our position on behalf of our clients and that of the Applicant in regard to the above. I therefore do not propose to repeat the arguments at length, however and in order to assist, a brief summary of matters remaining at issue may be appropriate. You will be well aware of the disagreement in regard to the efficacy of the traffic modelling relied upon by the Applicant and I do not propose to repeat the discussions in this regard, save to say that the Applicant wishes to assign our concerns solely to issues of growth of our client firms, however, the key argument here is that any and all of the businesses in the Industrial Estate will be seeking to grow.

Continued.../

cTc Group comprises;
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Company Secretary – Jacqueline A Ireland
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The lack of any recognition of this in the modelling undertaken results in a model which neither reflects the existing scenario nor allows for business development into the future, potentially compromising this important employment site as a venue to locate and develop a successful business.

In reflection of the above, an important matter on which I have not previously responded is the Applicant's reference to my Transport Assessment submitted in support of ETM's Planning Application for replacement of their machinery and re-design of their site layout. I was surprised to see the quote of a single sentence from the conclusion of that report and it then being aligned with our concerns at the junction of Ashton Vale Road with Winterstoke Road. This is a blatant misrepresentation of that report, from which I conclude that the report had not been read. The quotation confirms that an operational improvement would result directly from the upgrading of the ETM equipment, however, as is clear from the report, this is in regard to the operation of Ashton Vale Road, in the vicinity of ETM's access, not as implied by the Applicant, at the junction with Winterstoke Road. Furthermore, that conclusion was wholly justifiable due to the improved efficiency resultant from ETM's equipment. The increase in traffic generation has arisen due to growth, which followed the expenditure previously referred; it was not an impact directly of the Application proposal, but followed from business development thereafter.

With regard to the operation of the railway and the applicant's assertion that closures may happen regardless of the status of the application, it is advanced that this 'fall back' position is not reasonably available. Within the hearing day's evidence by the port authority as to the current use, it has been stated that the current numbers of movements are not significant. It is not reasonable to assert that the line may be used at any moment, for many trips, as there is simply no reason for these trips and trains will not be run when there is no demand.

At the hearing a response was requested with regard to the Deadline 4 submission (9.34) made by the applicant, with specific reference to the sitting of the National Policy Planning Framework (NPPF) within the National Policy Statement for National Networks (NPSNN). As set out at 1.18 of the NPSNN and 104(2) of the Planning Act 2008 the NPPF can be a material consideration, as can the Local Plan. As per 104(2)(d) the Secretary of State must have regard to any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

In this instance it is advanced that a Safeguarded Employment Location, and its effective operation, is both relevant and important to the decision.

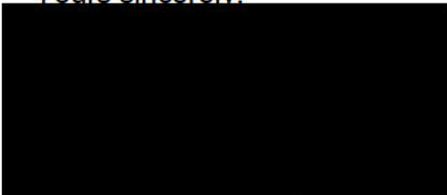
Finally and in order to update you in regard to the suggested alteration to requirement 18; on 11th March I emailed Mr Guyatt on behalf of the Applicant with suggested changes in order to provide my client with confidence which is currently lacking. I attach a copy of my email.

Continued.../

If the Appellant has the level of confidence claimed in the traffic modelling they have submitted to the Hearing and the adequacy of the proposed mitigation, the proposed rewording of the requirement should provide the Applicant with no concerns. I understand a response is being drafted, but I have not seen one at this stage.

Thank you for your consideration and I trust this summary and update is of assistance.

Yours sincerely,



Carl J Tonks BSc MSc FCILT MCIHT FIHE

**MANAGING DIRECTOR
DIRECTOR**

**cTc Group
carl TONKS consulting**

Enclosure Email CT to RG

cc	Mr N Myers	Cox Auto
	Ms A McCormack	ETM
	Mr C Burton	SPLS

From: carl@tonks-consulting.co.uk <carl@tonks-consulting.co.uk>
Sent: 11 March 2021 12:57
To: Richard Guyatt <richard.guyatt@wbd-uk.com>
Cc: admin@sutherlandpls.com; 'Christopher Burton' <chris@sutherlandpls.com>
Subject: MetroWest - Ashton Vale Road [WBDUK-AC.FID26403138]

Dear Mr Guyatt,

Further to the various discussions in the MetroWest Hearing, please see below our suggestion in regard to the proposed Condition 18, which we feel is currently lacking, as drafted.

Guidance on relevant conditions to apply in respect of transport impact are to be found in the Guidance on Transport Assessment issued by the DOT. The TA, along with other supporting documents, will form the basis for the LPA's, LTA's, LHA's and/or HA's response to a proposed development and, in particular, the type or level of mitigation that will be required. Typically, mitigation could be required where the proposed development is likely to impact adversely upon the transport system and/or result in breaches of statutory environmental limits. Where mitigation is proposed, following agreement on the scope of mitigation to be provided, the relevant authorities will require or recommend that appropriate conditions be attached to any planning permission granted. The conditions or obligations should specify the improvements that will be required to accommodate the impact of the proposed development on trips undertaken by all modes. They should also ensure the safety of all road users, including non-motorised users or vulnerable users. Conditions or obligations may require that necessary mitigation measures be completed before first occupation of the site, or before work on the development site itself commences if construction traffic is a major issue.

In this Hearing, we consider that the TA is based on faulty assessment as covered in our respective evidence but as the appellant asserts complete confidence in their modelling and the impact thereof as having no substantive net impact on the operation of the highway network, including access to my clients' businesses, we would suggest that it would be appropriate to include reference within the consent conditions to the relevant commitment being made by the applicant. Without specific reference it would appear that the assertions made cannot be rectified post determination and that could lead to an unsatisfactory planning outcome and significant adverse impact on the highway network, particularly in regard to accessing and/or egressing my clients' sites.

The suggested condition supplied is not considered satisfactory in this regard and we would instead suggest the following;

"Prior to the commencement of development the developer will submit a detailed design of the proposed junction of Winterstoke Road and Ashton Vale Road to include;

a, an extended left turn lane on Winterstoke Road for vehicles turning into the Ashton Vale Estate

b, Details of the MOVA traffic control measures proposed to achieve the no net detriment set out in [document x / TA]

c, Details of the regular monitoring of the MOVA traffic control measures proposed to ensure compliance with achieving the no net detriment as set out in [doc x / TA]

d, Methods for mitigating any breach of the requirements at b and c above

and the developer will comply with the details as submitted.

We believe the above is necessary in order to to ensure no adverse net impact on highway safety and transport movements at the junction between Winterstoke Road and Ashton Vale Road.

I have not at this time copied PINS in to this email, however, I envisage that the above, along with your response, will be placed on record for consideration in regard to this Hearing.

Kind regards,

Carl

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