

DR6.2

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

**THE COUNCIL OF THE CITY OF COVENTRY (CITY CENTRE SOUTH) COMPULSORY
PURCHASE ORDER 2022**

and

Town and Country Planning Act

Stopping-up of public highway

Rebuttal Proof of Evidence

of

Russell Vaughan

Director for Transport Planning Practice Ltd

On behalf of the Council of the City of Coventry

12 January 2023

In Response to the proof of evidence submitted by:

- **Alec Philpott on behalf of Royal London**
- **Keith Murray on behalf of Royal London**

INTRODUCTION

- 1.1 My name is Russell Vaughan. Details of my qualifications and experience are set out in my main proof of evidence (DR2.7).
- 1.2 This rebuttal proof of evidence has been prepared to respond to:
- a) The Proof of Evidence submitted by Alec Philpott on behalf of Royal London and
 - b) The Proof of Evidence submitted by Keith Murray on behalf of Royal London
- in respect of servicing matters.
- 1.3 This is not intended to be an exhaustive rebuttal of the contentions made in the evidence listed in paragraph 1.2 above. This document only deals with certain points where it is considered appropriate and helpful to respond in writing. Where specific points have not been dealt with, this does not mean that those points are accepted and they may be dealt with further at the Inquiry and/or in writing.

KEY POINTS

- 2.1 In this section I set out the key points raised by Mr Philpott and Mr Murray on behalf of Royal London so far as the same relate to the matters addressed by me in my main proof of evidence (DR2.7). These points have also been the subject of discussions between the Council, SRPL and Royal London as previously referred to at paragraphs 6.4 to 6.15 of my main proof of evidence.
- 2.2 In paragraph 2.8 of his Proof of Evidence Mr Philpott states that:
- “A servicing strategy satisfying condition 40 of the 2022 Permission will not overcome all of the practical issues likely to arise.”*
- 2.3 In paragraph 2.9, Mr Philpott states that the servicing strategy will require “enhanced infrastructure, staffing and security and will require amendment to all leases of those traders / retailers impacted by the development.” Similar concerns regarding the proposed strategy for servicing Coventry Market are raised by Mr Murray at paragraphs 6.7 and 6.8 of his Proof of Evidence.
- 2.4 In paragraph 2.10 of his Proof of Evidence, Mr Philpott states that:
- “Servicing of proposed Block A2 would inherently and unavoidably compromise pedestrian safety to a serious degree and the Scheme is deficient in this regard.”*
- 2.5 In paragraph 2.14, Mr Philpott states that there is a failure to demonstrate that the servicing strategy as proposed is workable and deliverable. Similar concerns regarding the servicing of proposed Block A2 are raised by Mr Murray at paragraph 6.9 of his Proof of Evidence.

OVERARCHING SERVICING STRATEGY

- 3.1 Mr Philpott sets out the main changes proposed as part of the proposed servicing strategy and states in paragraph 4.3 – 4.5 of his Proof of Evidence that:
- “The key concern behind the proposed servicing strategy is the proposed restriction on timings that deliveries/servicing can occur within Yard D which represents a significant change from the free access which is available at present. It is proposed that servicing can only take place within Yard D between 0700 and 1000 hours, although the developer has conceded during discussions that they would consider an extension of this to 0600-1000. Outside of these hours, the proposed strategy relies upon any existing activity which currently occurs within Yard D being relocated to one of the other service yards.”*

- 3.2 As set out in para 6.11 of my main Proof of Evidence (DR2.7), in response to Royal London's objection, a revised scheme has been designed that will provide 12 permanently accessible bays under Block A1, for a range of vehicle sizes, ensuring there should be no displacement of servicing activity to the Royal London service areas. Further details of the proposed servicing scheme are provided at paragraphs 6.12 to 6.13 of my main Proof of Evidence.

BASELINE DATA AND ANALYSIS

- 4.1 In paragraph 4.11 – 4.16 of his Proof of Evidence, Mr Philpott comments on the TPP Draft Servicing Management Plan, May 2022. He states that:

"Notably, within their calculation TPP assumed that any activity in Yard D which exceeded two hours was completely removed from any estimated servicing accumulation. In relation to identifying the quantum of displaced vehicles when Yard D is closed, at paragraphs 4.3.8-4.3.10 [page 11] of the SMP, TPP average the total recorded delivery activity post 1200 hours and conclude that these could be accommodated within the proposed basement. That is to say, they assume a flat profile of servicing activity in the afternoon. The calculation has no regard for the recorded arrival profile of these vehicles which will have a significant bearing on the true servicing accumulation. Moreover, the calculation assumes that any existing servicing activity which occurs in Yard D between 1000 and 1200 hours will simply occur within the open time of Yard D (i.e. 0600/0700-1000 hours), with no explanation of how that shift would be achieved, or any details of additional opening times of Yard D which are alluded to."

"No detailed analysis was presented on the effects of displacement of servicing activity in relation to whether Yards A1/A2, B, C or E could accommodate the displaced demand."

- 4.2 It is accepted that under the Consented Scheme there would need to be alterations in the current servicing arrangements for the Market, in particular the encouraging of morning deliveries to take place prior to 1000 hours when the southern bays are accessible. Based on the TPP analysis there are only 18 deliveries after midday, so whilst at this time any larger deliveries would need to use the Royal London service areas, the LGVs can be accommodated by the four new loading bays in the Market basement with minimal management.
- 4.3 Notwithstanding this, as set out in paragraphs 6.11 to 6.13 of my main Proof of Evidence, in response to Royal London's objection, a revised scheme has been designed that will provide 12 permanently accessible bays under Block A1 for a range of vehicle sizes ensuring there should be no displacement of servicing activity to the Royal London service areas.
- 4.4 At paragraph 6.6 of his Proof of Evidence, Mr Murray raises concerns regarding Royal London's ability to operate the proposed service management plan on land outside of its control. I am informed that discussions between Royal London, the Council and the Developer have included confirmation that Royal London will be granted any such additional rights over the access and service yard as are necessary to enable Royal London to implement and operate the proposed service management plan. This is further discussed at paragraph 3.5 of the Rebuttal Proof of Evidence of Mr Graeme Lawes (DR6.5).

ACQUISITION OF LAND

- 5.1 In paragraph 5.1 – 5.5 Mr Philpott raises concerns regarding potential acquisition of part of Lower Precinct servicing yard (being part of Plot 54 as shown on the CPO Plan – DR1.2) and impact on servicing at that yard as a result. It points to need for an undertaking from Council that legitimate servicing manoeuvres will not be prohibited in the future of this area will need to be removed from the CPO. Similar concerns are raised by Mr Murray at paragraphs 6.10 and 7.3 of his Proof of Evidence.
- 5.2 I am informed that there are no physical works proposed to this area and that no physical development is proposed that would prohibit the continued manoeuvring of vehicles in this area. Paragraph 3.5 of the Rebuttal Proof of Mr Lawes (DR6.5) responds to the concerns

raised regarding the use of the area for servicing by the Lower Precinct Shopping Centre retailers.

PROPOSED COVENTRY MARKET SERVICING

- 6.1 It is noted that Mr Philpott highlights apparent deficiencies in TPP data analysis stating that the survey failed to capture a busiest weekday and consequently underestimated servicing demand. Mayer Brown surveyed the yards surrounding Coventry Market for a seven day period, being 10/10/2022-16/10/2022 and found Friday to be the busiest day with a total of 119 vehicles to service yard D which Mr Philpott adopted within the remainder of his Proof of Evidence to consider the potential effects of the Scheme on the operation of surrounding service yards.
- 6.2 As set out in paragraph 6.5 of my main Proof of Evidence, the 119 vehicles is a worst case scenario with more than twice the number of service vehicles than any other day so therefore represents a very robust scenario.
- 6.3 Mr Philpott also states that his servicing analysis reflects 100% stall occupation and full occupation of Lower Precinct. In respect of the capacity of all service yards surrounding Coventry Market compared to the total servicing demand, Mr Philpott concludes that: *"The estimated accumulation will be at, or close to, the supply of loading bays for a number of hours of the day."*
- 6.4 Mr Philpott has then undertaken a more focused analysis looking at the daily demand of the Coventry Market servicing activity (uplifted by 22%) against the supply of bays in service areas A2, D and E. He states that: *"This analysis identifies that the CM servicing accumulation alone through the day is likely to regularly exceed the supply of loading bays adjacent to the market, if left unregulated and this would also be the case, even if a 2 hour maximum restriction was imposed."*
- 6.5 Assuming Mr Philpott's robust assessment as summarised above, the design alterations within the Refined Scheme (for which planning permission was granted on 9 January 2023), and which were progressed in response to Royal London's objection, can accommodate the requested number of loading bays set out in Table 3 of Mr Philpott's Proof. This is set out at paragraph 6.14 and Figure 6.4 of my main proof of evidence where I explain that the revised servicing solution provides for 12 permanently accessible servicing bays (excluding the lay-by), in addition to the 9 bays already available in Service area A and which together result in a total of 21 bays being available.

BLOCK A2 SERVICING

- 7.1 In paragraph 5.57 of his Proof of Evidence, Mr Philpott states that the normal practice when utilising TRICS is to estimate loading demand based on a rolling accumulation rather than arrivals in any one hour. Mr Philpott then replicates the TPP Table 4.1 but includes a rolling accumulation column which identified a peak accumulation of three vehicles in an hour. He concludes that two bays adjacent to Block A2 would be largely fully utilised throughout the day solely by Block A2 activity which he suggests has been underestimated.
- 7.2 I do not believe that a rolling accumulation is a better or more realistic assessment in this situation. Notwithstanding this, the refined design provides three loading bays as detailed in para 3.31 of my main Proof of Evidence.
- 7.3 In Paragraph 5.61, Mr Philpott states that: *"These bays are located immediately adjacent to one of the main Market entrances which acts as a key pedestrian link between the Market and Market Way (and beyond) as illustrated at Figures 5.3 and 5.4 below. This area carries in excess of 2,000 pedestrian movements between the hours of 0700 and 1800, confirming that this is a heavily trafficked area by foot. The proposed northernmost bay sits on an area linking Market Way with the Market and Service Yards, (which is currently delineated with a yellow box and "Keep Clear" This route has previously been illustrated by TPP as an area to be kept clear for emergency access. It would therefore follow that the provision of*

servicing in this location would be prejudicial to emergency access unless alternative access has been arranged."

- 7.4 Similar concerns are raised at paragraph 6.9 of Mr Murray's Proof of Evidence.
- 7.5 The route discussed above by Mr Philpott and Mr Murray does not form part of the emergency access route and has Hostile Vehicle Mitigation currently in place. The impact of the location of the three proposed service bays on pedestrians, and how the bays have been positioned to minimise such impacts, is discussed in paragraph 3.32 of my main Proof of Evidence.

MITIGATION MEASURES REQUIRED

- 8.1 In paragraph 7.1 of his Proof of Evidence, Mr Philpot states that: *"The AA should be required to ensure that service vehicles utilising Yard B are able to pass over the area identified in Figure 5.1, or be required to remove this area from the CPO in order to preserve appropriate servicing for LPSC retailers."*
- 8.2 With regard to servicing of Coventry Market Mr Philpot states that: *"Given the findings of the analysis above and potential impacts that would arise, it is considered that it will be essential to significantly adapt and strengthen the current service yard management regime to avoid a regular level of undersupply of loading bays."*

Without this additional degree of management there is a demonstrable potential that retailers/traders will suffer disruption to their servicing ability.

Moreover, there is a risk that a lack of increased management would result in overspill of servicing activity that could be prejudicial to highway safety and the safety of the wider public.

Given the results of the analysis, it is considered that the best way to seek to mitigate adverse impact and manage future service yard activity would be to implement a booking system across the entirety of the affected service yards. While this solution would theoretically result in controlling the timing of deliveries to each yard such that the supply of loading bays is not exceeded, it will only provide a degree of mitigation against the potential issues that could arise, and would rely upon additional resourcing and infrastructure being made available."

- 8.3 Similar concerns are set out at paragraphs 6.7 and 6.8 of the proof of evidence of Mr Murray.
- 8.4 The revised servicing proposals provide sufficient loading bays to accommodate Mr Philpot's worst case scenario, mitigating against any perceived adverse impact and negating the need for any significant level of additional service yard management or booking system.
- 8.5 In paragraph 7.20, Mr Philpott states in respect of mitigation for servicing of Block A2: *"The only available mitigation for the deficiencies associated with Block A2, as proposed, is to amend the layout of service Yard C to provide a sufficiently sized servicing area and loading bays which preserved pedestrian safety and does not compromise emergency access, or to omit Block A2. The AA should demonstrate how the provision of such a servicing yard can be achieved, or Block A2 should be omitted from the scheme."*
- 8.6 Paragraphs 3.29-3.33 of my main Proof of Evidence demonstrate that the servicing of Block A2 can be undertaken whilst preserving pedestrian safety and not compromising emergency vehicle access.

STATEMENT OF TRUTH

- 9.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

A handwritten signature in black ink, consisting of the first name 'Russell' and the last name 'Vaughan' written in a cursive style.

Russell Vaughan

12 January 2023