

**TOWN & COUNTRY PLANNING ACT 1990  
(AS AMENDED)**

**APPEAL BY  
GLADMAN DEVELOPMENTS LTD FOR NON-DETERMINATION OF PLANNING  
APPLICATION AGAINST ROTHER DISTRICT COUNCIL FOR:**

Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

Land at Fryatts Way, Bexhill, TN39 4LW.

**PUBLIC INQUIRY DATE**

**29 NOVEMBER 2022**

**PLANNING APPLICATION NUMBER: RR/2021/1656/P**

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Document Reference

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**PROOF OF EVIDENCE**

**DAVID ALBERT BOWIE**

**BSC (HONS), MCIHT**

**FOR AND ON BEHALF OF NATIONAL HIGHWAYS**

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**Town & Country Planning Act 1990 (As amended):** Outline application for the Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.

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### Proof of Evidence of David Bowie BSc (Hons), MCIHT

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# Introduction

## Qualifications & Experience

My name is David Albert Bowie and I am an Associate Director in the Development & Development Management Team of Systra Ltd, an established independent multi-national consultancy specialising in transport infrastructure. I hold an honours degree of Bachelor of Science in Civil and Structural Engineering from Cardiff University. I am a member of the Chartered Institution of Highways and Transportation and hold a Highways England Certificate of Competency for Road Safety Audit with over 32 years post graduate experience in Traffic, Highway and Road Safety engineering as well as transportation planning. Prior to my appointment to Systra I held Senior positions in both public and private sectors and had been seconded into National Highways for 8 years (formerly Highways England) working on the South East Spatial Planning framework contract (1½ years Systra, 5 years WS Atkins and 2 years WSP/Parsons Brinkerhoff). I have over 8 years' experience of holding the Statutory position of Traffic Manager as required under the Traffic Management Act 2004 (TMA 2004) for Bedfordshire County Council and then Central Bedfordshire unitary authority. Prior to my appointment with Bedfordshire County Council in September 2006 I was employed for 9 years by Mouchel Consulting Limited as Head of Profession Road Safety Engineering. During my period of employment at Mouchel I was the Design Team Leader of the Area 21 (North East London Motorway & Trunk Road Network) Improvements Team, a role which I occupied for the duration of the 5 year contract with the Highways Agency commencing in 1998. Prior to this I was employed by Hertfordshire County Council, Highways and Transportation Department for 6 years as a Road Safety Engineer and before that was employed for 1 year with Consulting Transportation Engineers. I have detailed knowledge and experience in Highway Design, Traffic Engineering, Road Safety Engineering, Traffic Calming, Accident Investigation & Reduction and Road Safety Audit.

## Scope of Appointment

This evidence has been prepared for and on behalf of the National Highways, as Jacobs / Systra (as a joint venture) holds a term commission with National Highways to advise on the traffic, safety and transport impact of development proposals.

On the 18 May 2021 Jacobs / Systra took over the South East Spatial Planning (development planning) contract with National Highways that advises on the impact of developments on the strategic road network in the south eastern region of England, including the A259 Trunk Road. This covers National Highways contractual Areas 3, 4 and 5. I am retained on this commission for the duration of the contract specialising and leading on Development Impact, Highway, Traffic and Road Safety Engineering and Road Safety Audit.

The evidence which I have prepared and provide for this appeal reference APP/U1430/W/22/3304805 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## Scope of Evidence

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network in England (SRN). The SRN is a critical national asset and as such National Highways is required<sup>1</sup> to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Within National Highways, the Spatial Planning Team act as the statutory consultee on behalf of the Department for Transport Secretary of State. We will be concerned with proposals that have the potential to impact on the safe, reliable and/or efficient operation of the SRN (the tests set out in DfT C2/13, especially paras 8 to 11 and MHCLG NPPF2021 especially paras 110 to 113), in this case particularly within the vicinity of the A259 Trunk Road through Bexhill, East Sussex the stretch of road between its junctions of the A259/B2182 Cooden Sea Road (known as Little Common Roundabout) and the A259/A269 London Road signal

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<sup>1</sup> National Highways Licence para 4.1

junction (known as the Bexhill Leisure Centre junction), by virtue of the traffic attracted to, generated by or rerouted as a result of appeal proposals.

The assessment of the appeal application is guided by:

- National Planning Policy Framework and National Planning Policy Guidance
- The licence dated April 2015 granted to Highways England by the Secretary of State authorising it to operate as a strategic highways company and setting out statutory directions and guidance to the company.
- Department for Transport Circular 02/13 *The Strategic Road Network and the Delivery of Sustainable Development (CD 8.06)*;
- Highways England's *The strategic road network: Planning for the future: A guide to working with Highways England on planning matters*
- The Design Manual for Roads and Bridges (DMRB) specifically standards:
  - GG 101 '**Introduction to the Design Manual for Roads and Bridges**' (June 2018, formerly GD 01/15) Revision 0,
  - GG104 '**Requirements for safety risk assessment**' (June 2018, formerly GD04/12 and IAN 191/16) Revision 0,
  - CD 109 '**Highway link design**' (March 2020, formerly TD 9/93, TD 70/08) Revision 1
  - CD 116 '**Geometric design of roundabouts**' (Apr2020 formerly TD 16/07, TD 50/04, TD 51/17, TD 54/07, TA 23/81, TA 78/97, TA 86/03, TD 70/08) Rev 2
  - CD 123 '**Geometric design of at-grade priority and signal-controlled junctions**' (Aug 2019 formerly TD 41/95, TD 42/95, TD 40/94, and those parts of TD 50/04 and TD 70/08 relating to priority and signal-controlled junctions.) Revision 0
  - GG 119 '**Road Safety Audit**' Jan 2020 (formerly HD 19/15 and prior to that HD 19/03) Revision 2.
  - GG142 '**Walking, cycling and horse-riding assessment and review**' Nov 2019 (formerly HD 42/17) Revision 0

My evidence on behalf of National Highways will therefore focus mainly on those aspects of the appeal relating to the SRN. It will set out National Highways position regarding the application and our current views on any material considerations. It will also take account of East Sussex County Council Highways position since

neither network operates in isolation and any development proposals and/or mitigation must ensure the continuing safety, reliability and operational efficiency of both networks.

National Highways reserves the right to update and expand its case in response to any further information submitted by Gladman Developments Ltd (the Appellant) or any other party as may be necessary.

I can confirm that I am familiar with the site and its surroundings in terms of the Strategic and Local Road networks in its vicinity.

## The Design Manual for Roads and Bridges

1. The Design Manual for Roads and Bridges (DMRB) is a suite of documents which contains requirements and advice relating to works on motorway and all-purpose trunk roads for which National Highways is highway and road authority.
2. The DMRB embodies the collective experience of the Department for Transport, National Highways, their agents and designers. It provides requirements and advice resulting from research, practical experience of constructing and operating motorway and all-purpose trunk roads, and from delivering compliance to legislative requirements.
3. The Secretary of State's policy as set out in paragraph 9 of Department for Transport Circular 02/13 is that The Design Manual for Roads and Bridges sets out details of the Secretary of State's requirements for access, design, and audit, with which proposals must conform.

### Assumptions made in the preparation of the DMRB

#### Competence

4. DMRB document GG101 'Introduction to the Design Manual for Roads and Bridges' page 4 advises that DMRB has been prepared for use by competent practitioners, typically qualified professionals able to work independently in relevant fields, who are expected to apply their own skill and judgement when making decisions involving the information that the DMRB contains.



### Link with regulation and legislation

5. DMRB documents are not statutory or regulatory documents or training manuals; neither do they cover every point in exhaustive detail.
6. In general, the DMRB does not duplicate National, UK and European legislative requirements. Anyone engaged in works on or relating to National Highways ('Overseeing Organisations') motorway and all-purpose trunk roads should understand and comply with the relevant legislation.

### Link with the MCHW

7. The requirements and advice given in DMRB documents are provided on the basis that the works are constructed in accordance with the Manual of Contract Documents for Highway Works (MCHW).

### Scope

#### Aspects covered

8. Para 1.1 of DMRB document GG 101 'Introduction to the Design Manual for Roads and Bridges' states that 'The DMRB provides requirements which shall be applied to the appraisal, design, maintenance, operation and disposal of motorway and all-purpose trunk roads' for which National Highways is highway or road authority'.

#### Application of the DMRB

9. Para 2.1 of DMRB document GG 101 goes on to advise that 'All works undertaken on motorway and all-purpose trunk roads shall comply with requirements in the DMRB and MCHW'.
10. Accordingly, the relevant sections of the DMRB are required to be applied to the design proposals that affect the A259 Trunk Road.

## Background

1. The appeal application is an Outline application for the erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access at land at Fryatts Way, Bexhill, TN39 4LW.

2. The Fryatts Way appeal site is currently a green field which is bounded to the east by existing residential dwellings with a proposed direct access onto Fryatts Way which forms part of the Local Road Network (LRN) managed by East Sussex County Council (ESCC) Highways. The site is located approximately 800 metres to the north of the general east-west alignment of the A259 Trunk Road through Bexhill. The A259 (T) road is the strategic east-west coastal route which connects to Hastings to the east of Bexhill and the A27 (T) at Pevensey to the west which provides wider connection to destinations to the west including, Portsmouth, Chichester, Worthing Lewes and Eastbourne and connects via the A23 to Gatwick Airport/Crawley and London.
3. The A259 (T) is rural single carriageway from its junction with the A27 Pevensey Roundabout and is subject to National Speed limit (60mph) to the west of Bexhill. The speed limit then changes to 50mph prior to the series of bends near the Sovereign View Caravan Park where the A259 Barnhorn Road is also subject to a prohibition of overtaking by virtue of central double white lines. On further eastbound approach Bexhill the A259 (T) becomes more urbanised with the introduction of nearside advisory cycle lanes and street lighting and then becomes subject to a 40mph speed limit immediately prior to the Bexhill Service Station (Applegreen Services). The A259 (T) then becomes subject to a 30mph speed limit approximately 70m to the west of its junction with Sandhurst Lane where it then passes through the urbanised area of Bexhill.
4. The A259 (T) remains urbanised single carriageway subject to 30mph until its approach to its signalised junction with the A269 London Road where, for capacity reasons, the carriageway widens to two lane urban dual carriageway remaining subject to a 30mph speed limit and street lit. The immediate approaches east and west to the A269 London Road signalised junction flare to three lanes. The A259 (T) King Offa Way remains two lane dual carriageway subject to 40mph (commencing approximately 200m to the east of the junction) and street lit upto a point just east of its signalised junction with De La Warr Road and the A269 Dorest Road where it reduces back down to urban single carriageway with the speed limit being reduced again to 30mph which commences on eastbound approach to the signalised junction.
5. The application was submitted on 01 July 2021 and National Highways were consulted on the application on 28 September 2021. National Highways replied on 18 October 2021 and the position at that time was a holding recommendation not to determine the application (other than a refusal) as there was insufficient robust information on which to determine whether or not the development

proposals would have a severe detrimental impact on the safe and efficient operation of the A259 (T) (Appendix DAB 1).

6. Since submission of the application National Highways have worked collaboratively with the Appellant and their consultants as well as Rother District Council. During the period from response to date typically, National Highways have responded to communications and receipt of information at or within their 21 day response period.
7. During the course of the application the Appellant provided detailed information of how the development proposals will impact the transport network and in particular the road network. This information covers a number of issues:
  - The impacts of additional traffic on the A259 (T), at its junctions with
    - (i) A259 Little Common Roundabout,
    - (ii) Broadoak Lane priority junction,
    - (iii) Knebworth Rd priority junction,
    - (iv) A259/A269 Bexhill Leisure Centre signals
  - The impacts of additional development generated traffic on the local road network.

## A259 Trunk Road – Transport Assessment

### Junction Modelling Technical Audit and Road Safety

8. Whilst the Appellant has made considerable progress in assessing and agreeing various aspects of the transport impacts of the development proposals on both the strategic and local road networks, at the time the appeal was lodged the analysis had not provided sufficient detail for National Highways to be able to provide an informed opinion on the acceptability or otherwise of the development proposals and or whether associated highway mitigation measures were required.
9. Specifically, two critical aspects of the analysis precluded the final determination of transport matters at the time of writing this evidence (November 2022):
  - The provision of a validated and calibrated model of the following junctions is required;
    - (i) The (updated) LinSig model of A259/A269 Bexhill Leisure Centre signals, &
    - (ii) The West Down Road junction model,

and

- The associated Risk Assessments to DMRB standard GG104 of junction impacts where unacceptable traffic impacts are experienced because of the development proposals and a DMRB GG 119 compliant Stage 1 Road Safety Audit of any required mitigations.
10. As advised in paragraph 3 of this evidence, Department for Transport Circular 02/13 (CD 8.06) requires that The Design Manual for Roads and Bridges (DMRB) is used on all matters relating to access, design, and audit on the Strategic Road Network. As any proposed highway mitigations will involve works both on and adjacent to the A259(T) they require independent Road Safety Audit by qualified road safety engineering specialists.
  11. Whilst DMRB is not mandatory on the local highway network, it is best practice that all proposals affecting road layouts are subject to Road Safety Audit to ensure that there are no aspects of the proposals that would have a detrimental effect on the safety of any road users. Nationally, apart from Transport for London who have their own standard for Road Safety Audit, most Local Highway Authorities adopt the use of DMRB Standard GG 119 on their networks. This is the situation with East Sussex County Council as Local Highway Authority.
  12. The recommendations of the Road Safety Audit Report are intended to guide the Design Team responsible for the improvements to make appropriate amendments to the design to either mitigate the potential hazards identified or remove them from the proposals. National Highways are obliged to consider every matter raised within the Road Safety Audit Report but are not under any obligation to act on every recommendation. However, in rejecting a recommendation the reasoning behind such a decision must be documented in a Decision Log contained within a separate Audit Response Report. These actions should be completed before planning consent is applied for as this demonstrates that the potential for road user safety issues has been addressed (DMRB GG119 para 5.46.1). Therefore, it is an essential part of the assessment process.
  13. In order to assess the transport impacts of development proposals computer modelling of the highway network, including junctions, is typically undertaken. This provides information on how the highway network will perform with the addition of traffic generated by development on the existing network and evidence to support the performance of any highway works to mitigate the impacts of those development proposals. Modelling is typically undertaken on a strategic level initially for large development proposals to determine the changes in flows across

the wider road network and then at a junction level where notable increases in traffic are identified from the strategic modelling.

14. For the Appeal proposals both area wide strategic modelling and localised junction modelling were carried out. The SATURN modelling, covered the wider road network including the A259 junctions and local road network in the area of the appeal site and individual junction modelling was employed for those junctions that were likely to be impacted by the proposals. The Local Model Validation Report for the Sussex SATURN model was requested on the 18 October 2021 and was subsequently supplied in Tetra Tech TN 1 note provided on the 28 February 2022.
15. The outputs from the strategic model are used in part as input data to the smaller scale modelling. It is important therefore that the strategic model functions as intended to avoid re-working the junction modelling. The provision of TN1 satisfied National Highways requirement to ensure that the strategic model was robust and fit for purpose, this being confirmed by National Highways in its communication of the 21 March 2022 copied to the Appellants consultants.
16. The focus since has been on providing and agreeing the localised modelling of all junctions on the A259 impacted by the development proposals. The five junctions considered to be impacted by the development proposals are:
  - (i) A259 Little Common Roundabout;
  - (ii) A259 / Broadoak Lane priority junction;
  - (iii) A259 / Knebworth Rd priority junction;
  - (iv) A259 / West Down Road priority junction; and
  - (v) A259/A269 Bexhill Leisure Centre signals.
17. The A259 Little Common Roundabout modelling is agreed and shows a very minor impact to the operation of the junction. However, the base scenario tested in the model includes an improvement scheme developed to mitigate the impacts of another housing development at Land at Clavering Walk, Bexhill (LPA Ref No. RR/2018/3127/P). The scheme of works at the roundabout is shown in the Ardent Consulting Engineers drawing No. 180300-003 Rev F (Appendix DAB 2) and therefore the provision of this scheme, or an agreed equivalent scheme, is required to be conditioned to this development for the results to be considered valid.
18. The results of the junction modelling at the A259 / Broadoak Lane priority junction show vehicle delay on Broadoak Lane increasing from 80 seconds to over 2 minutes (151 seconds) per vehicle. This is due to the development increasing the number of right turns out onto the A259 which is a particularly difficult manoeuvre

due to the low frequency of gaps in the main line traffic. This is likely to increase driver frustration and therefore the potential for motorists to pull out at inappropriate times thereby increasing the risk of right turn out conflicts with A259 main line traffic. Whilst the level of queuing on Broadoak Lane is a matter for consideration by East Sussex County Council as Local Highway Authority the associated potential increase in risk of conflicts with right turning vehicles out onto the A259 is of concern to National Highways. Accordingly, that the applicant will need to provide a Risk Assessment in accordance with DMRB standard GG104 identifying all risks resulting from the development impacts at the junction and offer any mitigations required to ensure that those risks identified are As Low As Reasonably Practicable (ALARP). Any highway works required to reduce the risk of collisions will need to be the subject of separate independent Road Safety Audit.

19. The assessment of A259 / Knebworth Rd priority junction was covered in the Appellant Technical Note TN04 (CD 8.04), dated 27/10/2022. The junction model files for the assessments were provided at that time. National Highways agree that the geometry recorded in the model file is acceptable for this junction, and that the numbers identified in TN04 figures 1-10 match that recorded in the model. Therefore, the results reported in TN04 are considered accurate. The results show that the junction remains within capacity in all tested scenario's and therefore no mitigation is required due to the developments impacts at this location.
20. At this time there is no junction modelling for the A259 / West Down Road priority junction. The Appellants TN04 details the predicted level of development trips at this junction showing that an additional 43 vehicles in the AM peak and 41 in the PM peak cross the junction on the A259. This is accepted by National Highways as representative of the development impacts at the junction. In addition, TN04 has provided the highway geometry for input into the junction model which again is agreed.
21. Whilst the overall number of vehicles using the junction on the A259 may be considered small compared to the hourly flow, the A259 is nearing practical capacity. This is noted in the A259 / Broakoak Lane junction model where traffic turning out of the side road has difficulty finding safe gaps in the main line flow which leads to extended delay on emerging from the junction. Accordingly, even small amounts of additional A259 traffic can have a material impact on the operation of the junction as available safe gaps in traffic are minimised further. It is therefore essential that the modelling is provided and any adverse impacts are managed with appropriate highway mitigation. Any mitigation proposed will be supported by a robust Risk Assessment to DMRB standard GG104 and the proposals themselves subject to independent Road Safety Audit.

22. The assessment of the A259/A269 Bexhill Leisure Centre signal junction was covered in the Appellants Technical Note TN03, dated 17/06/2022, with the model files that the assessment results are based provided in a subsequent submission, via email, on the 6 October 2022.
23. National Highways provided a technical review response related to the model on which the results were based on 21<sup>st</sup> October 2022, and the actioning of this review will require updated results to be reported at this junction. The impact at this junction cannot therefore be commented on at this point. However, it should be noted that the Adopted Local Plan for Rother District includes a highway mitigation scheme at the junction to adequately manage the adverse impact of strategic development shown in the Prime Transport Planning Drawing No. P18063-004 (Appendix DAB 3). Accordingly, it is likely that the additional impacts of the Appeal site at the junction will require further mitigation which will need to be supported by a Risk Assessment to GG104 and the proposed works subject to independent Road Safety Audit.

### Summary of SRN (A259) Matters

24. Substantial progress has been made in assessing and agreeing the various aspects of the transport impacts of the development proposals on both the strategic and local road networks. At the time the appeal was lodged the analysis had not provided sufficient detail for National Highways to be able to provide an informed opinion on the acceptability or otherwise of the development proposals and or whether associated highway mitigation measures were required.
25. Whilst matters have further progressed since the lodging of the Appeal to the date of this evidence there are still a number of matters which remain unresolved which means that National Highways are not yet in a position to provide a full and final position in relation to the transport impacts of the Appeal site on the safe and efficient operation of the A259 (T) road. The remaining matters to be agreed are as follows listed by junction;
  - (i) A259 Little Common Roundabout, the Appellant to agree that because the appeal site relies on the construction of a highway mitigation scheme currently associated with another development to mitigate its own impacts, that the appeal site should be conditioned to those works (the scheme of works, or a scheme of works to similar effect, shown in the Ardent Consulting Engineers drawing No. 180300-003 Rev F (Appendix DAB 2);

- (ii) A259 / Broadoak Lane priority junction, the Appellant will need to provide a Risk Assessment in accordance with DMRB standard GG104 identifying all risks resulting from the development impacts at the junction and offer any mitigations required to ensure that those risks identified are As Low As Reasonably Practicable (ALARP). Any highway works required to reduce the risk of collisions will need to be the subject of separate independent Road Safety Audit;
  - (iii) A259 / Knebworth Rd priority junction, no further action is required as it is agreed the impacts from the appeal site are not detrimental to the safe and efficient operation of the junction;
  - (iv) A259 / West Down Road priority junction, the Appellant is required to provide modelling of the junction with any adverse impacts managed with appropriate highway mitigation. Any mitigation proposed will be supported by a robust Risk Assessment to DMRB standard GG104 and the proposals themselves subject to independent Road Safety Audit;
  - (v) A259/A269 Bexhill Leisure Centre signals, the Appellant is required to provide updated junction modelling and results following National Highways technical review of 21<sup>st</sup> October 2022. Any adverse impacts of the Appeal site at the junction that require mitigation will need to be supported by a Risk Assessment to GG104 and the proposed works subject to independent Road Safety Audit.
26. Until completion and agreement of all required junction modelling, National Highways are not able to determine the full impacts of the Appeal site on the safe and efficient operation of the A259 (T). Where modelling demonstrates that there are adverse impacts then appropriate mitigation will need to be proposed and agreed supported by robust Risk Assessment to DMRB standard GG104 and the proposed works subject to independent Road Safety Audit in accordance with DMRB standard GG119.
27. Without completing a Stage 1 Road Safety Audit process and hence having resolved the relevant identified road safety issues inherent in the design of any proposed highway mitigations they could not be said to be safe.
28. With neither completion of the traffic modelling, Stage 1 Road Safety Audit and relevant necessary design DMRB checks, there are no agreed highway mitigation schemes to manage the adverse impacts of the Appeal proposals.



29. As per normal practice National Highways will continue to work with the Appellant from the date of this evidence up to the start of the Inquiry to try and resolve successfully all of the remaining matters of concern with regard to the safe and efficient operation of the A259 (T). Accordingly, National Highways current position that the Appeal site should not be granted planning consent until all matters are resolved could change to a conditional acceptance of the proposals.

## Conclusion

30. National Highways concludes that, based on the current evidence supplied by the Appellant at the time exchange of evidence, the Appeal site (planning application **RR/2021/1656/P**), should not be granted due to its potential to adversely impact the safe and efficient operation of the A259(T). In the event that appeal reference **APP/U1430/W/22/3304805** is allowed, National Highways submits that, in order to comply with national policy and reasonable requirements of road safety and operation, and hence to avoid unacceptable impacts to the safe and efficient operation of the A259(T) the requirements set out in paragraph 25 of this evidence should be imposed.

David Albert Bowie BSc (Hons) MCIHT  
Associate Director

7 November 2022

Document Reference



**Appendix number DAB 1**

**Appendix number DAB 2**

Document Reference



**Appendix number DAB 3**

