

10 August 2020

Keep Our Meadow Green  
Resident Committee

Philip Murphy,  
Civic Centre, Glebe Street,  
Stoke-on-Trent, ST4 1HH

**Re planning application 65439/VAR - Meadow Lane  
Safety Response**

Dear Mr Murphy,

**1. AECOM Designers Response**

1.1. The **AECOM** Road Safety Audit Team say that the NEW road safety risks that the junction design introduces are;

1.1.1. pedestrians will be at risk of strikes by HGVs and;

1.1.2. vehicles will be at risk of graze-type and head-on collisions.

1.2. The **AECOM** Designers response to the main point (4.2.1) of their own **AECOM** Road Safety Audit is to say that the recommendations provided by the **AECOM** Safety team are not feasible options to mitigate the NEW safety risks that the developers propose to impose on the community.

1.2.1. The Recommendation to increase the length of the right turn bay into Meadow Lane was also raised in the Stage 1 RSA due to the risk of; *"vehicles overhanging the right turn lane and west bound straight-ahead lane, which may lead to rear end shunts or side swipe accidents or encroachment into the advisory cycle lane and cyclist accidents"*. This has not been addressed by the Designers.

1.2.1.1. This was dismissed by iTransport with the ridiculous claim that the queue at peak times will be a maximum of 1 vehicle. ANY ACTUAL OBSERVATION at peak times will show a maximum queue in excess of 4 vehicles, let alone when the number of households is doubled.

1.3. The Design Team's response is unacceptable. This Stage 2 RSA by the AECOM Road Safety Audit Team is to identify issues in the detailed design that are material to the safe operation of the junction for all road users.

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The AECOM Road Safety Audit Team were aware of the prior technical work and design discussed at the appeal as noted in the Inspectors Appeal Decision Notice, and having fully considered the prior work, have made recommendations that need to be in place for Road Safety reasons. THEIR RECOMMENDATIONS MUST BE IMPLEMENTED for the reasons of safety. If they can not, then the developer should submit a design for the junction that is robust in highways engineering terms and safe for all users of the junction.

- 1.4. It is also noteworthy that the AECOM disagree with themselves, however if the AECOM Teams are working to the same high standards, then it is puzzling as to why the advice of the AECOM Design Team is inconsistent with the recommendations of the AECOM Road Safety Audit Team.
- 1.5. A significant point is that the AECOM's Design Team, do not disagree with AECOM's analysis of the NEW safety risks in the basic junction design identified in the AECOM RSA.
- 1.6. AECOM's Design Team would like the LHA to dismiss the serious safety concerns in AECOM's RSA. AECOM's qualified and experienced Highways Engineering experts do not attempt to solve the safety problems, and instead worryingly accede to the Technical Highways Engineering expertise of an unqualified Planning Inspector.
- 1.7. AECOM's Design Team justify the dismissal of the safety concerns raised in the RSA, stating that it is not feasible to implement the safety recommendations due to the need to use third party land.
  - 1.7.1. For clarity, we understand that the land at 243 Longton Road is owned by the developer and could if they chose to do so, be used to considerably improve the junction. The LHA should consider that the developer has had over 5 years to come up with a safe solution for the junction, which could have incorporated part of, or all of the land at 243.
  - 1.7.2. AECOM's Design Team also advise that it is preferable to ignore the safety of road users and pedestrians identified at risk in the RSA because any change needed implement the safety recommendations would constitute a significant change to the the proposed scheme! This is completely inappropriate for an organisation that claims to operate ethically and to prioritise safety.

1.8. This is unprofessional and unethical behaviour for AECOM's Highways Engineer, and something that AECOM should be concerned about regards damaging their reputation and contrary to the values they are supposed to operate under.

1.8.1.1. AECOM Core Values: ***"We operate ethically and with integrity, while prioritizing safety and security in all that we do."***

1.9. Residents of Stoke-on-Trent will be the people who will suffer harm if the Council Planning Committee and LHA allow this modification to go ahead. The Council Planning Committee also have a duty to *"operate ethically and with integrity, while prioritizing safety and security"*.

1.10. Summarising;

1.10.1. AECOM's Design Team do not disagree that the Safety Risks identified in the RSA are real, as a matter of FACT;

1.10.2. The AECOM Design Team accept as safe and reliable, the Highways Engineering judgement of an Inspector who is unqualified to make any Highway Engineering judgements and whose judgement has been shown to be in error, as a matter of FACT;

1.10.3. AECOM's Design Team claim that it is not feasible for the developer to use their own land to solve the safety problems.

## **2. Reliance on the Appeal Decision Notice:**

2.1. The developer's reliance on the wording in the Appeal Decision Notice for Technical Highways Engineering and Highways Safety matters that were made by an unqualified Inspector, rather than by a fully qualified Highways Engineering Expert is unfathomable;

2.2. The most significant and material point is that the Inspector was not qualified to make any Technical Highways Engineering judgements, and as discussed in KOMG's letter of July 17th this allowed him to be deceived by the developers "evidence". This is a FACT.

2.3. Demonstrating the folly of relying on the Inspectors judgement on Technical Highways Engineering matters, the Planning Inspectorate have confirmed in writing that;

2.3.1. The Inspectors judgement, based on the evidence and testimony of the appellant was in error as he admitted to being unaware of any of the evidence presented in writing or verbally that suggested that the need for the DIA in the base model or the reapplication of the DIA to right turning traffic in the KOMG and Council models was related to right turning traffic only. See APPENDIX 1.

2.3.2. The Planning Inspectorate have also confirmed in a freedom of information request that where the Inspector considers a material point of evidence on which the appeal could turn, the Inspector would document his rationale for his decision in the Appeal Decision Notice. APPENDIX 2

2.3.3. The Planning Inspectorate have confirmed that they have absolutely no evidence that the Inspector considered the fact that the Council and KOMG Junctions 9 models, both demonstrated that the Junction would be oversaturated, above its theoretical capacity ( a lot of RED warnings ) with a Level of Service = 'F' and RFC  $\geq 1.0$ . They also confirm that if he had considered a LOS=F with an RFC  $\geq 1.0$  material to the safe operation of the junction in what he called the 'fallback' scenario then he would have provided rationale for this in the Appeal Decision Notice, which he did not! ( it is worth noting that AECOM consider that any RFC above 0.85 [the practical capacity limit of a junction] to be undesirable and that an RFC  $\geq 1.0$  requires mitigation measures. APPENDIX 4).

2.3.3.1. Along with not understanding the MAIN POINT of the disagreement between the parties for the appeal; a simple fact presented in multiple verbal testimonies and cross-examinations and written evidence, that the DIA applied to the right turn only, the Inspector similarly failed to understand the Technical Highways Engineering impact of an RFC  $\geq 1$ . This is a breakdown of the operation of the junction where even the smallest of additional issues compound the problem disproportionately, making it an unsafe scenario for almost any junction, let alone a single site access junction for circa 600 homes. APPENDIX 3

2.4. The Inspector made his decision based on his understanding of the evidence he had before him at the time. A problem with any single point of evidence could be considered immaterial to the Inspectors decision. However the Inspector led by the developer's QC presenting factually incorrect evidence, made his decision on Highway Safety matters based on the many false and misleading items of

evidence before him that do not represent the actual Technical Engineering points of the proposed design. Some highlighted in our letter of 17th July and some discussed in this letter.

The only conclusion that can be drawn as to the reliability of the Technical Highways Engineering judgements noted by the Inspector in the Appeal Decision Notice is: It is implausible that any Inspector presented with the newly established facts, (which paint a significantly different picture to that presented by the appellant at the appeal), and even a moderate understanding of the key points of Highways Engineering capacity planning could have arrived at the same conclusions.

### 3. **Foundation model for this variation;**

The Inspector states in his point 24, *"I find no reason to doubt that the method used, including the omission of the DIA, is **appropriate and acceptable**. I therefore consider that the modelling carried out by the appellants provides a reasonable basis on which to judge the appeal proposal's impact on the Meadow Lane junction"*.

3.1. Below we list some of the points that directly affect the Technical Highways Safety assessment of the junction affecting this variation, the 'approved design' and the "Council's Fallback Scenario" that were presented by the appellant and taken at face value at the appeal and the Inspector found appropriate and acceptable.

	<b>Taken at face value</b>	<b>The Facts</b>
<b>1</b>	The capacity illustrations put forward by the appellant to explain how increasing the width of Meadow Lane significantly increased capacity of the junction.	These were for roundabouts. Meadow Lane is not a roundabout. Using this illustration, a 50% increase in the width of Meadow Lane assumes a proportionate increase in width in Longton Road.
<b>2</b>	The Inspector was told that the TRL equation to predict capacity at a priority controlled junction proved that widening the minor arm has a greater impact on capacity than an intervention affecting the flow of traffic on the major arm.	This is simply mathematically impossible using the equation. The result is always the opposite of what the appellant advised the Inspector. The appellant provided no evidence to back up this claim. The only way to materially increase capacity on Meadow Lane is to control the flow of traffic on Longton Road.

	<b>Taken at face value</b>	<b>The Facts</b>
3	The appellant did not identify and document the need for the DIA in the base model.	This is poor Engineering practice and highly unusual. The causes are obvious to anyone using the junction: Blocking manoeuvres caused by the PFS to the west, restricted view to the west due to the canal bridge, 40% of traffic > 30 mph, all causing low gap acceptance.
4	The appellant did not carry forward the DIA for right turners and provided no Highways Engineering justification as is required for the action.	This is fraud, contrary to Highways Engineering principles, and is contrary to TRL's guidance which requires identification of the need for the DIA in the base model, before it can be ruled out in the future model where it can be demonstrated that the cause has been mitigated. This is a serious safety concern.
5	The Inspector believed that the DIA affected right and left turners.	PINS upheld our complaint on this matter and despite being the main point of dispute and discussed at length in at least 8 different documents and testimonies, the Inspector failed to consider this fundamental point whilst drawing his conclusions.
6	The Inspector failed to consider the Highways Engineering fact, that an RFC of $\geq 1.0$ or LOS=F demonstrate a severe impact on the capacity and safety of the Meadow Lane junction as shown in the Council and KOMG models.	It was confirmed by PINS that had the Inspector considered this point of any significance to the appeal, he would have mentioned them in his Decision Notice. The fact is that these are significant points relating to Highway Safety and mean that the junction as designed can not operate safely as a single site access junction for c600 houses.
7	AECOM state (p8 - Meadow Lane s278 Technical Report) <i>"In conclusion the previous approved design provided a safe solution that has been improved upon in the revised design in terms of both safety and performance."</i>	Clearly in light of the many facts that are contrary to the "evidence" put forward by the appellant, it can not be assumed that the previous approved design provided "a safe solution" nor that the revised design, which is based on the previous approved design can improve the safety and performance of a flawed design.

	<b>Taken at face value</b>	<b>The Facts</b>
<b>8</b>	Knights FALLBACK: In their planning statement, Knights refer to the fallback position if this proposal is not approved.	Knights fallback position arrived by deceiving the Inspector is materially undermined by the points above and can not provide a safe junction design in Technical Highways Safety terms.
<b>9</b>	Inspectors FALLBACK: The Inspector states in his decision notice; <i>"But nevertheless, the existence of a practical fall-back position reinforces my view that the risk of a permanent severe or unacceptable highways impact is low."</i>	The key points of the fallback position referred to by the Inspector are that it has been constructed to sound engineering principles but has an RFC >1 and still contains the same safety issues related to geometry of the previous approved design. AECOM, the developer's new Transport experts are outspoken in their good work on capacity planning for priority controlled junctions, and even when a junction is not the only access on foot or by vehicle to a site, they conclude that an RFC >=1 means; <ul style="list-style-type: none"> <li>• Mitigation measures are needed</li> <li>• The impact on the highway network is severe</li> </ul> APPENDIX 4

3.2. What is now clear, which was not clear at the time of the appeal, is that in respect of the most important and significant points of evidence put forward by the appellant regarding the capacity and safety of the proposed design, they are completely factually wrong and it is on these points that the appeal turned.

#### **4. CONCLUSION**

4.1. The AECOM Design Team, are choosing to NOT implement the Safety Team recommendations or to otherwise mitigate the the NEW Highways Safety Risks highlighted by the AECOM Road Safety Team in the RSA 2.4.1. They could mitigate the risks, but are simply choosing not to bother and do not have any credible explanation. This is completely unacceptable to the local community.

4.2. The AECOM Design Team rely on the 'previously approved design', which has not be technically approved. They are relying on the opinion of an unqualified Inspector, rather than their own Highways Engineering expertise. Should they apply their Expertise and evaluate the previous approved work of Mr Oates they will find that it is unsafe and contains many Highways Engineering Technical

problems, not least of which the fact that it does not follow sound engineering principles nor the established principles of capacity assessment set out by TRL.

4.3. It should be made clear that with Knights 'fallback position' containing many material errors, it will be Council's Scenario that will become reality and thereby all of the Highways Safety Issues related to the reasons the Council determined that the proposed plans for the junction were unsafe in the first place will be realised. AECOM's professional Highways Engineers' prior work also endorses the Council's position on this fallback scenario and would recommend that an RFC  $\geq 1$  is unacceptable, would cause severe highways safety issues and would require further mitigation. APPENDIX 4

4.4. It is absolutely clear that there are so many issues with the technical approval of this junction that any other Inspector, in light of the facts would have no choice but to conclude otherwise about the capacity and safety of the proposed changes to the junction contained in the variation and in the prior design.

4.5. The only outcome, we as residents are looking for is the implementation of a junction with safe and suitable access to the Meadow Lane enclave of what will be c600 houses via a single junction that, once built can not be altered to mitigate the issues that will be caused.

4.6. We are happy to work with the developers to find a genuinely safe solution for the junction, and as we have requested before, the developers could simply commission AECOM to provide a capacity assessment of the junction that is transparently based on sound engineering principles, follows the guidance of TRL and shows that the proposed junction improvements can safely accommodate the vehicles and pedestrians who will use it. This is simple and quick enough for them to do and would confirm beyond any doubt whatsoever that the junction can provide safe access to the Meadow Lane site.

4.7. Also given the substantial evidence that shows that the Inspector was 'mislead' by the appellant and that another Inspector would now have little choice given the facts ( in the absence of a new AECOM assessment of capacity ), but to draw a different conclusion about the safety and capacity of the junction, we ask the Council to consider how section 278 can still apply? The Inspector's judgement was based on the misleading information put before him by the appellant and the facts about the junction are vastly different to those the Inspector believed at the time of his conclusion. The impact of the deception will be a materially less safe

junction that is oversaturated and a cause of entrapment and harm to pedestrians and vehicles; and as a matter of fact, the opposite of the conclusions stated by the Inspector;

4.8. Until the developer provides an updated Junctions 9 capacity model, **we OBJECT to the proposed variation and any reliance on the 'fallback' scenario, we also OBJECT to the use of section 278 given the significant and material difference the actual facts make to the assessment of the junction vs the conclusions the inspector was misled to by the appellant during the appeal.**

However, in the spirit of fairness, we would be content for the planning committee date to be pushed back to allow the developer's Highways Engineering experts, AECOM, time to complete the Junctions 9 model to demonstrate to the Planning Committee and the local community that the junction design is based on sound engineering, follows TRL's and AECOM's principles and will operate safely to benefit all users of the junction, including their own customers! If the developers can not afford to commission this piece of work from AECOM, then we as the local community will be happy to raise the funds.