

Wednesbury to Brierley Hill Extension

Evidence Given on Behalf of the Applicant: WMCA
Rebuttal to Evidence of Jonathan Parker



Transport and Works Act 1992

The Transport and Works

(Inquiries Procedure) Rules 2004

***West Midlands Combined Authority's (WMCA) EVIDENCE IN
REBUTTAL***

*OBJECTION OBJ/10 Intu Merry Hill – Evidence of Jonathan
Parker (OBJ/10/P2.1 and 2.2)*

TRANSPORT AND WORKS ACT 1992

Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order Inquiry

MARCH 2019

Evidence in Rebuttal of Objection OBJ/10 Intu

1. Proofs of evidence in connection with Objection OBJ/10 have been prepared by David G van der Lande [**OBJ/10/12.1 and 1.2**] and Jonathan Parker [**OBJ/10/P2.1 and 2.2**]. The points raised by Jonathan Parker within his proof documents are addressed below by the WMCA’s witnesses; silence on any matter should not be taken as indicating WMCA’s agreement.
2. The points raised are dealt with by WMCA’s witnesses as follows:

Issues raised in the proof of Jonathan Parker (documents OBJ/10/P2.1 and 2.2)	WMCA Witness
Construction Phase – 3.3 lack of information relating to: 1 Duration of works 2 Phasing of the works 3 Steps being taken to minimise impacts 4 Modelled impact	Ian Collins – Civil Engineering
Operation Phase – Level Street / Embankment Junction 3.5 Traffic modelling work completed by Mott MacDonald (November 2017) 3.7 a. Justification of signalised junction at Level Street/The Embankment b. Modelling of signalised junction c. Communication of the alterations to scheme design. 3.8 lack of access to VISSIM models	Himanshu Budhiraja – Transport and Traffic
Pedestrian Access (3.12 – 3.13 and Conclusions fourth bullet)	Ian Collins – Civil Engineering
Use of Merry Hill car parks for park and ride (3.10)	Peter Adams – Scheme Development

Introduction

3. This rebuttal has been prepared by Mr Peter Adams (Scheme Development witness), Mr Ian Collins (Civil Engineering witness) and Mr Himanshu Budhiraja (Transport and Traffic witness) in response to the proof of evidence of Mr Jonathan Parker (documents

OBJ/10/P2.1) on behalf of Intu.

Construction Phase (3.3)

The Objector's Evidence

4. In paragraph 3.3 of his proof of evidence [**OBJ/10/P2.1 and 2.2**], Mr Jonathan Parker states that *“There has been insufficient detail regarding the construction phase impacts of the Brierley Hill extension upon local highway networks. Specifically this includes information about:*
- *The duration of proposed highway works.*
 - *The proposed phasing of planned highway works.*
 - *Steps being taken to minimise impacts on highway users and iMH customers.*
 - *The modelled impact of any construction period.”*

The Promoter's Response

Ian Collins

5. Highway construction impacts (including; high-level construction duration estimates, likely construction phasing and steps planned to reduce impacts on highway users) of WBHE on affected roads are explained in general terms in Section 8.9 of my main proof of evidence [**APP/P3.1**]. Specific considerations for Level Street and The Embankment are described at Section 8.12 of my main proof of evidence [**APP/P3.1**].
6. Holiday period work embargoes have been agreed between WMCA and Intu, and are being taken into account by MMA in its construction planning. Please see my response to Section 8 of Mr David van der Lande's associated proof of evidence [**OBJ/10/P1.2 and APP/R1.1**].
7. It is quite usual practice for Transport and Works Act Order projects to be promoted at outline design stage, leaving details to be worked up once all necessary powers are in place and after the decision has been taken to proceed with the authorised works.

Operation Phase – Level Street / Embankment Junction (3.5, 3.7 and 3.8)

The Objector's Evidence

8. In paragraph 3.5 of his proof of evidence [**OBJ/10/P2.1**], Mr Jonathan Parker states that *“The original traffic modelling work completed by Mott MacDonald (presented within the Merry Hill Local Modal Report – 3838708/01/A – November 2017) confirmed that a number of local junctions would experience significant capacity issues in the future assessment year (2031) with the addition of the Brierley Hill extension. The most*

significant concern I have repeatedly identified relates to the future operation of the Level Street / The Embankment roundabout. This junction is directly affected by the route of the Brierley Hill extension and serves as a key point of access into iMH”.

9. In paragraph 3.7 of his proof of evidence (OBJ/10/P2.1), Mr Jonathan Parker states that *“These proposed highway alterations were later revoked by MMA, with a new approach presented on 8th February 2019. The new arrangement proposes that The Embankment would remain as a two-way road, suggesting it would continue to function adequately - despite a change in junction form and arrangement to accommodate the Metro route. Based on the evidence presented to date:*
- *It is not clear how a signalised junction at the intersection of The Embankment and Level Street could perform as effectively as the current roundabout does, with no loss of capacity for vehicle movements.*
 - *This uncertainty is particularly a concern for intu and iMH users, given the junction will also need to accommodate the additional through movement of metro services, which we anticipate will take priority over highway movements on all arms of the revised junction.*
 - *The reasoning, or rationale behind this fundamental and critical change in supporting infrastructure has not been communicated by the MMA.*
 - *Such a fundamental and unexplained late change to the mitigation package required to enable delivery of the Brierley Hill extension by the MMA, after almost two years of discussion, raises questions about the underlying traffic modelling.”*
10. In paragraph 3.8 of his proof of evidence [OBJ/10/P2.1], Mr Jonathan Parker states that *“Partially in response to concerns that intu and Dudley Metropolitan Borough Council have previously expressed, the MMA also commissioned Mott MacDonald to develop detailed microsimulation models of the three main highway corridors to iMH using the PTV VISSIM software. I understand this work has been completed and also requested access to these VISSIM models, which has not been permitted by the MMA. This has again prevented me from being able to review and understand the modelling process followed and ensuing results.”*
11. In support of his contentions Mr Parker relies on the following matters :
- Traffic modelling work completed by Mott MacDonald (November 2017);
 - Justification of signalised junction at level Street/The Embankment;
 - Modelling of signalised junction;
 - Communication of alterations to the scheme design; and

- Lack of access to VISSIM models.

The Promoter's Response

Himanshu Budhiraja

Traffic modelling work completed by Mott MacDonald (November 2017)

12. “The original traffic modelling work by Mott MacDonald (presented within the Merry Hill Local Model Report – 3838708/01/A – November 2017)”, referred to in Mr. Parker’s evidence, was an earlier working document that was shared with ITP, Transport Consultants acting for Intu; and Dudley Metropolitan Borough Council (DMBC) as a part of the on-going engagement. It was shared in order to obtain feedback from ITP and DMBC on this draft report produced by Mott MacDonald, who were commissioned by MMA (on behalf of WMCA). Following the feedback on this report from ITP and DMBC, Mott MacDonald was further commissioned to undertake follow on transport modelling work (Appendix R2.2). The document referred in Mr. Parker’s evidence **[OBJ10/P2.1]** was superseded by the report summarising the overall modelling work undertaken which is presented in my evidence (**[APP/4.3]** Appendix C).
13. As covered in my evidence (**[APP/4.1]** Page 23), the introduction of a signalised junction at Level Street/The Embankment causes some reassignment of traffic, with some impacts on junction performance of four junctions including Level Street/ The Embankment, Mill Street/The Boulevard, Dudley Road/Venture Way and Merry Hill/ The Boulevard. The changes to the junction performance is limited to small increase in Volume/Capacity (“V/C”) ratios and the junctions will still work satisfactorily (maximum V/C being within 95% for majority of the identified junctions) but with some queuing in congested periods for one or more turning movements, which is capable of being managed by optimising signal timings at these junctions to increase the overall throughput of the junctions.

Justification of signalised junction at level Street/The Embankment

14. As covered in my main proof of evidence (**[APP/4.1]** 2.16, Page 7), Level Street/The Embankment roundabout needs to be converted to a signalised crossroads to allow Metro to go through the junction safely.

Modelling of signalised junction

15. The impact of converting Level Street/The Embankment from its current form of a roundabout to a signalised junction, has been assessed using detailed transport modelling summarised in my main proof of evidence **[APP/4.1]**. The modelling

undertaken has accounted for movement of Metro through this junction.

16. Transport modelling shows that signalisation of Level Street/The Embankment junction will result in some rerouting. In the No WBHE (DM) scenario (refer to my main proof of evidence **[APP/4.1]** 5.5 (i), Page 17), vehicles use Level Street and The Embankment to access Merry Hill shopping centre. With WBHE (DS2) (**[APP/4.1]** 5.5 (iii), Page 17), some vehicles re-route via Central Way or The Boulevard due to the signal junction at The Embankment/ Level Street. This also causes some reassignment of traffic through the High Street/ Mill Street junction in Brierley Hill Town Centre and along Mill Street as outlined in my main proof of evidence (**[APP/4.1]** 5.20, Page 21).
17. The reassignment of traffic has some impacts on junction performance of four junctions: Level Street/ The Embankment, Mill Street/ The Boulevard, Dudley Road/Venture Way and Merry Hill/ The Boulevard. The changes to the junction performance is limited to small increase in V/C ratios and the junctions will still work satisfactorily (maximum v/c being within 95% for majority of the identified junctions) but with some queuing in congested period for one or more turning movements, capable of being managed by optimising signal timings at these junctions to increase the overall throughput of the junctions as outlined in my main proof of evidence (**[APP/4.1]** 5.21 and 5.22, Pages 22 and 23).
18. For the section of Level Street between its junction with High Street/Dudley Road and its junction with Pedmore Road (Level Street Key Area), the transport modelling predicts an overall reduction in traffic volumes as a result of reassignment to alternate routes. The reassignment is partly due to the new Level Street/The Embankment junction. In terms of journey times along Level Street Key Area, this additional delay is largely mitigated by traffic signal timing optimisation. However, travelling eastbound in the PM peak there is a predicted increase in journey times, caused by delay at the new signals and changes in traffic patterns. The overall highway performance analysis along Level Street Key Area, which takes into account the side roads, demonstrates there is an improvement with the introduction of WBHE, with reduced average delays in the interpeak and PM peak, as explained in my main proof of evidence (**[APP/4.1]** 6.11, Pages 29).

Communication of alterations to the scheme design

19. There has been continued dialogue with Intu and ITP in its capacity as consultant to Intu. The proposed alterations to the WBHE as a part of the outline design included making no permanent changes to the layout or functionality of The Embankment and for it to continue to operate as a two-way road with WBHE. The proposed alterations to the

junction were communicated to ITP, Transport Consultants acting for Intu, by an email dated 15 October 2018 (appendix B to my proof of evidence ([APP/4.3] Page 433) and again confirmed on 11 January 2019 (Appendix R1.2). Subsequently, a meeting was scheduled for 8 February 2019 with MMA, on behalf of WMCA, ITP and DMBC, to present the outcome of the transport modelling work undertaken to assess the impacts of WBHE in the vicinity of Merry Hill. In this meeting, the presentation also covered the proposed alterations to the WBHE (Appendix R1.2).

Lack of access to VISSIM models

20. The microsimulation models of the three main highway corridors to Intu Merry Hill using the PTV VISSIM software referred to in Mr. Parker's evidence were developed by MMA, on behalf of WMCA. Mott MacDonald was not commissioned to undertake this work. The scope of this modelling was discussed with ITP and DMBC as outlined in Appendix B to my proof of evidence ([APP/4.1] Appendix B). The results of this modelling were presented to ITP and DMBC in a meeting held on 8 February 2019 (Appendix R1.2). To the best of my knowledge access to the VISSIM models was not requested. Following the receipt of Mr. Parker's evidence [OBJ10/P2.1], I have asked Mr. Parker to clarify when this was requested. At the time of writing this evidence in rebuttal, I have not received an answer from Mr. Parker.

Conclusions

21. It is clear from the outcome of the modelling work that the residual cumulative impacts on the road network will not be severe.

Pedestrian Access (3.12 and Conclusions fourth bullet)

The Objector's Evidence

22. In paragraph 3.12 of his proof of evidence [OBJ/10/P2.1 and 2.2], Mr Jonathan Parker states that *"The MMA has not provided any detailed plans or assessment of how potential customers for iMH would access the site from the proposed Metro stop. This is pertinent given the significant difference in topographical levels between iMH and the proposed location of the Metro stop, which is not an insignificant issue – particularly for those who experience mobility impairments."*
23. In the fourth bullet to the Conclusions of his proof of evidence [OBJ/10/P2.1 and 2.2], Mr Jonathan Parker states that *"The MMA has not been able to demonstrate that pedestrians, especially those who experience mobility impairments, will be able to access Intu Merry Hill from the proposed metro stop, or that connectivity between*

Waterfront and iMH will be maintained without detriment to Intu and iMH users.”

The Promoter’s Response

Ian Collins

24. A walkway, lift shaft and stair well will link the Merry Hill tram stop with The Merry Hill Shopping Centre. Please refer to paragraph 11.6.7 of my main proof of evidence [APP/P3.1] and pages 116 and 117 of the approved Street Design Guide [WBHE/F17], where more details are provided.
25. With respect to pedestrian connectivity between the Waterfront and the Merry Hill Shopping Centre my colleague Himanshu Budhiraja at paragraph 5.23 vi of his main proof of evidence [APP/P4.1] notes that *“The pedestrian access will be safer with provision of controlled crossing facilities at the newly introduced traffic signals on all arms at Level Street/The embankment junction.”* The existing four arm roundabout at Level Street has three uncontrolled pedestrian crossings, there is no pedestrian crossing on the Level Street (West) arm. Introduction of the tramway will therefore improve pedestrian crossing facilities at this location.

Use of Merry Hill car parks for park and ride (3.10)

The Objector’s Evidence

26. In paragraph 3.10 of his proof of evidence [OBJ/10/P2.1], Mr Jonathan Parker states concerns over lack *“of a clear strategy as to how the operation of the Brierley Hill extension will not result in customers of the Metro choosing to use the free car parks available at iMH (Intu Merry Hill). This risks causing significant financial and operational harm to Intu and its tenants, as car parking spaces close to the Metro route are likely to be occupied by Metro users – reducing the availability of parking capacity for customers of iMH”*.

The Promoter’s Response

Peter Adams

27. In paragraph 5.2.27 of Mr Carter’ main proof of evidence [APP/2.1], in the context of describing the development of a spreadsheet-based model for Merry Hill Metro stop, my colleague Mr David Carter notes that *“public transport modal shares to/from Merry Hill increase as a result of the scheme from 11.5% to between 13.4% and 14.3%”*.
28. As Mr Carter notes in paragraph 5.2.28 of his main proof of evidence [APP/2.1] *“In addition to increasing public transport use and increasing visitor throughput at the Merry Hill centre, the modest modal shift from car to Metro has the potential to generate further*

benefits through reduced pressures on highway access routes and existing car parking facilities. These responses provide an opportunity for a further expansion in visitor numbers for car-bound travellers who may otherwise be put off due to congestion or car park capacity constraints."

29. The WMCA does not therefore consider this issue to be likely to give rise to problems. However, if such problems did occur then, since the Merry Hill Shopping Centre car parks are private and entirely within Intu's control, suitable measures to control parking and prevent long-stay park and ride car parking could be put in place.
30. Finally, the introduction of car parking charging at Merry Hill is envisaged and planned for in current strategic planning policy. The Black Country Core Strategy [WBHE/E23] envisages the focussing of development in four strategic centres, including Brierley Hill. On page 103 the Black Country Core Strategy considers the significant potential for new comparison retail development at Merry Hill, and states that:-

New comparison retail development within Merry Hill (part of Brierley Hill Strategic Centre) will be carefully controlled so that no additional comparison retail floorspace is brought into operation until all the following conditions are met:

- a) Adoption by the Local Planning Authority of the Area Action Plan for Brierley Hill;*
- b) Implementation of improvements to public transport, including completion of initiatives of equivalent quality and attractiveness to the proposed Metro extension from Wednesbury to Brierley Hill, and improvements to bus services connecting the centre with other locations in the Black Country and beyond, and other measures to improve accessibility to and circulation within the centre by non-car modes; and*
- c) Introduction of a car parking management regime including the use of parking charges compatible with those in the region's network of major centres.*

31. This strategic policy is reinforced by the local policies in the Brierley Hill Area Action Plan [WBHE/E29], which at paragraph 5.50 states that:-

It is anticipated that growth will ultimately have to be sustained by public transport and therefore more restrictive parking standards will be required to support the control and management of the growth in Brierley Hill.

32. In summary on this issue, WMCA does not consider that problems associated with informal park and ride will occur at Merry Hill, if they do the remedy lies entirely with Intu Merry Hill, and in any case such remedies are envisaged by both strategic and local planning policies in the event that comparison retail at the shopping centre is sought to

be expanded.