

intu

intu Merry Hill

Jonathan Parker –  
Transport

Proof of Evidence

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Contact:

Jonathon Parker

Integrated Transport Planning Ltd.  
32a Stoney Street  
The Lace Market  
Nottingham. NG1 1LL  
UNITED KINGDOM

0115 988 6905  
parker@itpworld.net  
www.itpworld.net



## Project Information Sheet

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## Word Count

2,263 words.

# 1. Experience and qualifications

- 1.1 My name is Jonathan Parker (BSc, FCHIT, MTPS, TPP). I am a Fellow of the Chartered Institute of Highways and Transport, as well as a Transport Planning Professional and a Visiting Research Fellow for the University of West of England.
- 1.2 I am the Managing Director of Integrated Transport Planning Ltd, a consultancy which specialises in the planning and development of multi-modal transport strategies, Travel Plans and integrated sustainable transport solutions to support residential, commercial and industrial developments across the UK and overseas. I have worked at ITP since 1998, when the company was founded.
- 1.3 I have over 28 years' experience in the development, implementation and evaluation of sustainably-focused transport strategies. In this time I have led some of the most pioneering 'smarter choices' research projects on behalf of the UK Department for Transport and won the CIHT Sustainability Award in both 2013 and 2014, and 'smarter travel professional of the year' in 2015. I am the lead author of the Department for Transport national best practice guidance in the fields of car sharing, car clubs and personal travel planning. I have also presented evidence as an expert witness on transportation matters at a variety of planning inquiries and Examinations in Public.
- 1.4 I also have considerable experience of working across the West Midlands; having advised the Black Country local authorities on their adopted Joint Core Strategy, and researched transport network capacity across the West Midlands region while HS2 and strategic highway improvements are delivered over the coming 20-year period. I have worked with the current owners of the Merry Hill Shopping Centre, intu, over a long period of time. In connection with the evidence presented in this paper, I have been involved with the Brierley Hill extension to the Midland Metro for the past three years, providing transport support and guidance to the scheme for our client Intu and I'm therefore very familiar with the area and the transport networks serving the appeal site.

## 2. Context

- 2.1 This Proof of Evidence (PoE) has been prepared on behalf on intu (the Appellant). It relates to the Wednesbury to Brierley Hill Land Acquisition Order for the proposed Midland Metro Extension between Wednesbury and Brierley Hill – herein referred to as the Brierley Hill extension.
- 2.2 Integrated Transport Planning (ITP) was commissioned by intu in 2015 to advise on both the strategic and localised impact the proposed Brierley Hill extension could have on their key asset – Intu Merry Hill (iMH).
- 2.3 My understanding is that intu does not object in principal to the Brierley Hill extension. It recognises the potential connectivity and accessibility benefits the metro will deliver for visitors to iMH and residents who live in the local area. However, intu is concerned by the lack of assurance I am currently able to provide them as to the extent of impact that the construction and operation of the Brierley Hill extension will have upon the local highway networks that are critical to the operation of iMH.
- 2.4 The principal reason I am unable to provide this assurance is the lack of detail we have been provided by the Midlands Metro Alliance (MMA) in respect of the mitigation measures that will be implemented during the course of Brierley Hill construction works, and following the scheme’s completion.

## Background

- 2.5 ITP has been party to consultation with the MMA and its term consultants Mott MacDonald, since 2015. We have been working to ensure a satisfactory position can be reached, such that ITP is able to confirm for intu that severe residual and cumulative impacts to the highway network on which the continued operation of iMH depends will not occur as a result of the Brierley Hill extension.
- 2.6 Our engagement with the MMA has also involved Dudley Metropolitan Borough Council (DMBC), who have similarly requested for the MMA to demonstrate that a severe impact on the operation and safety of the local highway network will not result from the Brierley Hill extension.
- 2.7 The critical element of work that has been completed by the MMA, with data provided by intu at their own expense, is the use of Merry Hill Local Model. The Merry Hill Local Model is derived from the wider area PRISM traffic model, which has then been used to create a more localised traffic model using the PTV VISUM software.

- 2.8 ITP, working on behalf of intu, has taken a proactive and robust approach since 2015 to facilitate a collaborative working arrangement with MMA. Regretfully the MMA:
- Has not provided an evidence base that is sufficiently detailed to demonstrate that severe detrimental impact will not be caused to the function of the highway network serving iMH, either during pre- or post-operation of the Brierley Hill extension.
  - Has been unable to demonstrate satisfactory performance of any mitigation measures proposed pre- or post-operation of the Brierley Hill extension, which is critically important in view of the high level of stress under which the local highway network currently operates.
- 2.9 Consequently, it has not been possible for ITP to form an independent conclusion on behalf of intu on the impact of the Brierley Hill extension to iMH. Any prospect of severe detriment to the local highway networks serving iMH would be highly unwelcome at a time of economic uncertainty in the retail market.

### 3. The case for the appellant

3.1 Based on the limited information provided by MMA to date, the case for the Appellant can be categorised into two areas (although not mutually exclusive) which are:

- Pre-opening of the Brierley Hill extension
- Post-opening of the Brierley Hill extension

3.2 I address each in turn below.

#### Pre-opening of the Brierley Hill extension

##### *Traffic Management*

3.3 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

3.4 An agreed strategy of highway works / mitigation package required to deliver the Brierley Hill extension has not been provided. It is therefore impossible to advise intu that their customers will be able to adequately access iMH during the construction phase, which risks serious and protracted financial harm to intu and the occupiers of iMH.

#### Post opening of the Brierley Hill extension

##### *Modelling of forecast traffic impacts*

3.5 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.

3.6 The original Merry Hill Local Modal Report – 3838708/01/A (from November 2017) proposed that, due to the Brierley Hill extension running through the centre of the Level Street / The Embankment roundabout, the whole junction would need to be signalised. This mitigation approach presents a fundamental issue for users of iMH, because:

- The Embankment would be required to operate as one-way road (southbound).
- In doing so it would remove northbound access to the junction for vehicles exiting iMH as is currently provided.

3.7 These proposed highway alterations were later revoked by MMA, with a new approach presented on 8<sup>th</sup> 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.

3.8 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.

3.9 In conclusion, insufficient information and supporting data have been shared by the MMA team to ensure transparency and clarity on the traffic modelling processes undertaken by Mott MacDonald in relation to the Brierley Hill extension. I have

consequently been unable to provide assurances to intu that the results of either the VISSUM or VISSIM modelling – which have sought to test the mitigated impact of the Brierley Hill extension – are accurate or appropriate. It therefore remains unclear whether severe highway network impacts could adversely affect the operation of key highway junctions and access routes into iMH following the opening of the Brierley Hill extension.

### *Potential Park and Ride*

- 3.10 The MMA has not provided any detail 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. 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.
- 3.11 I have raised this issue with MMA on behalf of intu, which has been largely dismissed with little or no evidence to suggest that it will not become a significant operational issue post-opening of the Brierley Hill extension.

### *Pedestrian access*

- 3.12 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.
- 3.13 Without the MMA presenting a coherent and comprehensive pedestrian access strategy it is difficult for intu to support the forecast patronage scenarios being attributed to the Brierley Hill extension in respect of people using the Metro to travel to iMH. As with other elements of modelling and forecasting, I have received limited detail or clarification as to the assumptions that underpin forecast passenger and pedestrian flows into iMH following the Brierley Hill extension. In addition, no impact on bus users or operation has been provided nor has a reliable estimate of Metro users been shared.

## 4. Conclusions

4.1 From my Proof of Evidence, the following conclusions can be drawn:

- Substantive and robust information regarding the construction impact of the Brierley Hill extension has not been provided by the Midland Metro Alliance. On this basis it is not possible for me to confirm for intu that visitors and staff travelling to iMH will not experience severe and protracted disruption over a prolonged period of time – risking financial harm to intu and its tenants.
- The traffic modelling undertaken to demonstrate the impact of the Brierley Hill extension, and proposed mitigation measures, on iMH has not been fully explained. I am therefore unable to advise intu that the Brierley Hill extension would not cause a severe impact on the immediate highway nor that customers would be able to adequately access iMH from the wider highway network, which was shown to experience significant delay in earlier traffic modelling work completed on behalf of the MMA.
- A key concern raised by intu is the possibility for iMH to be used as an informal 'Park and Ride' for the Brierley Hill extension. No clear strategy for preventing this outcome has been presented by the MMA. Consequently, I cannot advise intu that the iMH car would not experience demand for car parking spaces from commuters, thereby limiting the spaces available for iMH staff and customers and negatively impacting upon the retail experience and operation of the site.
- 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 the Waterfront and iMH will be maintained without detriment to intu and iMH users.

4.2 These critical issues will need to be addressed by the MMA if I am to be able to assure intu that it will not experience considerable and protracted negative impacts as a result of the highway network alterations being proposed to accommodate the Brierley Hill extension. I note that, if not addressed, these could result in negative financial and operational impacts for intu and its iMH tenants at a time when the retail sector is subject to considerable uncertainty.



Integrated Transport Planning Ltd  
Cornwall Buildings, 45 Newhall Street  
**Birmingham**  
B3 3QR UK  
+44 (0)121 213 4725

Integrated Transport Planning Ltd  
Castlemead  
Lower Castle Street  
**Bristol**  
BS1 3AG UK  
+44 (0)117 917 5155

Integrated Transport Planning Ltd  
6 Hay's Lane  
London Bridge  
**London**  
SE1 2HB UK  
+44 (0)203 300 1810

Integrated Transport Planning Ltd  
50 North Thirteenth Street  
**Milton Keynes**  
MK9 3BP UK  
+44 (0)1908 259 718

Integrated Transport Planning Ltd  
32a Stoney Street  
**Nottingham**  
NG1 1LL UK  
+44 (0)115 988 6905

[www.itpworld.net](http://www.itpworld.net)

