



# Highways Rebuttal to PoE

**London Electricity Board Depot, Churchfields Road**

**Churchfields Road BR3**

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## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.0</b>	<b>Site Access Design and Operation .....</b>	<b>2</b>
<b>3.0</b>	<b>Road Safety Audit .....</b>	<b>7</b>
<b>4.0</b>	<b>Residential Amenity .....</b>	<b>9</b>
<b>5.0</b>	<b>Mr Cowan's Proof of Evidence .....</b>	<b>12</b>
<b>6.0</b>	<b>Conclusions.....</b>	<b>14</b>

## Appendices

<b>Appendix A</b>	<b>COBA Vehicle Classifications</b>
<b>Appendix B</b>	<b>Road Safety Rebuttal</b>
<b>Appendix C</b>	<b>Highway Risk Assessment</b>
<b>Appendix D</b>	<b>Healthy Streets Assessment</b>
<b>Appendix E</b>	<b>Drawing 237324_AT _D12 Rev A</b>



## 1.0 Introduction

- 1.1 In this rebuttal I have not sought to provide a comprehensive response to the Council's evidence. The approach set out below is to identify specific matters referenced within the proof of evidence of Mr Nojan Rastani and Mr Jim Cowan on which the Inspector may find it helpful to have a written response in advance of the inquiry. If I have not responded to or referred to other points in the Appellant's evidence, it is not because I have accepted these points.
- 1.2 I present these rebuttal comments with reference to the specific paragraphs within both Mr Nojan Rastani and Mr Jim Cowan for ease of cross-referencing. This rebuttal proof responds to matters raised by the Council with respect to the following:
- Site Access Design and Operation
  - Road Safety Audit
  - Residential Amenity



## 2.0 Site Access Design and Operation

### Overview

- 2.1 LBB Highways provided comments to the application initially in September 2024, within this response no concerns are raised regarding the access arrangement or the level of HGV movements associated with the Scaffold Yard.
- 2.2 Given that in the intervening period, there has been no change to the access arrangement, or the number of HGVs associated with the yard (indeed the latter has been confirmed through surveys) the change in approach of LBB as shown in their Statement of Case and Proof of Evidence is considered to be perverse.
- 2.3 In an attempt to justify this change in approach Mr Ratani makes numerous references to residents' concerns<sup>1</sup>, and suggests that concerns that have been raised in relation to this Appeal have provided him with new information which has caused him to revise his previous professional opinion on the scheme. I find this surprising, given that the observations made by residents in response to the Appeal are no different to those that were raised through the application determination period (incl. how larger vehicles travel through the shared access road). Given the emphasis Mr Rastani's PoE places on residents' concerns when weighing up the planning merits of the proposed development, I can only assume he would have given due weight to those concerns when preparing his initial consultation response.
- 2.4 In addition to this, given Mr Rastani's critique of the Road Safety Audit that I commissioned in response to comments made by the planning officer in their Delegated Report, I can only assume that he would have visited the site to review the operation when reaching his conclusion that the scheme would not warrant a highways objection. If so, his change in opinion is all the more perverse in circumstances where the information that was presented in the Appellant's Statement of Case simply reinforced that which Mr Rastani considered and accepted when not objecting to Application 24/00815/FULL2.

### Vehicle Manoeuvres

- 2.5 Paragraph 6.8 contends that the access is unsafe for HGV manoeuvres due to a requirement for vehicles to occupy the opposing side of the carriageway to access or egress the junction. As outlined in my Proof of Evidence, this requirement is not unusual and is, in fact, acceptable in terms of national planning policy such as Manual for Streets 2 and the London Cycle Design Standards<sup>2</sup>. Indeed, it is evident from the video submitted by Olga Castleton (dated 11/09/2024) that vehicles associated with the adjacent Recycling Centre also cross the centre line of Churchfields Road, despite Mr Rastani suggesting the design of that junction precludes such activity<sup>3</sup>.
- 2.6 Similarly, the Road Safety Auditors witnessed a 16.5 metre articulated HGV entering the recycling centre via the operational access and stopping on the public highway whilst waiting

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<sup>1</sup> Residential concerns referenced in paragraphs 2.4, 2.5, 6.15, 7.13, 8.2, 10.13

<sup>2</sup> LCDS Chapter 5: "Provided drivers can make the turn within the overall road space available, it is rarely necessary to design so that they can do so while remaining entirely in a single nearside lane."

<sup>3</sup> See paragraph 6.12



for the gate to open. This is particularly relevant given that (i) this is a vehicle that is larger than those required to serve the Scaffold Yard, and, (ii) the HGV is being driven by the Council's contractor into a site over which the Council has full control, not only as planning authority but as owner. I struggle to understand how the Council can complain about similar incidents involving Masons' vehicles when this is practice already exists and is carried out by the Council's own contractors. The relevant extract from the Gateway RSE response (see **Appendix A**) is provided below as follows:



- 2.7 When considering the above, it is important to reiterate that the accident data that was presented in support of the Application and updated in my PoE does not show any accidents at this location. This gives further weight that vehicles performing turns like this is not inherently unsafe. I would go further than this. I would say it is fairly commonplace on roads across the Capital where space is at a premium such that it is frequently not possible to ensure junctions have large radii, as Mr Rastani appears to be suggesting is necessary in this case.
- 2.8 If this is indeed the case, I would also find this somewhat confusing in the context of his stated concerns for pedestrian safety, given it is recognised that shorter crossings (such as that at the entrance to the shared access road) are safer. Notably, Active Travel England in their Planning for Active Places resources outline that tightened corner radii have the benefit of reducing vehicle speeds to reinforce pedestrian priority and help maintain pedestrian desire lines and reduce the need for detours, improving both safety and accessibility<sup>4</sup> (see below).

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<sup>4</sup> <https://www.activetravelengland.gov.uk/planning-active-places/side-road-crossings>



This is further reiterated in Manual for Streets<sup>5</sup> as outlined in paragraph 3.11 of Mr Rastani's Proof.

## Side road treatments

Measures to reduce vehicles movements through a junction include turning or access restrictions. Physical measures, including raised entry treatments or tightened corner radii, aim to reduce the speed of turning vehicles while reinforcing pedestrian priority.

Interventions may include measures to reduce the number of vehicles moving through the junction, road markings to show priority or infrastructural measures to slow vehicles at conflict points.

The design of side road treatments should respond to the specific context and guided by:

- vehicle count data
- active travel usage
- network planning
- the local streetscape

2.9 In addition, this is not a new point which has only recently come to Mr Rastani's attention. The swept path analysis submitted as part of the Transport Statement showed that HGVs would be required to use this road space. No concerns regarding these movements were raised by Mr Rastani in his response to the application. Whilst the movements have been updated in the Appellant's Statement of Case using a more accurate topographical base, they show essentially the same movement that Mr Rastani reviewed and accepted in his consultation response.

2.10 At paras 7.2 – 7.5, Mr Rastani suggests that there is a difference between the number of vehicle trips assessed in the Transport Statement, and the number actually recorded in the November 2024 traffic surveys, such that the number of two-way trips is "over three times higher than the volume originally stated". This is demonstrably wrong: as Mr Rastani himself recognises (para 7.2) the figure of 20 trips per day which was set out in the Transport Statement was based the expectation that Masons would operate a fleet of ten scaffolding vehicles, with each undertaking a maximum of one job per day. It is obvious that this was referring only to HGV movements (because it was only these movements which were considered to be of concern to the Council), and that any other traffic (such as that associated with employees arriving by car) would be in addition to that. Critically (and as outlined above) there has been no change to the number of HGV movements presented in the Transport Statement throughout the planning process. Given that Mr Rastani has not expressed any concern about the use of the access road by ordinary motor vehicles (which is unsurprising in view of the number of private motor vehicles using the access road in connection with the RRC), and that the focus of his evidence is on the alleged unsuitability of the highway network to accommodate HGVs, I again struggle to understand what it is that has changed, such as to justify the change in Mr Rastani's position since his consultation response.

## Surveyed Vehicle Types

2.11 At paragraph 7.12 Mr Rastani states that the inclusion of 5% of daily HGV movements associated with the Recycling Centre is incorrect due to the separate access on Churchfields Road used by LBB refuse vehicles.

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<sup>5</sup> See figure 6.3 and paragraphs 6.3.12, 6.3.13 and 6.3.14





- 2.12 The survey data was reported as recorded by 360 TSL, which records vehicles in line with COBA vehicle classifications (see **Appendix A**). This is predicated on vehicles being grouped together based on the weight and number of axles a vehicle has. Whilst recording data in this manner is not atypical, it is not without limitation. For example, it does not provide a clear separation on the type and size of vehicles.
- 2.13 Given that there are crossovers between the OGV1 and OGV2 categories that are not easily picked up on-street, this can overestimate the number of HGVs that are recorded. This does not mean that the survey data is in anyway unreliable and, in the context of Mr Rastani's concern relates to 5 two-way movements across the average day, which is not considered significant, nor would it change my overarching conclusions in relation to the potential impact of the Scaffold Yard on the surrounding network.

## Access Safety

- 2.14 The Transport Statement submitted alongside the application utilised CrashMap data to determine the level of collisions that had occurred in the vicinity of the site. This is consistent with Planning Policy Guidance (PPG)<sup>6</sup> and the associated conclusions were clearly accepted by Mr Rastani insofar as the comments dated September 2024 stated the following:

*"From a road safety perspective, the accident data reveals that no personal injury accidents (PIAs) have been recorded at the junction where the site access intersects with Churchfields Road. Additionally, there have been no PIAs recorded within 200 meters of the site access. **This information is noteworthy because it demonstrates that the adjacent highway network section, which will be the focus of all transport activity related to the site, does not exhibit a poor safety record. Consequently, there are no design defects contributing to an unsafe environment for road users** [My emphasis]."*

- 2.15 Throughout Mr Rastani's PoE reference is made to resident safety concerns and near misses contradicting the conclusions outlined above. In addition, it is suggested that the collision data is limited as this does not account for near misses.
- 2.16 Notably the PPG outlines that collision data should be obtained for the most recent 3-year period, unless in an area with a recognised poor safety record when this should be increased to five years. I provide the following extract for ease of reference:

*"The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment: ...*

*...an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area..."*

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<sup>6</sup> Paragraph: 015 Reference ID: 42-015-20140306 of the Planning Policy Guidance on *Travel Plans, Transport Assessments and Statements* refers.



- 2.17 Significantly, the PPG makes no reference to near misses being incorporated into analysis. This is unsurprising, given that near misses are rarely (if ever) recorded by the Police, any reports are anecdotal, likely to be subjective and frequently without any supporting evidence.
- 2.18 On the whole, it is expected that near misses could well relate to perceived safety and injury risks rather than reflecting the actual highway layout and or injudicious use of the road network. As such, the use of the available, recorded collision data is the most appropriate measure for assessing the safety levels of the local highway network. Notably, this does not show any accidents being attributed to vehicles travelling to and from the Scaffold Yard.
- 2.19 The conclusions reached by Mr Rastani in his response to the planning application therefore remain. This is particularly evident given the Risk Assessment I have commissioned in response to Mr Rastani's critique of the Road Safety Audit submitted in support of the Appellant's Statement of Case shows very few accidents have occurred along Churchfields Road in the last twenty-five years.

## Summary

- 2.20 Despite Mr Rastani's best efforts to seek to distance himself from his previously stated professional opinion, there can be no question about the safety credentials of the transport network that is used by vehicles associated with the Scaffold Yard.
- 2.21 Equally, there can be no question that the way in which the Scaffold Yard vehicles use the transport network is anything but safe. As a Silver registered member of FORS, with drivers that regular visit much more constrained and busy parts of Central London, this is as to be expected.





## 3.0 Road Safety Audit

3.1 Mr Rastani's PoE criticises the Stage 1 Road Safety Audit which has been undertaken of the access arrangement, following the comments made in the Delegated Officers Report<sup>7</sup>. Notably:

- This was not requested by Mr Rastani, presumably as he had already formed the view there are no design defects associated with the adjacent road network that contribute to an unsafe environment for road users.
- It was acknowledged that there was no policy position requiring an audit.

3.2 In view of Mr Rastani's acknowledgement (para 8.1) that there was no requirement to carry out a Stage 1 Road Safety Audit, I find his criticisms of the RSA, and his complaint (at paras 8.3-8.4) that the Appellant has not gone on to Stage 2, Stage 3 or Stage 4 RSA difficult to understand. However, I have asked Gateway-RSP (the authors of the RSA) to respond. The full response is attached at **Appendix B**. In summary, Gateway-RSP note that:

- DMRB document GG 119 and the CIHT guidance both documents clearly state that RSAs are primarily used in the assessment of new highway schemes albeit are occasionally requested by a local highway authority or offered by a third party where no physical changes are proposed, as is the case here.
- It is unreasonable to criticise the use of CrashMap, or to imply that damage-only collisions are routinely relied upon to determine whether a given road environment is safe.
- The use of photographs to interpret road user behaviour can be misleading or lacking context, but in this instance they do not provide evidence of road safety issues.
- In the videos provided by residents, all road user interactions take place safely with no identifiable road safety problems such that they support the findings of the Stage 1 Road Safety Audit.
- The junction radii are appropriate in policy terms, particularly in the context of MfS which encourages small junction radii in urban environments.
- The suggestion that congestion is linked to road safety issues is considered to be incorrect given that it often creates a safer environment by slowing vehicles.
- The suggested mitigation, whilst not considered necessary, would provide some benefit through reducing the likelihood of vehicles waiting on the carriageway for example.

3.3 Having reviewed the comments made by Mr Rastani in his Proof of Evidence, it appears that he is suggesting a Highways Risk Assessment should be provided. This is evident from paragraph 10.10 which states that:

*"The RSA relied on outdated assumptions and was conducted during a low-activity period, failing to capture real-world risks."*

3.4 With this in mind, I have commissioned Gateway-RSP to undertake a Highways Risk Assessment. The outcome of this, which follows a methodology that takes into account guidance contained within the Design Manual for Roads and Bridges and the Institute of

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<sup>7</sup> See first paragraph of page 16 of the Delegated Decision Notice



Highway Engineers (IHE) document Well Managed Highway Liability Risk is included at **Appendix C**.

- 3.5 It confirms that, the design of the road network and the level and types of vehicles associated with the Scaffold Yard would:
- Not introduce any new risks in terms of the local highway network, including when accounting for changing vehicle numbers.
  - Not increase the risk of collisions on the assessed network beyond the 'low' value found in the baseline situation.
- 3.6 This is as to be expected, given by Mr Rastani's own previous conclusion that the design of the road network is not inherently unsafe.
- 3.7 Whilst he has of course sought to suggest the differences that exist between the traffic predictions and how the Scaffold Yard operates are a material consideration in his change of opinion, the types of vehicles that, by his own admission<sup>8</sup>, would have a greater impact on safety (i.e. HGVs) have not been the subject of any such change. As this has been taken into account by Gateway-RSP, his arguments should not be afforded any weight.

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<sup>8</sup> See paragraph 7.16 of Mr Rastani's Proof



## 4.0 Residential Amenity

### Overview

- 4.1 There are numerous references to residential amenity<sup>9</sup> in Mr Rastani's Proof of Evidence, including reference to Healthy Streets for London. Notably neither residential amenity nor Healthy Streets for London were referenced in the comments he provided in September 2024 with respect to the application, or in the Council's Statement of Case under the Transport heading.
- 4.2 Whilst Mr Rastani is now seemingly suggesting that the Scaffold Yard has an unacceptable impact on residential amenity, he provides no evidence to substantiate these claims. As with the operation of the site access, I again find this change in approach highly irregular given that
- he places a great emphasis upon the views of residents, which have not changed since the application was first made; and,
  - there are no material differences between how the Scaffold Yard operates that could feasibly be attributed to impacting on residential amenity (i.e. an increase in HGV activity over and above that which he concluded would be insignificant).
- 4.3 In light of this, I feel it would be beneficial for the Inspector to be provided with an empirical assessment of amenity using the *Healthy Streets Calculator* developed by Transport for London.

### Mr Rastani Proof of Evidence

- 4.4 Before I present the outcome of my Healthy Streets Calculator assessment, it is worth noting that whilst the Delegated Decision Report summarises a range of resident concerns that relate to amenity, these were clearly not sufficient to influence the opinion of Mr Rastani at that time. He raised no concerns relating to residential amenity let alone any so substantial that it would warrant him to recommend the application be refused. As noted above, given the concerns of residents have not changed since the application it is unfathomable that he has changed his view on this matter. This will become clearer as a result of the Healthy Streets Assessment that I have had to undertake to rebut this evident change in position.

### Healthy Streets Assessment

- 4.5 When considering residential amenity, it is important to recognise that this is a subjective matter and that there is not one established measure against which this can be tested. However, it is my view that the spreadsheet tool that Transport for London has developed as part of its Healthy Streets initiative provides a useful basis upon which to measure a variety of factors that contribute towards the overall character/amenity of an area from a transport perspective, such as:
- Vehicle flows

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<sup>9</sup> See paragraphs 2.4, 2.5, 6.20, and 7.8.



- Traffic composition
- Air quality
- Noise levels
- Quality of surfaces
- Safety

4.6 This is particularly evident given that Mr Rastani explicitly references Healthy Streets in his PoE, even if he does not provide any assessment against this part of the London Plan.

4.7 For the purposes of my Evidence, I have therefore utilised the TfL spreadsheet to establish a Healthy Streets score for an assumed baseline scenario that considers the situation prior to the Scaffold Yard being operational. I have also considered a scenario that considers the situation today with the Scaffold Yard operational.

4.8 To this end, I have had due regard to the surveyed traffic movements that are referenced in my PoE. I have also had regard to the pedestrian and cycle environment in the local area, based on my several visits to the site and taking into account the sensitive school drop off and pick up times.

4.9 The Healthy Streets toolkit provides a score out of 100 when determining the relative attractiveness of a street based on the elements outlined above. It should be noted that when it comes to interpreting results, it is stated that:

*“It is not possible to score a perfect 100 points in any one design because compromises and trade-offs inevitably need to be made.*

*... There is no threshold ‘acceptable’ Healthy Street Check score. Streets are neither ‘healthy’ or ‘unhealthy’ and their score will reflect the volume and mix of motorised traffic they are facilitating as well as design features. Some designs will deliver a greater uplift in score than others which may reflect physical, financial or political constraints on the project.”*

4.10 It should be noted that the Healthy Streets spreadsheet is not without limitation. For example, it is primarily aimed at residential developments with the aim of reducing private vehicle use. Clearly, when there is an operational requirement of vehicles to meet business needs, the opportunity to reduce vehicle use is more difficult.

4.11 However, conversely, measures such as the implementation of a Vehicle Management Plan (as proposed at the site) that are a specific policy requirement for commercial uses are not accounted for when taking into account how larger vehicles can be and, in the case of the Scaffold Yards are already managed.

4.12 When this is taken into account, it is my professional opinion that, on balance, the use of this tool provides a useful basis upon which to numerically quantify the amenity level of the shared access road and Churchfields Road, and how it could change as a result of the Appeal scheme introducing further vehicle trips.



## Shared Access Road

- 4.13 The results presented at **Appendix D** indicate that the Healthy Streets score for the shared access road without the Scaffold Yard traffic being present is 46. This indicates that the nature of the access road is one that does not have a particular characteristic that is anymore, or less, attractive and/or enjoyable than any other street within London that serves industrial uses.
- 4.14 The results presented at **Appendix D** indicate that the Healthy Streets score with trips associated with the Scaffold Yard present is also 46. This is unsurprising given the evidence I have presented which demonstrates that the Scaffold Yard has a minimal impact in terms of vehicle movements in particular. Whilst the Appeal Site includes a series of suggested mitigation, these have not impacted the score for various reasons:
- A Vehicle Management Plan with restrictions on routeing and maximum vehicle sizes cannot be accounted for within the score.
  - Any restriction on operational movements during certain periods of the day does not impact the peak hour on the shared route and therefore is not accounted for in the score.
  - Any upgrades along the pedestrian route does not impact the width of the route and thus does not change the score.

## Churchfields Road

- 4.15 The results presented at **Appendix D** indicate that the Healthy Streets score for Churchfields Road without the Scaffold Yard traffic being present is 41. Similarly to the shared access route, this score suggests that Churchfields Road does have a particular characteristic that is anymore, or less, attractive and/or enjoyable than any other street within London that serves a range of uses (incl. residential, education and industrial).
- 4.16 As shown in **Appendix D**, the future Healthy Streets score with trips associated with the Scaffold Yard included, is also 41. As outlined above, this would be expected given that the evidence I have presented which demonstrates that the Scaffold Yard has a minimal impact in terms of vehicle movements in particular.

## Summary

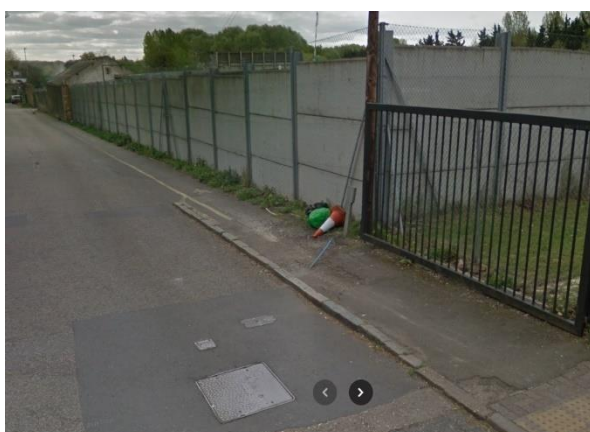
- 4.17 On the basis of the above, it is demonstrated that the proposed development will have no change to the Healthy Streets score for both the shared access route and Churchfields Road. This provides further evidence that the commentary relating to residential amenity in the Mr Rastani's Proof of Evidence is not justified.



## 5.0 Mr Cowan's Proof of Evidence

### Footway Impacts

- 5.1 It is suggested in Mr Cowan's evidence that the footway within the approach road is damaged due to overriding of the footway. Notably, the commentary does accept that this is 'allegedly [My emphasis] caused by the Appellant' rather than stating that this was categorically the case. This is welcomed and contrary to paragraph 7.6 of the Council's Statement of Case.
- 5.2 In light of the Mr Cowan's evident departure from the Council's position within its Statement of Case, it is clear that there is no firm evidence linking vehicles associated with the Scaffold Yard to the current state of repair of the footway that adjoins the shared access road. It is therefore somewhat surprising that this is still being presented in the Council's evidence as justification for the Appeal being dismissed, particularly given (i) the swept path drawings which I have produced and (ii) the numerous videos that have been provided by local residents which show Scaffold Yard HGVs entering and exiting the shared access road without overrunning any kerbs.
- 5.3 Notwithstanding this, I have undertaken a further review of available imagery. This supplements, and should be read in conjunction, with those images I have already provided at Appendix C of my PoE.
- 5.4 The outcome of this review indicates that the area of the footway on the shared access road that is in a state of disrepair are likely to be related to what appears to be incomplete highway works. This is shown below with the image on the left depicting 2017 and that on the right 2024. From these images it appears that works were being undertaken (note the blue pipe in particular) in 2017 and whilst somewhat resolved by 2024, it appears that the surfacing has not been completed.



- 5.5 Given that both periods are prior to operations commencing at the Scaffold Yard it is evident that, even if this was related to vehicle movements, this could not be attributed to the Scaffold Yard vehicles.
- 5.6 Notwithstanding this, I have shown how the footway provision along this route could be enhanced on my updated drawing 237324\_AT\_D12 Rev A, included at **Appendix E**. In the event that the potential raised footway I have shown was provided, the footway would be resurfaced along its entire length.



## Other Matters

- 5.7 In Mr Cowan's Proof he suggests that the Recycling Centre receives approximately 630 visitors per day by residents. Notably this is fewer than have been accounted for to date which suggests that the analysis presented in my Proof of Evidence is robust relative to 'typical' movements given the surveys recorded some 776 vehicles accessing the site per day on average between 19th and 25th November 2024.





## 6.0 Conclusions

- 6.1 It is evident from the details provided within this rebuttal that the change in approach from Mr Rastani is unfounded, particularly when considering the themes of HGV movements, access arrangements and highway safety. It is clear that the concluding remarks from his response to the application (September 2024) continue to apply insofar as:

*“...the trip attracting potential of the proposed development is not significant and will therefore not lead to a severe impact on the adjacent transport network.”*

- 6.2 I have also shown that any issues attributed to the footway that adjoins the shared access route are not caused by vehicles linked to the Scaffold Yard. They are evidently historic remnants of highway works that were not suitably finished.
- 6.3 I therefore maintain that the position taken by LBB with respect to the application was, and remains, entirely reasonable from a transportation and highways perspective. The conclusions within my PoE therefore equally remain and are not affected by the PoE prepared by both Mr Rastani and Mr Cowan.





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