Proof of Evidence of The Leeds Railway Station (Southern Entrance) Order

(LSSE.PTE/P/6.1)

Proof of Evidence Highways and Public Rights of Way
November 2012

Jason Smith
Mott MacDonald

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1 Introduction

1.1 Qualifications and Experience

1.1.1 I am Jason Smith, an Associate with Mott MacDonald, one of the UK's major engineering and management consultancies. I have 14 years' experience gained in the development of many major transport infrastructure projects. My qualifications are a BEng (hons) Degree in Civil Engineering from the University of Leeds, I am a Chartered Engineer and Member of the Institution of Civil Engineers.

1.1.2 I am Mott MacDonald's Project Manager for all of our inputs to the Leeds Railway Station (Southern Entrance) project. I have been involved in the development of a wide range of similar projects across the heavy and light rail/rapid transit sector. This has included development of the Leeds NGT trolleybus network proposals, Manchester Metrolink, Nottingham NET Phase 2 tramway, and the Sheffield Rotherham Tram Train scheme.

1.2 Scope of Evidence

1.2.1 My Proof covers the following:

- Traffic regulation on highways temporarily during construction and permanently to facilitate the operation of LSSE;
- Modifications to public rights of way.

1.3 Response to Statement of Matters

1.3.1 In this Proof of Evidence I will deal specifically with Items 5(j) and 7(b) in the Secretary of State's Statement of Matters, as follows:

5. The likely impact on residents, businesses and the environment of the scheme, during construction and after opening to the public, including:

   (j) right of way impacts for pedestrians and vehicle users, including impacts on rights of access to properties and deliveries to commercial premises, and safety considerations.

7. The measures proposed by the promoters for mitigating any adverse impacts of the scheme, including:

   (b) the proposed diversion for the right of way stopped up under the draft TWA Order;

1.3.2 My evidence closely relates to that of Mathew Murr, who sets out the case for the arrangements required to facilitate construction of the project. These arrangements drive the requirements for temporary highway and rights of way regulation.

1.3.3 My evidence also relates to that of Eileen Thomas who sets out the associated urban realm proposals to accompany the traffic restrictions contained in my evidence.

1.4 Glossary

1.4.1 This Proof of Evidence uses the abbreviations as contained in the overall Glossary (LSSE.PTE/P/8.1)

2 Highways within Order Limits

2.1 Introduction

2.1.1 The draft TWA Order seeks powers for various rights and traffic regulation measures on existing highways within the Order Limits. These include temporary rights during construction of the works, and permanent traffic regulation measures associated with the operation of the station entrance. I discuss both of these below.

2.2 Temporary Rights

2.2.1 Through Article 9 and Schedule 6 of the draft Order the Promoters seek the rights to close temporarily several streets within the Order Limits. These are:

a) Little Neville Street

b) Dark Neville Street

c) Neville Street

d) Footbridge over Aire and Calder Navigation at Waterman's Place

e) Meadow Lane

f) Water Lane

g) Granary Wharf Piazza

2.2.2 Temporary closure of these streets is required to ensure public safety during construction of the works. The intended use of these streets during construction is set out in the Proof of Evidence of Mathew Murr. The Promoters will minimise the use of highways in the vicinity of the Leeds Station Southern Entrance (LSSE) for construction traffic (including deliveries) through use of the Water Lane (near Bridge End) temporary construction site to facilitate deliveries to the immediate vicinity of the new Station entrance by barge.

2.2.3 Article 9 is based on the TWA Model Clauses, and is a standard provision which has been used in many TWAs. Temporary closure of the streets specified in Schedule 6 requires prior consultation with the relevant street authority.

2.2.4 Article 9 requires the Promoters to provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of these powers if there would otherwise be no such access. The Site Specific Construction Mitigation Measures document (more commonly referred to as a Construction Code of Practice and contained within LSSE A.18) sets out the general principles for site management and maintaining reasonable access such as:

a) A (construction) Traffic Management Plan (TMP) will be produced by the contractor in consultation with the local highway authority and emergency services. This would typically cover interference with highways, temporary access restrictions, routes for construction traffic, temporary layouts, control measures and monitoring. This is a requirement of draft planning condition 15 which states that '*no buildings work shall take place until a transport management plan has been submitted to and approved in writing by the local planning authority. The approved TMP shall be implemented in accordance with the timescales set out therein*.' In my view this reflects best practice, is required in the interests of highway safety and is appropriate for this scheme.

b) A requirement that the contractor employ a Liaison Manager who will produce a Community Engagement Plan detailing measures to minimise disruption to the local area. This includes attending local residents meetings and forums to consult with interested parties and to keep them informed on progress and future works including any restrictions which might affect them.

c) A requirement that the contractor prepares and implements a programme of road closures and other access restrictions. This would allow prior notice of closures to affected parties and discussion with the Liaison Manager before they are implemented.

2.2.5 Article 9 also includes provision for the temporary closure of streets not specifically listed in Schedule 6. At this time we do not foresee that additional temporary closures beyond those specified in Schedule 6 will be required. However, as the detailed design has not been completed, circumstances may arise whereby further temporary closures are necessary to expedite the authorised works. This is subject to the consent of the relevant street authority which, after due consideration, may attach conditions such as notice periods and minimum access requirements.

2.2.6 The types, durations and reasons for temporary access restrictions are covered in detail in the evidence given by Mathew Murr on construction related issues.

2.3 Permanent Traffic Regulation Measures

Introduction

2.3.1 Article 39 of the draft Order would give the Promoters the ability to regulate traffic on certain streets included in Schedule 11 of the draft Order. This article is based upon a precedented provision contained in article 50 of the Nottingham Express Transit System Order 2009.

2.3.2 The permanent traffic regulation measures sought are consistent with the overall approach proposed by the Promoters in relation to pedestrian access and taxi/drop off arrangements. LSSE is intended to provide an entrance aimed at pedestrians, rather than to encourage vehicular drop-off which would affect the wider traffic flow in the centre of Leeds. I do not believe it appropriate to provide specific measures to improve vehicular access either on Little Neville Street or in Granary Wharf as the LSSE location is set away from main access roads and provision of vehicular access could cause congestion and at times block access for businesses and residents. In addition it would create conflicts with the large numbers of passengers, in particular those dispersing from the LSSE eastern footbridge.

2.3.3 Instead, passengers wishing to be dropped off or picked up by motor vehicle would continue to use the designated facility at the station's northern entrance off Princes Square. This is only a short distance (around 250 metres) and a few minutes away for vehicles travelling from the south and has a drop off point and turnaround area. Network Rail as station operator also considers this appropriate.

2.3.4 The existing taxi rank at the northern entrance off New Station Street would remain and signage will direct all passengers wishing to travel by taxi to this facility. This is appropriate as this area has storage space for taxis and a marshalling facility usually controlled by on site staff. A taxi facility at LSSE would not benefit from these facilities as they could not be satisfactorily accommodated; primarily due to lack of space.

2.3.5 The Promoters therefore have sought specific appropriate powers on adopted highways to control vehicular movement on Little Neville Street and in the vicinity of Granary Wharf. These are sufficiently robust to deter pick up and drop off of passengers at times when this would create congestion, safety conflicts and inconvenience to local occupiers; but which also do not unduly interfere with the operations of local site occupiers. The implementation measures are covered in detail in the following sections.

2.3.6 Leeds City Council as local highway authority have reviewed the traffic regulation measures and restrictions and are satisfied that they are appropriate – please refer to their letter in Appendix A of this Proof.

Little Neville Street area

2.3.7 Currently, Little Neville Street is adopted highway and has "No Waiting at any time" restrictions, and five pay and display car parking spaces located on the eastern side of the street.

2.3.8 The LSSE proposals include the creation of a "Pedestrian Zone" on Little Neville Street. This will include raising the Little Neville Street carriageway to generally provide a 30mm upstand kerb to the footway and a new plaza between the highway, Blue Apartments Building and railway viaduct. A single sandstone sett paving type will be provided across the northern half of Little Neville Street and the new plaza area adjacent to the Blue Apartments Building, along with complementary measures to deter vehicles from this area, except where necessary for turning around. A single asphalt with tar spray surfacing will be provided across the remainder of Little Neville Street including both the carriageway and footway. The urban realm enhancements are considered in detail in the evidence provided by Eileen Thomas.

2.3.9 The creation of a 'Pedestrian Zone' through the urban realm together with traffic regulation measures would change the nature of the street to one dominated by pedestrians and not vehicles. This is required to help accommodate the large numbers of additional people from LSSE on this key route during peak periods, and reduce conflicts with vehicles. It is necessary to provide an attractive, safe and secure route to LSSE for pedestrians, and in my opinion this is best achieved through the creation of the type of 'Pedestrian Zone' included within the scheme proposals.

2.3.10 A dedicated Blue Badge Holder car parking space will be provided as part of the public realm improvements on Little Neville Street.

2.3.11 The traffic regulation powers sought on Little Neville Street would restrict vehicular access to prevent private vehicles, taxis and private hire vehicles from picking-up or dropping-off passengers at LSSE. This is necessary to reduce conflicts between pedestrians and vehicles; most particularly those vehicles attempting to set off or turnaround in a confined area (Little Neville Street) occupied by large numbers of pedestrians moving in various directions. As set out in Schedule 11 the restriction is "*Prohibition of driving between 7am and 10pm except for access to off-street premises, for loading/unloading by goods vehicles between 10am and 4pm, and 7pm and 7am'* (ie in the case of the latter up to 10pm in respect of the specified exemption from the prohibition of driving). Therefore, vehicles accessing off-street premises at the UKI building and the Hilton Hotel would continue to be able to use Little Neville Street at all times.

2.3.12 Loading/unloading is currently unrestricted. The main change from the existing situation therefore is that loading/unloading by goods vehicles would be limited to outside the peak hours of 7am to 10am and 4pm to 7pm. This is necessary to prevent goods vehicles manoeuvring in conflict with the significantly increased pedestrian flows (during peak periods) leading to safety issues in a confined environment. General access for all other vehicles would be restricted to between 10pm and 7am during which time the existing "No waiting at any time" restriction would remain; although loading could occur.

2.3.13 These changes have been discussed with Leeds City Council highway authority officers, who are in agreement to the restrictions proposed and consider them appropriate and not uncommon for a city centre location; I consider that these restrictions are necessary to create an attractive pedestrian route, to maintain access to off street premises and for the safety of the significantly increased number of pedestrians. I consider that these restrictions are appropriate for an entrance to one of the UK's busiest rail stations within a confined environment (narrow streets) in a city centre location.

Canal Wharf and Wharf Approach

2.3.14 At present, Canal Wharf and Wharf Approach are adopted highway and subject to No Waiting restrictions, Monday to Saturday between the hours of 8am to 6pm.

2.3.15 On Wharf Approach and Canal Wharf the draft TWA Order includes in Schedule 11 traffic regulation measures to prevent vehicles waiting on these highways to pick up passengers from LSSE and thereby causing congestion.

2.3.16 The Promoters propose (as included within the draft Order Schedule 11) "No Waiting at any time and No Loading at any time" restrictions on Wharf Approach between Water Lane and a point at the northern extent of the adopted highway immediately south of the Canal Bridge. Therefore vehicles would not be permitted to wait (including for the purpose of loading or unloading goods or for picking up and setting down passengers) on Wharf Approach at any time. This is necessary and appropriate in order to prevent vehicles from blocking the single access point to the Granary Wharf Estate (north of the Canal Bridge) and the associated business interests such as the undercroft parking and Doubletree hotel.

2.3.17 On Canal Wharf (between Water Lane and Wharf Approach) the Promoters propose "No Waiting at any time restrictions". Vehicles would only be allowed to wait for the for the purpose of loading or unloading goods from a vehicle. They would also be allowed to stop momentarily to pick up or set down pedestrians from a vehicle although not to wait. Therefore they would not be permitted to wait on Canal Wharf to pick up a pedestrian coming from LSSE or elsewhere. This is considered necessary and proportionate in order to maintain good access for the businesses along the street.

2.3.18 "No Waiting at any time and No Loading at any time" restrictions are proposed on Canal Wharf in the immediate vicinity of site entrances and the Water Lane junction. This is to help prevent entrances and junction approaches being blocked by vehicles.

2.3.19 I consider that these measures are necessary to prevent unwelcome use of Canal Wharf and Wharf Approach for pick up and drop off of pedestrians from LSSE. I consider that these measures will not unduly affect adjoining premises all of which have off street access and parking; and I note that none of the owners/ occupiers of these premises has objected on this basis.

Granary Wharf

2.3.20 Granary Wharf (immediately north of and accessed via Wharf Approach) is a private estate and is not subject to existing Traffic Regulation Orders. It is a pedestrianised area with servicing and loading permitted to the properties in Granary Wharf via Wharf Approach. Currently there is no formal right of way through the Granary Wharf area except for access to the parking areas under the station for the Doubletree Hotel and the residential developments.

2.3.21 Granary Wharf does not have any signing or access control measures to restrict vehicular access from the adopted highway at Wharf Approach. Vehicles can access Granary Wharf from Wharf Approach and undertake a loop-around manoeuvre in front of the Doubletree Hotel to egress via Wharf Approach. Certain manoeuvres within Granary Wharf are managed by lockable bollards.

2.3.22 There are no provisions sought in the draft Order to impose vehicular access control solutions on Granary Wharf. It is a private estate and therefore its owners already have the powers to control access as they see fit.

2.3.23 The only rights sought by the promoters in the permanent case are for (vehicular) maintenance access and a pedestrian right of access across Granary Wharf to LSSE. This would not prevent the owners developing their own access control solutions or compromise any such day to day access restrictions.

2.3.24 I consider that it is more appropriate for Granary Wharf's owners and representatives to specify any access control measures that they might require, rather than the Promoters specifying a solution through the TWAO. This is to avoid an inappropriate use of TWAO powers on private land to impose a solution which may conflict with site operations and the necessary requirements of the businesses and residents.

2.3.25 The scheme Promoters have engaged with the site owner and would be pleased to continue to work with their representatives to consider access control and how they may be supported in specifying and implementing this.

3 Public rights of Way within Order Limits

3.1 Introduction

3.1.1 The draft Order does not seek to stop up any public right of way without replacement. I discuss below the rights of way proposed to be stopped up with replacement.

3.2 Temporary Rights

3.2.1 One pedestrian route is proposed to be stopped up and replaced with an alternative route temporarily during construction. This is the existing used path which links the end of the path on the south side of the River Aire (adjacent to the Asda car park) through to the northern footway of Water Lane (at Bridge End). This path is to be stopped up between points TS1 and TS2 and replaced with a new path between points TP1 and TP2 linking to the northern footway of Meadow Lane. These points are as shown on the Traffic Regulation and Rights of Way plan (LSSE.A14).

3.2.2 This is a short diversion adding around 40 metres on the main desire lines to Bridge End (to the city centre) and the pedestrian crossing of Meadow Lane to

Dock Street/ Waterloo Street; which I consider will not unduly inconvenience users of the path. The temporary diversion is necessary for the purposes of maintaining pedestrian safety around the Water Lane (Bridge End) construction site.

3.3 Permanent Rights

Dark Neville Street

3.3.1 The existing pedestrian route along the footbridge on the south side of Dark Neville Street (between points PS1 and PS2 on the Traffic Regulation and Rights of Way plan LSSE.A14) is to be permanently stopped up and replaced with Work No. 1A – ie with the new pedestrian footbridge. Article 8 of the draft Order will only permit the existing route to be stopped up when either the new street to be substituted for it has been completed to the reasonable satisfaction of the street authority and is open for use, or a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and then maintained by the promoter, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street. An alternative pedestrian route already exists via the main bridge which is situated immediately adjacent to the footbridge to be removed. Although this alternative route may have temporary width restrictions imposed (due to construction site activity and hoarding) the width remaining will be greater than that on the footbridge to be removed. Therefore I consider that this alternative pedestrian route immediately alongside that to be stopped up will be satisfactory during construction and not unduly inconvenience users.

3.3.2 The closure and replacement of this route is an essential part of permitting LSSE to be constructed safely and will be used for the permanent works, therefore I consider this permanent stopping up and replacement is appropriate.

Granary Wharf Estate

3.3.3 Through Article 25 and Schedule 9 of the draft Order the Promoters seek new rights over land (Book of Reference numbers 103, 104, 105. 106, 109, 110, 111) within the Granary Wharf Estate between the adopted highway at Wharf Approach and the authorised works.

3.3.4 The powers of compulsory acquisition for land in Schedule 9 are limited to:

a) Pedestrian access to train passengers and visitors to Leeds Railway Station to and from the scheduled works and the adopted highway at Wharf Approach;

b) The creation of an easement or rights to allow the passage of persons or vehicles in connection with the construction or future maintenance of the authorised works.

3.3.5 I consider that these new rights are necessary in order to provide construction access and ensure long term maintenance access to LSSE. I also consider it necessary for the Promoters to acquire a right of pedestrian access across the Granary Wharf Estate so that the journey time saving benefits of LSSE can be guaranteed for those who live and work in the Canal Wharf and Holbeck Urban Village areas which are located to the west and south of the Granary Wharf Estate.

4 Other matters in objections

4.1 Granary Wharf

4.1.1 The Watermans Place Residents Committee objection (OBJ/26) expresses concern regarding additional pedestrian movements through the Granary Wharf Estate exacerbating "*problems caused by the lack of effective separation of vehicular traffic and pedestrians*". In addition various other objectors have raised concerns about current excessive driving speeds and existing poor visibility at the access and egress of the undercroft car parking.

4.1.2 The draft Order (Articles 21 and 25, and Schedule 9) seeks specific powers over part of the Granary Wharf Estate for pedestrian access for passengers and visitors to the Station. I agree that this will increase the numbers of pedestrians walking through this part of the Granary Wharf Estate.

4.1.3 The Estate is laid out as a "shared space" without full height kerbs and formal control measures such as guard railing. This is a recognised design approach for streets and other spaces, and in the Department for Transport's Local Transport Note LTN1/11 is taken as "*A street or place designed to improve pedestrian movement and comfort by reducing the dominance of motor vehicles and enabling all users to share the space rather than follow the clearly defined rules implied by more conventional designs*".

4.1.4 Shared space can be appropriate where vehicle speeds and volumes are low. There is anecdotal evidence (from the scheme objections) of taxis travelling at inappropriate speed through the Granary Wharf Estate. This is an existing problem and more likely to happen where there are few pedestrians and perceived risks. If this is an existing safety concern it is a matter for the owners and representatives of the Granary Wharf Estate who could monitor the situation and contact the relevant taxi companies to ensure that drivers are aware of what is required of them when passing through this area.

4.1.5 I recognise that vehicle speed has a significant influence on pedestrians' willingness to share a space, and drivers' willingness to give way to pedestrians. For shared space, a design speed of no more than 20mph is desirable and it should preferably be less than 15mph. Reducing vehicle speeds would be to the benefit of all users of the Granary Wharf Estate.

4.1.6 The significant increase in pedestrian numbers (with LSSE) should help reduce vehicle speeds through the Granary Wharf Estate. As noted in Local Transport Note LTN1/11 paragraph 3.24 '*When the behaviour of pedestrians becomes more difficult to predict, drivers tend to be more cautious. Drivers are more likely to behave courteously to pedestrians where they appear the dominant user group – the presence of pedestrians in the carriageway significantly increases the likelihood of drivers giving way.*' There is evidence to suggest that well designed shared space schemes in the appropriate settings can bring benefits in terms of visual amenity, economic performance and perceptions of personal safety – this conclusion is taken from the DfT Shared Space Project, Appraisal of Shared Space, November 2009.

4.1.7 In order to prevent high volumes of vehicles entering the Granary Wharf Estate, the owners might consider access control measures such as signage, barriers or bollards and access restrictions. The Promoters would be pleased to work with the estate owners to help specify and implement these measures should the owners consider them necessary.

4.1.8 LTN1/11 para 1.7 states that shared space makes "*drivers' progress within the street increasingly dependent on interpreting the behaviour of pedestrians, cyclists and other motorists*" and this underlies the shared space approach and how it operates in practice. Current pedestrian numbers through the shared space (Granary Wharf Estate) are relatively low as this area is generally used for access to the apartment blocks, Doubletree Hotel and businesses within the railway arches. By significantly increasing the volumes of pedestrians, the small numbers of motorists through this area will be encouraged to treat the area as shared space. I therefore disagree with the objectors' assertion that increased pedestrian volumes will result in "*increased problems and conflicts*".

4.2 Little Neville Street

4.2.1 The points made in relation to the benefits of a shared space environment also apply to Little Neville Street. However I note the following other points

a) Traffic speeds will be very low (generally less than 10mph) given the geometry of the highway and urban realm measures proposed as part of LSSE which will help improve safety;

b) Traffic volumes will be low and limited by access control restrictions which wll be enforced by Leeds City Council.

4.2.2 Several residents have objected on the basis that some deliveries currently take place late in the evening or early in the morning and they believe that LSSE traffic regulation measures may exacerbate this situation. The LSSE proposals only prohibit deliveries during peak periods and will allow deliveries between 10am and 4pm. Therefore I believe that the LSSE proposals will continue to provide ample opportunities for deliveries during the daytime; and the proposed arrangements will not therefore reduce the quality of residents lives.

5 Conclusions

5.1.1 The draft Order contains various provisions for traffic regulation, temporary closures, and stopping up and replacing existing highways and other rights of way.

5.1.2 I consider that the measures included within the draft Order are necessary and appropriate.

Appendix A

Letter from the local highway authority supporting the traffic and access restrictions proposed

Leeds
CITY COUNCIL

City Development
The Leonardo Building
2 Rossington Street
LEEDS
LS2 8HD

Contact: Andrew Hall
Tel: 0113 247 5296
Fax: 0113 247 6386
Email: Andrew.hall@leeeds.gov.uk

TWA Orders Unit
General Counsel's Office
Department for Transport
1/18 Great Minster House
33 Horseferry Road
London SW1P 4DR

FAO Caroline O'Neill

Our Ref: AWH/TS/1/0
Your ref:

12 October 2012

Dear Sirs,

THE PROPOSED LEEDS RAILWAY STATION TRANSPORT AND WORKS ACT ORDER

I am writing further to the Council's letter of support for the above application of 7 June 2012 concerning the proposed changes to Traffic Regulation Orders and access arrangements for Little Neville Street and other streets affected by the Leeds Station Southern Entrance proposals.

The proposed changes to Traffic Regulation Orders and access arrangements for Little Neville Street and other streets affected by the Leeds Station Southern Entrance have been considered by the Council as Highway Authority in conjunction with Metro as part of the evaluation and development of the full scheme proposals.

The City Council are satisfied with the restrictions proposed and consider them to be an appropriate way of addressing access to the new station access at a city centre location. I therefore agree that these restrictions are necessary and appropriate measures for securing effective access and egress to the rail station at the proposed location."

Yours sincerely,

Martin Farrington
Director