



National Highways

Catherine Townend, Spatial Planner

PROOF OF EVIDENCE REBUTTAL

TOWN & COUNTRY PLANNING ACT 1990

Appeal Reference	6006412
Planning Reference	25/00371/OUT
Site Location	Land West of Stapleford Lane, Stapleford, Nottingham, Nottinghamshire, NG9 6JG
Proposal	Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
Appellant	Bloor Homes

August 2026

1. Introduction

- 1.1. In this document I will address points made in the Planning Proof of Evidence by Mr Hicks (CD 10.02) and the Transport Proof of Evidence by Mr Frisby (CD 10.01), both on behalf of the appellant. I will address the respective proofs one at a time under subject matter related sub-headings.

Update to NPPF

- 1.2. Since the exchange of Proofs of Evidence, a revised National Planning Policy Framework (August 2026) has been published. This Rebuttal has been reviewed and updated, where necessary, to reflect the revised national policy position. Having undertaken that review, it remains my opinion that the changes do not materially affect the issues in dispute or alter National Highways' position in relation to this appeal. The conclusions of my Proof of Evidence and this Rebuttal therefore remain unchanged.

2. Response to the Planning Proof of Evidence by Mr Hicks

Main Area of Disagreement

- 2.1. A comparison of Mr Hicks' Proof of Evidence with my own Proof (CD 10.06) demonstrates that we are not completely in agreement on what constitutes the main areas of disagreement. Mr Hicks suggests that 'the sole issue is understood to be cumulative considerations' (paragraph 6.5).
- 2.2. To be clear, and as set out in National Highways' Statement of Case (CD 9.17) and my Proof of Evidence, the validation of the 'stand-alone' assessment and any approvals for physical changes to the SRN (if required) are also outstanding.

- 2.3. As such, where the transport Statement of Common Ground (“SoCG”) states: ‘the appeal may be able to “wash its own face” in respect of the proposed highway mitigation’ (referenced in paragraph 6.7 of Mr Hicks’ Proof), it is important to draw the distinction between the phrases ‘may be able to’ and ‘is able to’, and at this point in time, the appellant has not demonstrated the latter.
- 2.4. With regards the cumulative assessment, Mr Hicks considers it “*unreasonable*” of the Rule 6 parties to require additional Cumulative Assessment information (paragraph 6.18). This is not accepted. Indeed, from my experience, the requests of National Highways and Nottinghamshire County Council are unremarkable. They are, to put it bluntly, 'standard' requests which are routinely complied with by applicants at planning application stage. There is nothing unusual or especially onerous about them.

Policy Requirement

- 2.5. Mr Hicks doesn’t seem to dispute that there is a policy requirement for a cumulative assessment. Indeed, as mentioned in my Proof, this requirement was acknowledged by the appellant in their Planning Statement (CD 1.06) and original Transport Assessment (CD 2.10.1).
- 2.6. The area of dispute seems to be what the cumulative assessment needed to consider. Paragraph 6.9 of Mr Hicks’ Proof states ‘Local Plan Part 2 Policy 3.2 does not actually require the provision of a link road for the consents to be granted on the allocated sites’.
- 2.7. It is correct that the Local Plan Part 2 did not mention the provision of the link road. At the time the Part 2 Local Plan was produced, the link road had been conceived as being necessary to support the HS2 station and the associated

longer-term housing and employment growth that was seen as coming forward beyond the end of the Local Plan period.

- 2.8. Notwithstanding this, Policy 3.2 of the Local Plan Part 2 *does* state that ‘highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.’
- 2.9. I would suggest that over the passing of time, this ‘highway infrastructure’ is now identified to include the link road. Indeed, Mr Hicks notes in paragraph 6.11 that the link road is identified in the emerging Greater Nottingham Strategic Plan (“GNSP”), although he suggests that this plan carries limited weight.
- 2.10. Given that the GNSP has been subject to a recent Examination in Public (“EiP”), I would have thought that it carries more than limited weight (in accordance with paragraph DM4.1 of the NPPF and this is notably the view of Mr Nicholls in his Proof of Evidence (CD 10.04). I will however leave it to the planning witnesses to debate this matter further at the Inquiry.

Distinctions between Local Plan and Planning Application Assessments

- 2.11. Paragraph 6.13 of Mr Hicks’ Proof states that ‘what is difficult to understand is that the two highway authorities have represented the position to the EiP that the draft Toton allocations are sound and should be endorsed by the Inspectors, notwithstanding their continued position at this inquiry that there is insufficient information to assess the cumulative effects of the same allocations including the wider area of the Toton North application.’
- 2.12. Actually, my written representation to the EiP on behalf of National Highways (Appendix I of my Proof) stated that the emerging Local Plan *could* be found sound, although this is subject to clarification around traffic modelling, and demonstration that impacts on the SRN can be mitigated. In addition, National

Highways has sought clarification around infrastructure delivery mechanisms and highlighted the necessary approval route for the Toton link road.

- 2.13. Notwithstanding this, and as addressed in my Proof of Evidence, a Local Plan transport assessment is fundamentally different from a transport assessment for a particular site or allocation. For the former, traffic modelling is undertaken at a more strategic level to identify the broader implications of local plan growth. The detail is expected to follow in the transport assessments of the relevant planning applications. When these distinctions are properly understood, it is evident that there is no inconsistency between the positions of National Highways.

Prejudice to the remainder of the allocation

- 2.14. In paragraph 6.25, Mr Hicks states that no part of the appeal site would prejudice the remainder of the allocation coming forward. This has not been demonstrated.
- 2.15. For instance, the appellant is proposing a mitigation scheme at Bardills roundabout which it states will mitigate an otherwise severe highway impact. My concern is that this mitigation may be short-sighted and in the context of the wider allocation, may be unnecessary or even be abortive if it does not align with the Toton link road. Given the close proximity of Bardills roundabout to the approximate location of the new link road junction, this is a genuine possibility.
- 2.16. A subsequent concern is that this would increase infrastructure costs of the overall highway mitigation package and could consequently undermine the financial viability of the remainder of the allocation. In that regard, the appeal site *could* prejudice the remainder of the allocation, a concern that National Highways has raised from the start.

Planning Conditions and Obligations

- 2.17. Paragraphs 6.28 to 6.30 of Mr Hicks' Proof discuss the concept of a cumulative assessment being linked to the appeal site by way of a planning condition or obligation. This references other planning consents which include the provision of trigger point part way through a planning permission to provide additional information. It further states that discussions to this effect have taken place between the appellant, Broxtowe Borough Council ("Council"), and Nottinghamshire County Council.
- 2.18. National Highways appears not to have been invited to these discussions. We have however, been consulted by the Council on a draft Obligation schedule on which I have returned National Highways' comments (Appendix A). As far as I'm aware, this "proposed solution" was not raised at application stage. It was raised for the first time months after the appeal was lodged. I say "proposed solution" because I note that Mr Hicks has chosen his words very carefully. He does not, in fact, say that his clients were agreeable to this course. He simply says that it may be capable of overcoming the Rule 6 parties' concerns.
- 2.19. My principal area of concern with this is around the trigger point of 300 dwellings. I have sought clarification on where this figure has been derived, and I would stress that any trigger point needs to be evidenced based.
- 2.20. Considering my previously stated concerns around the potential for abortive works and future viability, I would suggest that the trigger point should be prior to any mitigation on the SRN being required. In the absence of agreed junction assessments, 69 dwellings might be acceptable. I say 69 dwellings as this number corresponds with the full planning consent sought under the hybrid

planning application for the same site (ref 25/00371/OUT). The number of vehicle trips derived from 69 dwellings would be below the threshold at which we would consider specific SRN junction impacts. This number is not non-negotiable, but justification for a larger number should be evidenced.

3. Response to Transport Proof of Evidence by Mr Frisby

- 3.1. Whilst there is some overlap in the positions of Mr Frisby and Mr Hicks, Mr Frisby's Proof centres around the modelling. As I did in my Proof of Evidence, I will draw a distinction between the cumulative modelling and the standalone assessment modelling.

Cumulative Modelling Assessment

- 3.2. Paragraph 1.2.4 of Mr Frisby's Proof of Evidence acknowledges that National Highways raised concerns around validity of the East Midlands Gateway Model ("EMGM") and says it will defer to SYSTRA. No submission by SYSTRA has been provided by the appellant. National Highways is also not able to call an expert modelling witness, and so it is that the finer details of the modelling disputes are unlikely to be discussed at the Inquiry.
- 3.3. Notwithstanding the above, I will try to explain the general issue and why it is a concern for National Highways, whilst addressing some of the arguments made in Mr Frisby's Proof.
- 3.4. Paragraph 2.2.20 of Mr Frisby's Proof states that National Highways raised concern over a modelling run that the EMGM doesn't validate well, despite being party to a Memorandum of Understanding with the same model being used for the GNSP evidence base.

- 3.5. As stated in my Proof (paragraph 7.15) local plan modelling is undertaken at a much higher level, and it is neither proportionate, nor necessary to validate every section of the model for this purpose. Any locally specific inaccuracies would be diluted when looking at the bigger picture, in any case.
- 3.6. Whilst this same validation issue is therefore not a concern for the local plan evidence base, it is a big concern with respect to this assessment. This is why National Highways' review begins with the model itself. It is important to have confidence that the model works as expected in the specific locality, as a flawed model will lead to flawed results.
- 3.7. Indeed, that is why the process begins with establishing the Area of Influence ("AoI") of the model (i.e.: the part of the strategic model that will be used in detail) and determining that the selected part of the model is 'fit for purpose' for its intended use.
- 3.8. It is therefore frustrating that the appellant has progressed with multiple modelling runs without first obtaining agreement from National Highways on the selected part of the model being 'fit for purpose'. Instead, some of National Highways' concerns, first set out in my email of 5 December 2025 (Appendix B) have still not been addressed. This includes a concern that certain links (sections of road) within the AiO are non-compliant with the Government's Transport Analysis Guidance ("TAG").
- 3.9. To assist the resolution, AECOM on behalf of National Highways subsequently created an Excel log to identify the items still outstanding. I shared this with the appellant's consultants on 30 July 2026 (Appendix C). Since sharing this, no items on this log have been addressed to my knowledge. However, without warning, the appellant provided a draft report of subsequent modelling runs on 3 August 2026 (the morning before the day for exchange of proofs). Given the

very short notice, I was unable to consider it or deal with it in my Proof, although an instruction was issued to AECOM who agreed to fast-track it and provide a response to me by 18 August. To ensure that the appellant was kept informed, I have arranged a meeting with the appellant's transport consultants and SYSTRA on 19 August. This will provide an opportunity for me to set out National Highways' position in response to fresh evidence provided by the appellant on 31 July and 3 August 2026. Following this meeting, I can provide a further update to the Inquiry.

Standalone Modelling Assessment

- 3.10. Mr Frisby's Proof states that generally, neither Nottinghamshire County Council nor National Highways are of the opinion that the appeal site alone will give rise to a residual cumulative severe impact on the highway network (paragraph 2.3.3).
- 3.11. As set out in my Proof, National Highways' view on the impacts are predicated on the traffic modelling which has not been validated. This applies to both the standalone assessment and the cumulative assessment.
- 3.12. In reference to the standalone assessment, paragraph 2.2.14 of Mr Frisby's Proof states the Council commissioned a 3rd Party consultant to undertake an independent peer review of the transport evidence base submitted in support of the application (CD 9.39).
- 3.13. This is somewhat confusing as Mr Otewell's Proof of Evidence (CD 10.03) on behalf of the Council states that 'The Council has not commissioned separate highways evidence and does not propose to advance independent technical

evidence on matters of highway capacity, traffic modelling, transport forecasting or highway safety' (paragraph 5.2).

3.14. Contrary to Mr Ottewell's Proof, it does seem that the above-mentioned 3rd Party report was commissioned by the Council. The need for this 3rd party report is unclear, as the highway authorities' review is itself, an independent review. It is also my understanding that the commissioning of this report was financed by the appellant.

3.15. Notwithstanding this, the 3rd party report concludes that the LinSig models have not been validated and should be viewed with caution (paragraph 6.1.2). It is precisely this validation of the LinSig models that National Highways has attempted to undertake but has been delayed in doing so, with the updated files only received on 31 July 2026. As stated in my Proof (paragraph 5.22), the validation of junction modelling files is standard practice undertaken as part of a transport assessment review. At the time of writing, AECOM on behalf of National Highways is undertaking a review of the LinSig files, and I hope to be able to provide an update on this matter at the Inquiry.

Why Planning Permission Should be Withheld

3.16. Paragraph 3.4.3 of Mr Frisby's Proof states that one question Nottinghamshire County Council and National Highways have refused to acknowledge is:

"If Toton West does not require the link road to satisfy paragraph 116 of the NPPF, why should permission be withheld pending agreement of the infrastructure package for the whole allocation."

3.17. I believe my Proof answers this question but nonetheless, I have set out the reasons clearly below:

- i. The appellant has not provided all necessary information in time to enable National Highways' validation of the conclusions of the standalone assessment. Due to this, the impact of the appeal site on SRN junctions is uncertain and a severe impact cannot therefore be ruled out. Paragraph TR6.4 of the NPPF (replacing paragraph 116) has therefore, not been satisfied for this reason first.
- ii. Paragraph TR6.4 of the NPPF states that: 'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, **including cumulative impacts**), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion'. I have emphasised the key words in this paragraph which I believe support National Highways' position that a cumulative assessment is necessary to understand the infrastructure package for the whole allocation. I would argue that the cumulative impacts of the other Toton parcels and Chetwynd Barracks are reasonable to include given that they are allocated in the adopted and emerging development plans.
- iii. Any mitigation required to support the Toton West site has not been tested within the context of the wider allocation including infrastructure necessary to support it. This is a concern because mitigation delivered to support the appeal site alone could be incompatible with any wider infrastructure schemes (such as the Toton link road) and may need to be effectively reversed when the link road is constructed.

This would amount to a considerable waste of time and money for multiple stakeholders (appellant, planning authority and highway authorities), not to mention an unnecessary inconvenience to the public arising from roadworks associated with the construction of a highway scheme that may ultimately be a temporary one.

From a policy perspective, I believe that this would be contrary to paragraph TR3.1.C of the NPPF which states that: *‘Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a **vision-led approach**; (my emphasis), as the mitigation solution may not be vision led.*

- iv. Furthermore, should the appellant deliver a mitigation scheme that is subsequently redundant (or worse, abortive), a question arises as to whether the appeal site has contributed to the infrastructure needed to support the whole allocation. If it hasn't, this would make the appeal site contrary to the emerging GNSP which specifies highway infrastructure on the SRN ‘to which all development must contribute’ (Policy 21.D.9).
- v. Finally, and perhaps most importantly, the appellant has split their development into three parcels (West, East, and North) and maintains that the appeal site alone (Toton West) does not have a severe impact or require mitigation. Of course, if you split a development into small enough parcels, you'd be able to make that case for almost any development. Indeed, the appellant could feasibly split the 420 dwellings subject of this appeal into ten separate planning applications of 42 dwellings. If so, the appellant would undoubtedly suggest that the first 42 dwellings have no material impact and should be approved. The point I am making is that this piecemeal approach does not constitute good planning and doesn't reflect the collective

impacts of the development. This is precisely the case National Highways has made with respect of the three Toton parcels.

Appendix List

1. Appendix A – National Highways comments and proposed changes to draft
Obligation schedule shared with the Council, 13 August 2026
2. Appendix B – National Highways email to Mode regarding model validation
concerns, 5 December 2025
3. Appendix C – National Highways email to Mode containing Excel log of outstanding
EMGM model queries, 30 July 2026