

IN THE TOWN HALL AT NEWARK

Date: 8 November 2011

Before:

Mr Robert Barker

The Planning Inspectorate

PUBLIC INQUIRY

**Supplementary Orders Inquiry
A46 Newark to Widmerpool**

Ms Lisa Busch appeared on behalf of the Highways Agency

Mr Richard Scriven appeared on behalf Mrs Paver

Mr Walmsley appeared on behalf Walmsley Autos Limited

Mr John Pugh-Smith appeared on behalf of PA Freight Services and Associated Companies

Transcript of the INQUIRY

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TRANSCRIPTION OF THE PROCEEDINGS

MR BARKER: It's ten o'clock, and time for me to open these inquiries. Can everybody hear me?

UNKNOWN: Not very well.

MR BARKER: Right. Well, I'll ask the Highways Agency to try and sort out that feedback on that microphone, please. In the interim I'll try and keep my voice up, although I probably won't be doing too much of the talking after the first 20 minutes. My name's Robert Barker. I'm a chartered civil engineer and I'm the inspector for these inquiries. I've been appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government to hold concurrent public local inquiries into a number of draft supplementary orders associated with works on the A46. Those orders are firstly, the A46 Trunk Road Newark to Widmerpool Improvement in Slip Roads, Margidunum Roundabout Detrunking Order; secondly, the A46 Trunk Road Newark to Widmerpool Improvement and Slip Roads Supplementary Side Roads Order Number 1; and thirdly, the A46 Newark to Widmerpool Improvement and Slip Roads Supplementary Compulsive Purchase Order Number 1. The draft orders were published on the 12th May 2011, and objection period closed on the

24th June 2011. For convenience, I now refer to these inquiries as the inquiry, as we are only sitting for one inquiry. Firstly, I've got some emergency procedures I should go through, I guess. If you hear the fire alarm, which is a bell, stop what you're doing, leave the building by the nearest exit - and the exits are there, there and there - assemble by the red telephone kiosks in the Market Square, opposite the Hobgoblin Pub, it says. Fire alarm tests - apparently Thursday morning at ten o'clock there is a short alarm bell test. I think those are the key points. If the fire bell goes, follow me. I should, just at this early stage, introduce the Independent Programme Officer, Jane Hallam, who's standing at the back of the hall at the moment, of Persona Associates. Most of you have probably dealt with Jane already. Her role is to essentially keep on top of the inquiry admin, the inquiry programme; she is the key go-between between you and me. Documentation be put in via her, please. She will maintain the inquiry library in her room at the back. She will maintain the document list and document numbers. Can I also mention as well that we're joined today by a colleague from the inspectorate, a Mr Wild-Smith (?), who's sitting near the back. He is just here to observe proceedings and will probably disappear later today; he certainly won't be here beyond today. I turn now to the reasons for the enquiry. It's necessary because objections to the second and third orders have been received and not withdrawn. Having heard all relevant objections and representations, I'll submit to the Secretaries of State a report on the matters, to include the gist of the evidence and

submissions heard at the inquiry, and any written representations, together with my conclusions and recommendations. The Secretaries of State will consider my report alongside all other representations received, and will issue a decision on the matter in due course. Right. Could I take appearances, please? Who appears for the Highways Agency?

MS BUSCH: Sir, (inaudible) S A Busch, spelt B-U-S-C-H, and I am acting for the Highways Agency, instructed by the Treasury Solicitor.

MR BARKER: Thank you. And I've got evidence ... a list of all your witnesses.

MS BUSCH: Yes, I shall be calling in the order that's currently set out on the timetable, Mr Geoff Bethel, Mr Ian Wildgoose, Mr David Elliot and Mr Alasdair MacDonald.

MR BARKER: Okay. Thank you. I turn, first of all, to PA Freight, as they are the principal objector.

MR PUGH-SMITH: Thank you very much, sir. Can everybody hear me alright? Is this on? Good. Sir, my name is, as you know, John Pugh-Smith. For those who need to spell that that's P-U-G-H hyphen Smith. I am also counsel. I'm instructed by Laytons Solicitors of London. Sir, as you are aware, I have seven witnesses to call at some indeterminate point in this inquiry timetable. Sir, not necessarily in this order, but my witnesses, in terms of, as it were, the length of their evidence, comprises that from Mr Andrew Morris, who is the Managing Director of PA Freight; secondly, Mr Jonathan Cage, who is the Managing Director of a firm of consultant engineers called Create; thirdly, Mr Malcolm Jones, who is a highway safety consultant;

fourthly, Mr Edward Watts, who is a health and safety consultant; fifth, Mr Paul Young, who is the regional representative for the British International Freight Association; sixthly, Mr Frank Collins, who is the Area Manager for the Road Haulage Association; and lastly, Mr Patrick Mercer, MP. And, sir, as you are aware, so far as Mr Mercer's availability is concerned, that has been given as Friday or this afternoon. As far as my other witnesses are concerned, we will talk about timetable in due course. Thank you.

MR BARKER: Thank you. Any other objectors, please?

UNKNOWN: Sir, the acoustics in this building are so bad (inaudible) we cannot hear clearly what's being said. Sorry to be a nuisance.

MR BARKER: No, it's not at all a nuisance. And that's despite the fact that the speakers are on.

UNKNOWN: (inaudible)

MR BARKER: Sorry? Right. Well, I apologise for this. Is there anybody there who can help with this, please?

UNKNOWN: We're just going to address it now.

MR BARKER: Okay. Objectors, then, please. We will try and sort this out, please. Yes? Thank you.

MR SCRIVEN: Yes. Richard Scriven. Scriven, S-C-R-I-V-E-N ...

MR BARKER: Yeah.

MR SCRIVEN: ... on behalf of my client, Donna Paver, P-A-V-E-R.

MR BARKER: Yes. Thank you, Mr Scriven, I have statements from you. Anybody else?

MR WALMSLEY: (inaudible) Walmsley.

MR BARKER: Thank you, Mr Walmsley; I have a statement from you. Thank you. There was one objection from a Mr Lawrence, which I know has been withdrawn, and I understand that Mr Lawrence now wishes to appear as a supporter. Is Mr Lawrence here? Thank you, Mr Lawrence. I haven't seen a statement from you at all in support of the proposal; has a statement been put in?

MR LAWRENCE: (inaudible)

MR BARKER: No. Okay. We've had one alternative proposal from PA Freight. I believe that's been formally advertised, Mr Pugh-Smith?

MR PUGH-SMITH: I believe so, sir. Well, sir, the process is a twofold one. What was initially circulated by the Highways Agency was an earlier iteration of the scheme that is going through planning with Newark and Sherwood. So far as the scheme that we are promoting at this inquiry is concerned, that which is going through planning, yes, it has been formally advertised, albeit not under the guise of this inquiry.

MR BARKER: Right.

MR PUGH-SMITH: But, sir, our evidence has been in for ...

MR BARKER: No, it's alright.

MR PUGH-SMITH: Well, I'll just say this, that obviously it's in the public domain and those who would need to know about it would presumably have been aware of it.

MR BARKER: Yeah. What I will ... what I will need ... what would help, I think, enormously, if both sides, particularly you, could consider the scenario where the Secretary of State decides to adopt your alternative ...

MR PUGH-SMITH: Yes.

MR BARKER: ... as a modification. I want ... I would like a submission in due course, but in time for both sides, other people to look at it, along the lines of, you know, if the recommendation was to make the order with the following modifications.

MR PUGH-SMITH: Yes.

MR BARKER: So that would help. But I would also like to consider the legal situation around it in terms of compulsory purchase or what land is available. We will get into the details of this with your witnesses, but ...

MR PUGH-SMITH: Of course.

MR BARKER: ... I want to understand ...

MR PUGH-SMITH: Yes.

MR BARKER: ... whether or not that is something that could actually be made, if that were ...

MR PUGH-SMITH: Well, sir, if I can help you now, because I think it is important that we focus on, as it were, solutions. The scheme is put forward upon the basis that the entirety of the land either falls within CPO, as made, and within my client's ownership, insofar as it may require any land, as within the context of this inquiry is concerned, that's a matter of, as it were, further focus.

MR BARKER: Yeah.

MR PUGH-SMITH: That's my understanding.

MR BARKER: Fine. Okay.

MR PUGH-SMITH: In other words it's deliverable for those very reasons.

MR BARKER: Yes. I'd like, Ms Busch, that I hear that tested fully, and I understand that, you know, in terms of looking at the paper, as it were, and understanding what that situation is on a plan and in orders. Okay.

MR PUGH-SMITH: Sir, can I just, because I am trying to keep a running note of what you want, sir. You want from the Highways Agency a plan plotting what would be required?

MR BARKER: Sorry, no. What I meant there was, and I'm going to come onto it in more detail, is that your alternative ...

MR PUGH-SMITH: Yes.

MR BARKER: ... which we've got a plan of ...

MR PUGH-SMITH: Yes.

MR BARKER: ... I want to make sure that I understand it and that this is tested before me, that that plan does what you've just said it did ...

MR PUGH-SMITH: Yes.

MR BARKER: ... in terms of land either from the CPO or from my client's ownership ...

MR PUGH-SMITH: From my client's ownership.

MR BARKER: Your client, sorry. Just paraphrasing what you were saying. That was all. I don't want a plan from anybody, other than that which is there, but I want to make sure I understand ...

MR PUGH-SMITH: Right.

MR BARKER: ... and I want to understand the legal situation in respect of that. You say it's been advertised; I want to understand whether it needs any further advertising or whether it stands, as it were, legally.

MR PUGH-SMITH: Oh, indeed.

MR BARKER: Okay. Can I just try this microphone again, to see if ... I don't know if that ... is that picking me up? Nodding sagely there.

UNKNOWN: I really feel, sir, it is totally unsatisfactory on an important issue that we can't hear clearly what ...

MR BARKER: Would it help ...

UNKNOWN: I'm not deaf.

MR BARKER: No, I know that. Would it help if you bring your chair much further forward?

UNKNOWN: (inaudible)

MR BARKER: No, I mean further forward into the pit, as it were, if you can't hear there. It might be that you hear the direct ... you hear the direct speech if you bring the chairs into this area.

UNKNOWN: I'll ... if you'll allow me to move.

MR BARKER: Well, give it a try now, by all means, please.

UNKNOWN: Sorry to be a nuisance.

MR BARKER: No, it's okay.

UNKNOWN: (inaudible)

MR BARKER: No, come into the centre so that ...

UNKNOWN: Let's try it here.

MR BARKER: Okay. Right. I turn now to the procedures for the inquiries. The Highway Inquiry Procedurals 1994 and the Compulsory Purchase Inquiry Procedurals 2007 shall apply as appropriate. Under these rules and, of course, subject to natural justice, I hold discretion in relation to procedures to be adopted and I shall apply that discretion as far as practicable to meet individual needs. Given the absence of a

pre-inquiry meeting I did issue a procedural note, so I'm not going to tend to dwell too long on procedures. I'm grateful to those who have submitted all the proofs in advance. I take it that everybody's received copies of the other sides, albeit, no doubt, they were all late and everybody's whinging as usual, but The procedure will be broadly as I set out in the procedure note, starting off with the case for the Highways Agency, then the supporter, then objectors. Whilst I've had summary evidence and will read the summary evidence, cross-examination will be on the full evidence and on any subsequent rebuttals. I have just had, hot off the press, and I hope you've had them as well, Mr Pugh-Smith, what look like rebuttals from the Highways Agency.

MR PUGH-SMITH: Yes, sir, about one minute to ten.

MR BARKER: Yes.

MR PUGH-SMITH: I will be commenting upon that later.

MR BARKER: Okay. Are you happy that we take rebuttals with evidence in-chief?
Is everybody happy with that?

MR PUGH-SMITH: Well ...

MR BARKER: Or do you want to leave them?

MR PUGH-SMITH: Well, sir, can I try and be helpful. Sir, these are grossly late. They should, actually, according to your procedural note, actually have been circulated close of business on the 28th October. Even allowing for, as it were, a degree of confusion that the 29th was not the 28th and was a Friday, we expected them by last Friday, the 4th. The start of the inquiry, sir ...

MR BARKER: Yeah, yeah.

MR PUGH-SMITH: ... does put us in a great deal of difficulty. But could I say this: we would like to know the entirety of the agency's case as soon as possible.

MR BARKER: Okay.

MR PUGH-SMITH: Including any further plans and changes they want to put forward before we actually respond to it. Because that puts us in, and puts me in particular in, quite a difficult situation as to what I can cross-examine upon ...

MR BARKER: Yes.

MR PUGH-SMITH: ... and what we can prepare ...

MR BARKER: Yes.

MR PUGH-SMITH: ... by way of rebuttal in advance to try and aid cross-examination.

MR BARKER: Yes. Okay.

MR PUGH-SMITH: So I would prefer these to be talked to today.

MR BARKER: Okay. Perhaps you would respond to that in due course, Ms Busch. Can we just have a look at the timetable, please. There is a draft ... let me just go through it quickly, because I've got concerns about the timetable. I know there are some restrictions on who can appear when. Tomorrow is very thin, if you pardon the expression, and I wonder, I mean, with the best will in the world, with just Mr Scriven and Mr Walmsley, we would have a serious part of the day left over, I guess, and I wonder whether we can bring forward the opening of your case, Mr Pugh-Smith, and either the two early witnesses or cross-examination, start of cross-examination of Highways Agency

witnesses. And that then leaves Wednesday ... sorry, Thursday afternoon and most of Friday still free for you to, if possible, either bring forward one or two witnesses from next week or carry on with cross-examination.

MR PUGH-SMITH: Well, sir, I've got a three-fold problem.

MR BARKER: Mmm hmm.

MR PUGH-SMITH: First, as you know, is that this inquiry was fixed without any consultation to us, therefore my principal client representative is not here in the country this week.

MR BARKER: That's Mr Morris?

MR PUGH-SMITH: That's Mr Morris. I've got availability problems with Mr Taylor and Mr Young in order to get them here to give evidence this week anyway, although we will do what we can to try and help. And, sir, I also want to call my evidence in a logical fashion as well, rather than done on, as it were ...

MR BARKER: Yeah.

MR PUGH-SMITH: ... out of sync. My problems are secondly compounded by the fact that we still haven't had all the evidence, because, sir, you'll recall that there was this covert CCTV surveillance that took place of my client's premises. We have concerns about the accuracy of the footage that has been disclosed already and the paper tables that have been produced. That was from one camera. A second camera, we're told, the data won't be available for us to look at until Tuesday of next week. And it makes my position rather difficult, because other

than putting broad propositions to the relevant witnesses about the shortcomings of the CCTV, I can't necessarily complete the exercise.

MR BARKER: Well, that's totally unacceptable. I mean, I ... firstly, why is the data not available until next week and what value is it?

MS BUSCH: Sir, that's news to me. I'll have to take instructions on it.

MR BARKER: Right. Well ...

MR PUGH-SMITH: Well, if I can continue. The third aspect concerns Mr Cage's position, because Mr Cage, to his credit, has tried to produce a draft rebuttal. The draft, at the moment, because, of course, we hadn't seen these documents until this morning, runs to 49 pages. The reason why he's done that is that this is his first opportunity to actually look at the Highways Agency case in the round. I would like the opportunity, and this may be where we can use time profitably, to ensure that he can complete this exercise, or certainly as a stage one exercise, so that we can actually hand it to the Highways Agency, so that when I cross-examine we actually are dealing with familiar documents, because that saves a lot of time.

MR BARKER: Yes.

MR PUGH-SMITH: So, that being the case, and even allowing, you know, for us, as it were, foreshortening the period that you indicated for rebuttals, which was three days before ...

MR BARKER: Evidence.

MR PUGH-SMITH: ... the evidence being given, which would be sometime next week by Mr Cage, sir, that would mean that there would have to be a break in your programme this week for us to actually complete this exercise.

MR BARKER: Mmm hmm.

MR PUGH-SMITH: And unfortunately logistically, whilst we are reasonably well set up, sir, we'd envisage trying to put this thing to bed on either Wednesday ... tomorrow afternoon or sometime on Thursday. Sir, what I would suggest at the moment is this, that I start my cross-examination, as indicated, on Thursday afternoon, and I will get as far as I can on Thursday afternoon and Friday until we break off to hear from Mr Mercer.

MR BARKER: Okay. So ...

MR PUGH-SMITH: And then I would call my witnesses next week.

MR BARKER: Can we call your witnesses on Tuesday?

MR PUGH-SMITH: Well, that's what I would wish to do.

MR BARKER: That's good.

MR PUGH-SMITH: Yeah. But it may be that we've still a bit of cross-examination or I have to go back and ...

MR BARKER: Well, that's fine. Okay. So those come forward. So tomorrow stays a thin day?

MR PUGH-SMITH: Yes. I think it will necessarily have to.

MR BARKER: Would, would it help at all if we moved the site visit to tomorrow afternoon, and we make use of some of the time on Thursday morning in here? Can we, can we, again, do that?

MR PUGH-SMITH: Well my, my problem is Mr Cage, in Mr Morris, Andrew Morris' absence, and also because he is my principal technical witness ...

MR BARKER: Yeah.

MR PUGH-SMITH: ... will need to accompany you, I need to spend time with him, even then.

MR BARKER: Yes.

MR PUGH-SMITH: I really would prefer, if you wouldn't mind, sir, to stay to the currently published programme.

MR BARKER: Okay.

MR PUGH-SMITH: Because I think you'll find, in the longer term, we will save time rather than lose it.

MR BARKER: Okay.

MR PUGH-SMITH: Because I think, sir, you will appreciate, when we are able to disclose this to the Agency, then we will be able to disclose it to the Agency. But the question is when.

MR BARKER: Okay. Any comments on it?

MS BUSCH: Well, sir, (inaudible) just dealing with the non-controversial side of it, so far as my witnesses are concerned, I'm in your hands. If you would prefer simply for, for the witnesses to, to read out their summary proofs, I'm happy to do so. I haven't, I had thought it might be helpful, in fact, to go into the evidence in rather more detail.

MR BARKER: No, no, I'm happy that you flush out the evidence as appropriate.

MS BUSCH: Yes.

MR BARKER: And I simply don't want to read verbatim the main proof, obviously.

MS BUSCH: No.

MR BARKER: But if, and it applies to both sides of course, if, if you wish to pick out any points, and I would expect you to, from the summaries, so ...

MS BUSCH: Well, yes. I mean I, in particular, Mr Wildgoose, I thought it would be helpful to go through the various plans and his attendances, and go through those.

MR BARKER: Yeah, that would help me a lot.

MS BUSCH: I have reservations about Mr Pugh-Smith cross-examining our witnesses ... well, interchanging his cross-examination with, with his evidence the way it seems to be set out here. I mean I, I feel much more comfortable if we, one way or the other, proceed in the normal way, which is that we present our evidence, that evidence is subject to cross-examination ...

MR BARKER: Yeah.

MS BUSCH: ... they present their evidence and ...

MR BARKER: Yes, I suspect this is a sort of third hand thing, with me ringing the programme officer and saying, "For Heaven's Sake, move people around", and it's, I think I would prefer it that way, and perhaps you would, Mr Pugh-Smith, I don't know, but to get the cross-examination through before we get into your, into the evidence.

MR PUGH-SMITH: Oh, yes.

MR BARKER: That's fine.

MR PUGH-SMITH: We've actually said that more than once ...

MR BARKER: Yeah.

MR PUGH-SMITH: ... I think, to the programme officer, that we don't want to interpose our witnesses other than Mr Mercer.

MR BARKER: No, right. And, and if that means that Taylor and Young move back a bit, fine, as long as ... we've had this problem as well of who's

available when and so on. Okay. Well, perhaps we'll leave it at that then. If I get the programme officer to rehash it and make sure that everybody's happy with the, with the timings.

MS BUSCH: Can I, for present purpose at least, proceed on the basis that Mr Pugh-Smith won't be calling any witnesses other than Mr Mercer this, this week?

MR PUGH-SMITH: Yes.

MR BARKER: Yes.

MS BUSCH: Thank you.

MR BARKER: I think that's fair to say.

MR PUGH-SMITH: And the CCTV footage ...

MR BARKER: Well I'd want, Ms Busch, I was going to take instructions on that. I want to hear about that in due course.

MR PUGH-SMITH: Indeed.

MR BARKER: Because I'm not, the way I'm thinking at the moment, it, it's far too late to submit stuff in next week. Because it's, it would be totally unfair to expect people to be, to be able to address that and take that on board.

MS BUSCH: Yes, sir, I'd have thought that should have been (inaudible).

MR BARKER: Right. Well, let's get it to PA please, and then let's review the situation perhaps this afternoon, if you're going to get it done today. Okay? And today means today, does it, not tonight?

MR PUGH-SMITH: Well what, what is it that we're going to get and where? Because we, we've had a hard drive sent to us with hours of CCTV footage, which we've looked into, which is, which raises concerns as to the

accuracy of spreadsheets that have been produced. If it's further spreadsheets, well, then we're going to have to see the CCTV footage to see again the extent to which the two marry up.

MS BUSCH: Sir, it, it might be best, I assume at some stage there will be a short break. It might be best if we, I get a full set of instructions and deal with it comprehensively.

MR BARKER: Okay, well come back to that immediately after the first adjournment. Okay. A number of written questions of clarification have been put to the Highways Agency. There is an Inquiry Document 317, OBJ317. I've not seen any written responses to those. If there are any, can we pick that up as a document or pick them up in evidence in-chief, please? I want these, those points of clarification, make sure those are all addressed by your, by your witnesses.

MR PUGH-SMITH: Well, sir, can I help you on that?

MR BARKER: Yeah.

MR PUGH-SMITH: Because sometime approaching late evening on Friday, I don't know when your evening started and began, sir, we did receive a response by email and some attached documents. We do need to actually still check that we've got everything, because certainly I've noticed that 2.1, attach the Road Safety Audit Brief for the whole scheme, but in fact we only got an email, a partial email chain, between auditors and designers. I mean, it's a matter I can raise in due course. I just give notice of it. But, sir, certainly there is a document now, it's the Treasury Assessor's letter of the 4th November with all these appendices, sir, which you will need to be taken through.

MR BARKER: Thank you. Is that in ... as a document? Can you just check, please, with the programme officer what document number it is? Because I want to make sure I've got it here.

MR PUGH-SMITH: And, sir, I think you'll appreciate, because that then has to be addressed by Mr Cage.

MR BARKER: Indeed. Can I ask the Agency to be sure to give response to all points of objection please, including any in written representations? Mention numbering of documents in sorting those out with the programme officer, please. I don't want any documents put in without an agreed number. It would help me enormously if the promoting authority and PA Freight, as the principal parties, could provide, at the end of the inquiry, copies of their closing statements.

MR PUGH-SMITH: Of course.

MR BARKER: And if at all possible, electronically, it would help enormously ...

MR PUGH-SMITH: Yes, of course.

MR BARKER: ... to the programme officer.

MR PUGH-SMITH: Email presumably?

MR BARKER: Yes, that would be fine.

MR PUGH-SMITH: Yeah, sure.

MR BARKER: And if I can have that in Word format as well, thank you. Just a brief word about matters of evidence; this is really just for objectors who don't appear regularly. Evidence doesn't increase in importance the more often it's repeated. I don't want any undue repetition. If somebody's already made the points that you were going to make, that's fine. Just refer back to it. I'd be grateful if everyone will note

that I can only discuss matters relating to the inquiry in public, so if anyone has anything to tell me, or needs to ask a question, please address me in here in public, so everybody can hear. Despite the fact I unfortunately am staying in the same hotel as the team on my left, as it turned out last night, and I do hope that that doesn't cause you any problems, but I certainly won't be discussing matters with them. I won't be liaising with, or speaking to, any parties outside the formal sitting sessions, except, of course, the programme officer. Site visits. I've already had a look at the site, although I didn't go into the site. I just looked at it from the public roads. I had a drive around yesterday afternoon just to make sure I was familiar with the site. We've pencilled in a site visit. I want to look at the site completely internally. I want to get a feel for how it operates, and I'd like to look at Mr Walmsley's and Ms Paver's land and, and any of the issues that are raised. We'll organise that a bit nearer the time, but I think it's booked in for Thursday morning, is it? Yes.

UNKNOWN: Can anyone attend this, sir?

MR BARKER: Yes, yes. Just to make a point for, for objectors, the inquiry won't be sitting at the time, so I can't take any evidence so if you start telling me all about your problems I'll stop you very shortly. But please bear with me. I'm just there for you to point out any of the matters that have been raised in evidence already. So, "This is the access we were telling you about, those are the lorries we were telling you about, that's the junction," and so on. I just want to get a feel for

how it operates and a feel for the issues and how the schemes address them, or would address them.

MR PUGH-SMITH: Sir, can I just say on that (inaudible) back in February, there will be a need for a health and safety briefing, and Hi-Vis stuff, and things like that.

MR BARKER: Absolutely. I've bought all sorts of things that I rarely get the chance to use, yellow coat, hard hat ...

MR PUGH-SMITH: Oh well, I'm sure ...

MR BARKER: ... heavy shoes.

MR PUGH-SMITH: ... I'm sure you'll be able to put them to, to very good effect this time.

MR BARKER: But yes, and, and I guess that would particularly apply, not only to myself, but to external people, shall we call them, objectors, who might wish to come on site.

MR PUGH-SMITH: Right, well ...

MR BARKER: Are you happy that, in Mr Morris' absence, the right people are going to be there to be able to show me how the site works?

MR PUGH-SMITH: Well, well, sir, I will have to take further instructions. It may well be, because of a situation that occurred in September last year where some misunderstandings arose, that you might have to go back for a second visit ...

MR BARKER: That's fine.

MR PUGH-SMITH: ... when he's present.

MR BARKER: That's fine. If that's the case ...

MR PUGH-SMITH: And also, sir, I don't know what, what the, the work programme is for Thursday.

MR BARKER: No.

MR PUGH-SMITH: And in, indeed that could be subject to change depending on whether there's high winds, as we had, again, back in February, which ...

MR BARKER: Yes.

MR PUGH-SMITH: ... means load movements are restricted.

MR BARKER: Right. And I, I might, I might go back unaccompanied if PA are happy for me to drive into their site, drive around, and don't, nobody need answer back now, but I just ...

MR PUGH-SMITH: No, sir. Sir, the only, the only point, I'm reminded by Mr Phillip Morris, who's Mr Andrew Morris's father, is that the site itself is totally secure. Obviously the lorry park isn't ...

MR BARKER: Right.

MR PUGH-SMITH: ... because of the incursions we've had ...

MR BARKER: Right.

MR PUGH-SMITH: ... since the construction work started. But let's talk about that in due, due course.

MR BARKER: Yes, okay.

MR PUGH-SMITH: Thank you.

MR BARKER: Just briefly, on matters of conduct throughout the inquiry, I'd be grateful if only one person, the, that person invited to speak does so. I think we've got PA systems at the witness table. My guess is we will move the witness table from side to side to suit whoever, so that when we do the Highways Agency witnesses, so that you can cross-examine looking that way, and vice versa that ...

MR PUGH-SMITH: I appreciate that. What I suggested to your programme officer was to perhaps set the table up with mikes as well.

MR BARKER: Yes.

MR PUGH-SMITH: That way then we would have ...

MR BARKER: Then we can have alternative ...

MR PUGH-SMITH: Yes.

MR BARKER: Just to make it easier, so that you don't look over your shoulders when you're cross-examining.

MR PUGH-SMITH: Yes.

MR BARKER: Okay. Just a final point on procedure. A set of all relevant documents and plans, including proofs of evidence, are kept on public display in the library at the, the other side, the other side of the hall. Make sure, please, both sides, that that's kept up to date if possible. As new documents are handed in, could I ask for one copy for me and one for the programme officer over and above those copies for the opposite sides, please. A brief word about the scope of the inquiry. First, I can't settle any points of law that may arise. I will, of course, include in my report the gist of any legal submissions made, if there are going to be any. I ask they be made, submitted in writing please, together with copies of any supporting documentation or transcripts of judgements, et cetera. I can't deal with the assessment of compensation, which will become a matter for negotiation, or, if agreement can't be reached, for determination by the Lands Tribunal, if the orders are eventually made. We can't debate the pros and cons of Government policies and methodologies,

design standards, economic assumptions and forecasts of traffic growth, although I don't think in this inquiry any of those are likely to crop up. I set out the tests that the statutes require for these orders, they were in the Procedure Note, the appendix to the Procedure Note, so I'm not going to read through those again, but they are there and I ask that you take those on board when you're addressing and giving your evidence. I have a document the Highways Agency have provided, which confirms that compliance with statutory procedures. I've asked this morning that a copy be made available for the objectors. We have transcription service during this inquiry, and I've asked the programme officer to keep a paper copy of the day's proceedings in the library. I guess they'll be there a day or so after the event, so that if anybody wants to check the accuracy of the transcriptions they can do so quite rapidly. They're also being emailed, I understand, to the main parties. There's attendance lists at the back; please sign those every day, please. I should mention that your personal contact details may be seen by others attending the inquiry. If you don't want details to be seen, please use a separate form.

MR PUGH-SMITH: Oh.

MR BARKER: Okay.

MS BUSCH: Can ... *(6 minutes missing of this recording)*

10 -40-36 – Recording yet to be received

11-00-36 – Recording yet to be received

11-20-36 – Recording yet to be received

11-51-35 – Recording only 10 mins 21 secs

MR BARKER: Mr Bethel, I've just looked through the papers. What I propose to do is tomorrow, after we've finished with the couple of objectors, I'd like to have a bit of a sort of a round table session with ... not a case of dealing with (inaudible), I just want to understand the orders, and you go through it in your papers, just get the order plans out.

MR BETHEL: Okay, that's fine.

MR BARKER: It should only be very brief, we're only talking about one ...

MR BETHEL: No, that's no problem.

MR BARKER: ... access, just to understand the legal technicalities of the orders. And, as I say, we needn't ... the advocates can sit in if they want, but I wasn't going to take evidence, but certainly want people from both sides there.

MR BETHEL: Okay.

MR BARKER: So other than that I've got no further questions at the moment, but may well have when you come to be cross-examined.

MR BETHEL: Okay. That's fine. Thank you.

MR BARKER: Okay. Your next witness, then?

MS BUSCH: (inaudible).

MR BARKER: I've asked the programme officer to knock up a draft revised programme, as I understand it, and just make sure everybody's happy we've got the right ...

MR PUGH-SMITH: Sir, could I just mention (inaudible), one which Mr Scriven raised with me as to whether he was entitled to ask questions of the Highways Agency's witnesses.

MR BARKER: Yes.

MR PUGH-SMITH: And I said that my understanding was that he could.

MR BARKER: Yes.

MR PUGH-SMITH: So it occurs to me, subject to what Mr Scriven has to say, that if the programme officer is revising the programme she might actually recognise that right ...

MR BARKER: Yes.

MR PUGH-SMITH: ... his right on behalf of his client.

MR BARKER: I did actually ask the programme officer in ... well, whenever it was, a few days or weeks ago, to actually ask objectors if they want to ...

MR PUGH-SMITH: Yeah.

MR BARKER: And she may or may not have done. But certainly that's ... there's an opportunity to do that. Are you going to be here on and off throughout the inquiry?

MR SCRIVEN: No, I only propose to be here probably until lunchtime today and tomorrow.

MR BARKER: Right. Do you know who you want to ask questions of?

MR SCRIVEN: Yes, Mr Bethel and Mr Wildgoose (inaudible).

MR BARKER: Right. In that case should we recall Mr Bethel before Mr Wildgoose gets too comfortable and then by all means you can ask questions, Mr Scriven.

MR SCRIVEN: Right.

MR PUGH-SMITH: Sir, the other matter concerns the CCTV footage. You'll note the comment in Mr Bethel's rebuttal, your expectation was that Ms Busch

respond after the mid-morning break, if it has to be longer it has to be longer, but if we could have a response that would be very helpful.

MR BARKER: Yes.

MS BUSCH: (inaudible) available as yet, but there is somebody in the back offices, so to speak, who is chasing the matter up, so ...

MR BARKER: Could you give us any idea when that's likely to be, please?

MS BUSCH: Well, I mean, literally it's as soon the phone call is taken whether he's ...

MR BARKER: Available.

MS BUSCH: ... in a meeting or ...

MR BARKER: Okay.

MS BUSCH: ... on his way, I don't know, but we are making the relevant inquiries.

MR BARKER: Well, as soon as you can, please. Okay, Mr Scriven ...

MR SCRIVEN: Yes. I'd like to ask Mr Bethel, I'm intrigued to know a little bit more about the comment about detailed designs, the detailed design work that's been carried out, particularly in relation to my client's access, particularly, as I understand it, that the majority of the route will be open to traffic in the next few weeks and certainly before Christmas of this year, when do they actually propose to do this design work?

MR BETHEL: Mr Wildgoose is probably in a better position to answer where we are currently with the design, but the design, sir, is ongoing. We don't start a scheme with all of the design completed, it develops as you go through the scheme and the fact that the road will be open, that area around Farndon Road will not be completed, obviously because we have to provide a means of access for PA Freight. So I can't give you

an exact date - I'm not sure whether Mr Wildgoose will be able to do that – when that part of the design will be completed, but it is in the detail, it's ...

MR BARKER: Mr Wildgoose, when you come to give evidence perhaps you can respond to that point. Okay, Mr Scriven?

MR SCRIVEN: Thank you for that. Is Mr Wildgoose going to be better able to answer questions in relation to noise, lights, lighting levels, drainage and other matters?

MR BETHEL: Again, I would suggest that Mr Wildgoose is probably in a better position to answer those than I am. I don't get involved in the detail of the design at all, so I think ... Ian, are you happy to take those on?

MR WILDGOOSE: I'll take that, yeah.

MR BETHEL: Yeah.

MR BARKER: Do those go to the questions before this inquiry as regards the supplementary orders?

MR SCRIVEN: Sir, they're points that I particularly made in my representations.

MR BARKER: Okay.

MR SCRIVEN: (inaudible). And finally, I just want to know, are you aware, Mr Bethel, of any particular changes to the layout of the road apart from anything that may be affected by this inquiry? And I particularly ask because I'm aware that there have been some ... some modifications to the scheme in recent months, particularly relating to a safety audit that was carried out on my client's property that resulted in a realignment of part of Farndon Road, which obviously was quite concerning for me, as I was under the impression the scheme was

substantially ... was substantially designed well before construction started.

MR BETHEL: No, the scheme is never substantially designed before construction started. We have an outline of the design of the scheme and the details of the scheme will be designed as we go through it, so that sort of addresses that one. I think again you're probably better talking to Ian Wildgoose, as the designer of the scheme or the representative of the designer of the scheme, rather than talking to me about that. And I'm sure Ian will be able to answer that question much better than I can.

MR BARKER: But presumably any amendments to the scheme that Mr Scriven is talking about would lie within the limits of the orders already published, presumably?

MR BETHEL: Yes. Yeah.

MR BARKER: Okay. Mr Scriven?

MR SCRIVEN: That's it for now.

MR BARKER: Okay. Thank you. Thank you, Mr Scriven.

MS BUSCH: Thank you, (inaudible). The documents we need to have before us are again just your documents, but they comprise your summary proof, your main proof of evidence, the appendices to your main proof of evidence and you then have your response, your rebuttal document and appendices to the rebuttal.

MR BARKER: (inaudible)?

MS BUSCH: The appendices? It's HA16.

MR PUGH-SMITH: Sorry, do I have a copy? Sorry, is there an appendix to the rebuttal?

Ah, right. Thank you.

UNKNOWN: I don't have a rebuttal.

MS BUSCH: The rebuttal is ...

MR BARKER: 12.

MR PUGH-SMITH: Right.

MS BUSCH: It's 4 on my ...

MR BARKER: Bethel, Bethel, Bethel, Donald, Elliott, (inaudible). 10. So what was 16? Is that this?

MR PUGH-SMITH: Yes. Sir, I'm going to ask for an adjournment, at least for a copy of this to be made available for Mr Cage to follow.

MR BARKER: Yes.

MR PUGH-SMITH: Sir ...

MR BARKER: I'd like to read it.

MR PUGH-SMITH: ... I have to say this now. To be late in your rebuttals is unfortunate, but then the rebuttals to be incomplete, sir, is seriously disadvantageous to the objectors, and in terms of the qualities of arms, sir, there's an unfortunate inequality that is continuing to pervade this inquiry already. And I put down a marker now, sir, that if I need more time, sir, I will ask for more time, and I have every reason to request it. Sir, could we have another copy, please?

(End of recording 11-51-35)

12-02-02 – 2 minutes – adjourning for lunch

MR BARKER: (inaudible) for the rest of the afternoon. If it proves to be a nightmare (inaudible) we consider relocating to the room in the back there, sort of a last ditch thing, but I think it would be better in there. Okay. I've been given a glimpse of the draft outline programme which hopefully takes on board what we were talking about this morning. (inaudible). Okay. Mr Wildgoose, unfortunately the appendices, Appendix 2, the disc, I couldn't open it. Perhaps we can look at that in the inquiry and just ... well, I looked at it on the programme officer's computer and it won't open it, so, hopefully it will open here in due course (inaudible). I understand the objectors had similar problems. We really ought to address this before we get to this point, so we should check this up based on where it was put together, (inaudible). Right, carry on, please, Miss Busch.

MISS BUSCH: Thank you, sir. I ... Mr Wildgoose, you, I think, had run through your summary proof of evidence, your main proof of evidence, appendices to your main proof of evidence, your rebuttal proof and appendices to your rebuttal proof. And what I am going to do first is I'll introduce you from paragraph 1.2 of your main proof and then I'll ask you to read the summary proof and I then I want ... well, in terms of the main proof the particular aim of going through the appendices to your main

proof so you can explain to the inspector what they contain, or what you say they show. So, first, Mr Wildgoose, you are associated with URS-Scott Wilson and they are (inaudible) design consultant for A46 scheme. You're a chartered civil engineer and you hold a degree in Bachelor of Science in Civil Engineering and you're a member of the Institution of Civil Engineers, and you say you've been fully involved in the scheme from Scott Wilson's appointment in March 2004 to the present. As such you've been responsible the scheme design and development and fully familiar with all aspects of the scheme (inaudible). I think you've got 30 years' experience of civil engineering, mainly in design and construction of highway schemes, both in the UK and overseas and in paragraph 1.2.3 you list the Highway Agency schemes that you've been involved in, in the UK. So, with that by way of introduction, if I could ask you take up the summary, please, and begin reading from paragraph 2.1.1.

2.1.1, the summary?

MISS BUSCH: The summary, yes.

MR WILDGOOSE: Okay. "The existing access to PA Freight is off the B6166 Farndon Road. This currently provides access for a number of vehicles and businesses, these being Mr Lawrence, owner and occupier of the property (inaudible); Mr Walmsley, owner of the plot of land to the north west of the access 85 metres from Farndon Road; and PA Freight, giving access to their lorry parking area and their secure depot. Pedestrians and cyclists also use the access off Farndon Road. An

aerial photograph of the existing layout prior to the start of construction is shown in Figure 1, and that's (inaudible)."

MISS BUSCH: (inaudible) attached to your summary proof.

MR BARKER: It's Figure 1 in the amended appendices.

MR WILDGOOSE: It's not in the summary of (inaudible).

MR BARKER: I see. Yeah.

MR WILDGOOSE: "If you want to provide a replacement access, a description of the existing facilities (inaudible), to assess the (inaudible) and identify any problem with limitations and restrictions that may exist with the existing facilities. The lorry park is marked out with nine 18 metre long vehicle parking spaces. All traffic, vehicular and pedestrian and cycle, enters the site by a single entrance off the B6166 Farndon Road. This entrance is approximately 7 metres wide at (inaudible) point, created by the entrance to number 153 Farndon Road and the south western edge of the entrance. It is therefore not possible to have two way movement through this entrance for all vehicles. This single entrance has to be kept clear in order that incoming vehicles do not have their access impeded to either the lorry park or the light vehicle/pedestrian access. When vehicles within the lorry park need to proceed into the secure depot they have to cross or join the path of the light vehicle/pedestrian route to enter at the secure access in. This area of conflict is made more complicated by the fact that Mr Lawrence has the right to use the light vehicle/pedestrian route for vehicle access. His use of this area will be ad-hoc as necessary and may occur at any time. On the occasions that that one (inaudible) vehicle arrives at the

depot, it has several options. It can proceed directly through the secure gate into the secure depot. This has similar (?) implications over the shared space identified in Part 2174. If the vehicle is required to wait then the logical place for that would be (inaudible), thus leaving the entrance off Farndon Road clear. This requires a subsequent vehicle to reverse before going (inaudible) through the secure access gate. If the vehicle is required to enter the secure depot in reverse, then this involves it in executing a U-turn in the lorry park. Should this manoeuvre be necessary, then it will be necessary for the remainder of the lorry park to be vacant due to the space required. There are obvious limitations as to the size of vehicles that will be able to undertake this manoeuvre. Thus, even though it may be possible for a number of large vehicles to enter the lorry park, full use of the space is limited by the manner in which the vehicles are required to enter particular (inaudible) or gates. The proposed gate (?) replacement access. The access will form a private cul-de-sac (inaudible) off the (inaudible). The replacement access is shown on drawing (inaudible) 459.” That is also appended at the start of the summary.

MISS BUSCH: Yes. It’s the appendix (inaudible) to look at the (inaudible) summary proof.

MR BARKER: That’s Revision D.

MR WILDGOOSE: Revision D (inaudible). Pedestrians and cyclists wishing to go on to land owned by Mr Walmsley or PA Freight will use the current route on Farndon Road. However, this will be a dedicated route for pedestrians and cyclists only, with any light or other traffic excluded up

to a point where they would need to cross the shared space into (inaudible) entrance. In this way they are able to be controlled in an organised manner. Traffic (inaudible) would have its own single access track ... track access redirected off the roundabout. This will ensure that Mr Lawrence would have unrestricted access to his property, reducing the potential conflict with commercial traffic. Traffic for PA Freight and Mr Walmsley would use either of the two accesses connecting the junction off the roundabout to the lorry park. The lighter vehicles would use the first exit; the larger vehicles would use the direct link to the lorry park. The lorry park would be marked with nine, 30 metre lorry parking bays. Additionally, an area of 35 metres by 8 metres (?) would be required. This area would be hatched and would provide a temporary waiting area, or, if necessary, an overspill facility or a potential four more 16½ metre vehicles.”

MR BARKER: That’s the yellow hatched area isn’t it, the ...

MR WILDGOOSE: Yes, sir.

MR BARKER: Thank you.

MR WILDGOOSE: “Depending on the needs of the secure depot, larger vehicles would have the option either to park into the marked out bays or to proceed directly, either forwards or in reverse, into the secure depot. In order to reverse in they will use the hatched area that would normally be kept clear. The layout of the bays is such that all nine can be used and there would still be still be the ability for subsequent movements into the secure depot.”

MISS BUSCH: Right, and then in Section 3 you go on to deal with the issues raised by objectors in the representations, starting with Mr Lawrence, but Mr Lawrence has withdrawn his objection. We needn't trouble ourselves with that, so moving onto PA Freight.

MR WILDGOOSE: So, Section 3.2?

MISS BUSCH: Yes.

MR WILDGOOSE: "PA Freight's objection is summarised (inaudible) dated 23rd June 2011. The origin of these comments, which contain a report, a copy of which is contained in (inaudible). The report, dated April 2011, was produced by (inaudible) Consultant Engineers Limited, and is referenced JPC/CS/220/04, dated April 2011. Section 3 of the above report sets out the main points of the objection. (inaudible) 3.2 states there are five main vehicle routes into the lorry park that need to be considered: 1) 30 metre long vehicles driving into each of the lorry park bays (inaudible); 2) 30 metre vehicle reversing into the depot on each of the bays based on adjoining bays being occupied; 3) 30 metre vehicle exiting the depot in forward gear into each lorry bay (inaudible); 4) 30 metre vehicle exiting each of the lorry bays leaving the site in forward gear based on adjoining bays being occupied; 5) extra wide loads entering and leaving the revised lorry park. The actions described in 1, 2 and 4 above are not possible at present due to the limited space available in the existing lorry park. The action described in item 3 is only possible when the lorry park is otherwise vacant. The action described in item 5 is limited by the current width at site entrance off Farndon Road, which is approximately 7 metres

wide. Section 3, or 3.3 of (inaudible) JPC/CS/220/04, sets out the main operating parameters that according to PA Freight (?) are required by any alternative scheme. These points are numbered 1 to 17. In my proof I look into each point in detail and provide responses. The Create report goes on to make a number of further comments (inaudible) proposals, in Parts 3.7 to 3.70, labelled issue number 1 to issue number 27. In my proof I look into each point in detail and provide responses. Section 3.3, drainage, flood management, construction details. Drainage and flood management is covered in Section 3.6 of my proof. The engineering details of the agent's proposals would include curves where appropriate, the pavement construction details would be equal to those of the existing lorry park. The current lorry park is unlit; there are no proposals to provide lighting. The adjacent (inaudible) will, however, have street lighting. Operational safety: Comments concerning operational safety are covered in my proof. In general, I am of the opinion that the proposals will operate no less safely than they do at present. The principal reasons in support of this conclusion are that Mr Lawrence would no longer require to traverse (?) the lorry park and access areas in order to gain access to his own land and will instead be provided with his own safe access route. Also, use of the routes in question by pedestrians and cyclists will be segregated from use by vehicles, including lorries, (inaudible), whereas currently their use is mixed with vehicular traffic. Mr Walmsley sets out his objections in the supplementary (inaudible)

dated 16th of June and the 14th of July 2011. I was able to respond to these letters in reply on the 18th of August.

MISS BUSCH: At Section 4 you set out the summary (inaudible). If you could read that, please.

MR WILDGOOSE: Yes. “The criticisms of the arrangements provided by HA proposals and set out in the Create report fail to take proper account of the nature of the vehicle routes that are possible within the existing layout of the lorry park. Many of their drawings illustrate multiple manoeuvres using a 30 metre vehicle. These vehicles are rare and form only a limited number of the overall traffic visiting the business. Design standards applicable to the highway network do not occasion for easy manoeuvrability of 30 metre long vehicles. Any 30 metre vehicle will be travelling slowly and would potentially have an escort. Special measures and procedures should be in place when moving this type of vehicle on the public highway. The majority of traffic using the roundabout and making access to PA Freight’s lorry park will do so without any dependence (inaudible) due to the capacity of the lorry park and additional standing areas that will be provided. A significant benefit would be realised due to the separation of pedestrian and cycle traffic along the separate and dedicated route. In addition the separation of the access to Mr Lawrence’s property removes a significant and unpredictable variable to plant (?) movements within the lorry park. These two issues alone make a significant contribution to the overall safety of the proposals compared to the existing situation.”

MISS BUSCH: Thank you, Mr Wildgoose. If you could now take up your main proof of evidence, (inaudible) appendices, and take the exercise (inaudible). (inaudible) proof of what (inaudible) to show. Starting at Section 3, at paragraph 3.2.3, you refer to (inaudible) 412 in your appendices.

MR WILDGOOSE: That's right, yeah.

MS BUSCH: Which shows the layout of the (inaudible). (inaudible) as we go through (inaudible). The next ...

MR BARKER: Sorry, can I just dive in there, please, sorry to interrupt. You mentioned reference to a property and I've lost the (inaudible).

UNKNOWN: The property (inaudible) was Mr Lawrence's property utilised the ...

MR BARKER: Yeah, I see.

UNKNOWN: ... (inaudible) into PA Freight's gate.

MR BARKER: (inaudible) Okay, I'm sorry.

MISS BUSCH: And then at 3.2.7, there's a couple of points. First of all, you refer to the single site entrance off the B616, sorry, 6166, Farndon Road, and I think the point you make in your summary proof you say the entrance is possibly 7 metres wide at each point.

13-52-32 – Recording only 19 seconds

MR BARKER: Yes, (inaudible)?

MS BUSCH: Thank you, Mr Wildgoose. (inaudible) back your evidence (inaudible) option as regards the lorry park?

MR WILDGOOSE: (inaudible) more than one vehicle (inaudible) the lorry park really needs to be vacant in order to carry out the turning movement.

MS BUSCH: (inaudible) anything else (inaudible)?

MR WILDGOOSE: Principally that's the main thing.

MS BUSCH: (inaudible) by PA Freight?

MR WILDGOOSE: Yes.

MS BUSCH: We see, as we go through your main proof and appendices, what you say can and cannot be achieved (inaudible). Going back to where I started off, I just wanted to briefly to go first to the appendices to your rebuttal, appendix ... from the first drawing (inaudible) numbered 03191 (inaudible).

MR WILDGOOSE: Yeah.

MS BUSCH: This is the point, (inaudible) maybe there's something (inaudible). And we see on the drawing at the western end there's two lines, one saying 7 metres, one saying 8.22 metres; what do you want to say to the inspector about that?

MR WILDGOOSE: This is just my ... I made a statement in my evidence (inaudible) about the current access being 7 metres wide. What I'm showing there is the way in which my 7 metres have been interpreted from the existing survey plan.

MS BUSCH: As opposed to?

MR WILDGOOSE: As opposed to evidence from Mr Jones and Mr Cage, described as being 8.22 or 8.2. Now ...

MS BUSCH: Thank you very much (inaudible) inspector conclusions about that. But going back to where we were, the ... your main proof and appendices to your main proof, still on paragraph 2.2.7, you say, "Currently it is not possible to have two way movement through the

entrance for all vehicles.” We know (inaudible) Drawing 362 (?), which shows the swept (?) paths for normal 16.5 metre articulated vehicles entering and leaving the lorry park. That’s the first drawing in the appendices. Can you take the inquiry, (inaudible) briefly, through these, again, indicating what each of the drawings in principle shows?

MR WILDGOOSE: (inaudible). The top left quarter of the drawings shows a ...let’s a conventional 16.5 metre long articulated vehicle exiting the (inaudible) Farndon roundabout and making a right turn onto the B6166 in PA Freight’s premises, and the right hand side of the drawing shows it eventually entering Mr Walmsley’s land or going straight into (inaudible) at PA Freight. On the top right quarter of that drawing it’s a reverse of those movement, in as much as that’s coming straight out of the secure depot prior to Mr Walmsley’s premises and then entering the B6166 and making a right turn towards the entrance to the roundabout. At the bottom left quarter of the drawing shows a refuse vehicle making access to Mr Lawrence’s premises (inaudible) facility leaving the grounds of Mr Lawrence’s property for such a vehicle to make a U turn. So in order for it to exit forwards it has to reverse in off Farndon Road. In order to do that it has to make a manoeuvre off Farndon, to reversing over the whole length (inaudible). And in the bottom right corner I’ve just (inaudible) illustrations of the kind of vehicles that have been used to produce those swept path drawings.

MR BARKER: Do I take it that the roundabout shown just to the west access is as it was rather than as improved?

MR WILDGOOSE: As it was.

MR BARKER: Yes, okay.

MS BUSCH: Next in your main proof, at paragraph 3.2.5 (?) you refer to Photographs 2 and 3, and according to that paragraph that is where you indicated large vehicles used, the route currently used by light staff vehicles, pedestrians, as well as traffic travelling to (inaudible) Park in those photographs.

MR WILDGOOSE: It tends to run straight through (?) features of the existing layout, one being the raised kerb feature which I described, and the way in which vehicles are directed via signage there. And secondly the (inaudible) drawings shows that a wide vehicle exiting the secure yard and using the light vehicle route making an exit from the lorry park..

MS BUSCH: Okay. Thank you very much. Moving on, at 3.2.16, again, we are dealing with Mr Lawrence, this is ... this is a point you've just made, so vehicles, service and heavy vehicles entering his property will have to reverse the length of Farndon Road. I think we've already seen it on the drawing we've just looked at, 362, the swept path reversing vehicles. I don't know (inaudible) again.

MR WILDGOOSE: That's correct.

MS BUSCH: And in fact the next drawing in the (inaudible) is at paragraph 3.3.1, Drawing 459 (inaudible), which shows the (inaudible) access. So when it comes to (inaudible).

MR BARKER: I've got it (inaudible). **MS BUSCH:** The next (inaudible) paragraph 3.4.2,(inaudible), (inaudible) access on leaving PA Freight's land, a point on Farndon Road when turning right onto the park, that's within (inaudible). (inaudible) 5 metres (inaudible). This is shown in Drawing 583. Go to that. Again, if you just indicate what these tell us, please.

MR WILDGOOSE: Okay. What I've tried to show in these series of drawings is a comparison between the existing geometry, both horizontal and vertical, of the existing access and that of the proposals, yes? If we look in the top left hand part of the drawing, this describes the route of a 30 metre vehicle entering the lorry park, and what I've done is drawn a long section along that vehicle route and analysed geometry. This shows a couple of things, that the existing arrangements, over a certain part of that access route, reaches (inaudible) between nine and ten per cent. And not only that, but there's a hard curve of quite a sharp radius that could potentially be a source for any large, low vehicle being grounded.

MR BARKER: Is that the 95 (inaudible)?

MR WILDGOOSE: That's the 95 (inaudible).

MR BARKER: Just help me for a second here, because you're (inaudible) hatched areas and (inaudible) over chainage (?)... chainage references. So, am I right in thinking it stops zero, just sort of on the edge of the roundabout, and it comes round to chainage 79.887 in the main access road.

MR WILDGOOSE: Can you just run that past me again?

MR BARKER: Yes. Look at the top left hand long section.

MR WILDGOOSE: Yes.

MR BARKER: You've got chainage at the left hand side in your little table, your little diagram, zero, chainage, if I understand, is(inaudible) 79.887.

MR WILDGOOSE: Yes, indeed. Right.

MR BARKER: Those chainage, because I'm not absolutely certain whether they're because the hatched ... if I look at the plan above it, the hatched area covers some of the numbers. But am I right in thinking that zero is just on the exit from the roundabout and 79.887 is somewhere well into the access road?

MR WILDGOOSE: Yes.

MR BARKER: Right.

MR WILDGOOSE: And the ... all the detail and the figures are lost, they're at 10 metre intervals in chainage.

MR BARKER: Yes.

MR WILDGOOSE: So what I've done is I've analysed nearly an 80 metre stretch of the access.

MR BARKER: Okay.

MR WILDGOOSE: And similarly, on the top right is the exit route, which shows very, very similar characteristics. On the bottom left we have the route of again the same vehicle, the vehicles shown at bottom left refers to each vehicle (inaudible) my proof, and again a swept path for that vehicle, one which I have on as a vertical line, and this shows that it's got a maximum gradient of about nearly 5 per cent at one point, what the ... more importantly the hard curve is some ten times the value, so

that there's very, very little risk of grounding with that line. Similarly, the bottom right is the same swept path exiting the depot.

MS BUSCH: Look again (inaudible). Then the next drawing I refer to is again 4598C (?), that sets out some of the proposed sign and road markings. I don't think we need to go into that again.

MR WILDGOOSE: I refer to that many times within the proof just to (inaudible) the options ...

MS BUSCH: Yes.

MR WILDGOOSE: ... so far as (inaudible) this drawing on which the geometry of the other drawings meets (?)?

MS BUSCH: Yes, precisely. So, it goes then on (inaudible) drainage, at section 3.6 (?) of your proof, (inaudible) Drawing 520 (?), go to that (inaudible). Do you see the paragraph "Drainage level at the site can be explained (inaudible). The proof (inaudible). (inaudible) lorry park alongside Mr Lawrence's property (inaudible) the River Devon. You illustrate two small sub-catchments (inaudible) the ditch. So again, let's just talk through these points.

MR WILDGOOSE: Yeah. What (inaudible) on this drawing is on the left hand side is the existing catchment area, which is predominantly agricultural farmland with the PA Freight current lorry park shaded in yellow there, and all the drainage in that area concentrates to a Point E, which is in the top right hand of that drawing. So there's a couple of ditch systems, one which circuits the lorry park and carries on parallel to Mr Lawrence's access road, and another drain, W, which sits in the middle of that catchment, again, a land(?) drain, which by the very nature of its

shape is very much engineered and turns 90 degrees, so it's a land drainage system, again, with its eventual (inaudible) run off will be at Point E. On the right hand side of the drawing, what we have there is the current (inaudible), and these show that the areas that were previously shaded purple and end up at Point E are now redirected because of the way that the highway drainage system operates to another location further to the south. At that remaining catchment there is considerably less with the A46 proposals than it is or was before the scheme started. The material changes within that reduced action are there's an increased paved area, with (inaudible) allows for the access which are coloured orange. Is that clear, sir?

MR BARKER: Yes, it is.

MS BUSCH: Okay. Thank you very much. Just ... you flagged up, page 2, (inaudible) no doubt the inspector will read that (inaudible). You include a copy of the Stage One Road Safety Audit, that's included at (inaudible) to your appendices. You refer to Section 57. And then the next drawing referred to is at paragraph 4.2.4, (inaudible) key effects. And you list ... reiterate the points made in your summary proof, referring to the actions listed at 4.2.3, you say at 4.2.4 of the actions described in Items 1, 2 and 4 of (inaudible), that's illustrated in drawing number 516.

MS BUSCH: It's not possible to park (inaudible). (inaudible) just talk me through it, please.

MR WILDGOOSE: What they're demonstrating here is unrelated to the video which we've seen, is that 30 metre vehicles entering the current lorry park

are quite restricted in their movements. The criteria described about one side, all on the proviso that the manoeuvre could take place with all (inaudible). What I'm showing here is that that (inaudible) goes to the side of the swept path of this vehicle in ... seven typical manoeuvres that I've described there, bearing in mind that the existing lorry park bays are some 18 metres (inaudible) and they exceed the size of those lorry bays for a start.. In the un-numbered box on the right hand side of the drawing is a, if you like, theoretical position that would never exist (inaudible) such vehicles occupy that space in (inaudible). It shows that even if it was (inaudible) there's still not enough room for another two vehicles (inaudible) 30 metre vehicles to be accommodated.

MS BUSCH: Okay. Thank you very much. And (inaudible) by the drawings of the various points that you make in connection with the parameters laid down by Creative Consulting, so that again at 4.2.6, you refer to Drawing 451 (?), showing a 30 metre articulated lorry entering the park turning area awaiting (inaudible) assigned bay. If we go from that point. 4.1 (inaudible).

MR WILDGOOSE: Yeah, okay. There are ... there are 17 factors that are set out of the requirements for replacement lorry park. I demonstrate in a series of drawings how these parameters are satisfied by the Highways Agency's proposals. 451 shows the access for a 30 metre long vehicle into the depot in reverse. It shows it entering the hatched box and making one or two alternative manoeuvres. If it's wide (inaudible), if it's (inaudible). Alternatively it can reverse into any of

Bays 4 to 9 to await further instructions. Turning over to Drawing 452, what that indicates there is that there's) seven vehicles (inaudible) vehicle parking bays, so that a 30 metre vehicle is still able to enter the lorry park, turn around completely and exit. That's a position that can't be able to be achieved currently.

MS BUSCH: Then at 453 ...

MR WILDGOOSE: 453.

MS BUSCH: ... you refer to ... over the page in your main proof ...

MR WILDGOOSE: This is just a demonstration where if it were so required that Mr Walmsley turned within the lorry park and reversed into his property there, ahm ...

MS BUSCH: And then (inaudible) ...

MR WILDGOOSE: (inaudible) the drawing we can just see (inaudible) 521. What I've shown there are the, if you like, the geometrical design (inaudible) the ones that we saw earlier and (inaudible) to the design, about the intended design. The idea is the existing lorry park would remain and that the proposals for a (inaudible) so that a very shallow V was created on the existing edge of the lorry park. This helps the collection of surface water, but it also means the rest of the geometry leading down to that point means that there's no point that's any worse (inaudible) than the existing geometry off Farndon Road.

MS BUSCH: Thank you. At 459 (inaudible) 454 you refer to, in paragraph 7 (inaudible), which is currently providing 20 metre long HGVs outside the secure depot. Having compared that to 516, it's not possible to

park nine 20 metre vehicles. Have you any points to make about those?

MR WILDGOOSE: (inaudible) drawing attention to the fact that the existing lorry park will only accommodate those lesser length of vehicles, whereas the Highways Agency's proposals can in fact accommodate nine longer vehicles. And what's (inaudible) the Highways Agency's proposals is that the ... those nine vehicles will have (inaudible).

MS BUSCH: Thank you very much. 455, you say, shows that the Highways Agency's proposals for the lorry park demonstrates (inaudible) it's possible to provide (inaudible) for HGVs parked at any one time.

MR WILDGOOSE: That's why I just explain there (inaudible) in comparison with 454.

MS BUSCH: But then 456, the existing arrangement, eight cars can be parked (inaudible) use of the area.

MR WILDGOOSE: This in an imaginary ...in a scenario in the event that the activities on the entry to the secure depot is such that any incoming light traffic needed to be temporarily stacked, thus it would be possible then for the blockage of that existing entrance, and what I demonstrate there is that it's possible to stack eight small vehicles on the pedestrian or ... pedestrian or light vehicle access.

MS BUSCH: Okay. Thank you. And at 458 (inaudible) the proposed design, allowing vehicles to leave the site (inaudible).

MR WILDGOOSE: Are you at Point 10 now?

MS BUSCH: Yes. 458.

MR WILDGOOSE: 458, yes. This is the response to the all vehicles inside the public highway in forward gear, this shows that that's possible (inaudible) at

the time, and not only from (inaudible) depot, but also from any of the (inaudible). It goes on to show, on Drawing Number 525, that it is possible for two standard sized 16.5 metre articulated vehicles to cross or to pass on the entrance to the lorry park. Unfortunately (inaudible) that would be impossible with the arrangement off Farndon Road without the vehicle having to be stood or waiting for another vehicle to pass (inaudible).

MS BUSCH: And then the next drawing referred to is 459 (?), and you say this shows the proposed design allows access for a 30 metre articulated lorry to enter the secure depot site in the same way as it does in the current arrangement. You make the point there will be no alternation to the secure depot area. So when you say in the same way as it does in the current arrangement, what, precisely, do you mean by that? Because obviously there's currently limited (?) access.

MR WILDGOOSE: It illustrates that the orientation for the Highways Agency arrangement doesn't compromise the ability to access the secure depot in the same manner as at the moment, in that the orientation of vehicles will always be longitudinal and heading for the right spot.

MS BUSCH: Okay. And then if we turn over a few pages, to page 22 of your main proof. This is where you're dealing with all the issues set out, again, in the Create report. Issue Number 20, inadequate fuel access. And you, by Drawing 518, (inaudible) the existing layout with the proposed layout. You say the pavement (inaudible). Just talk us through that, please, referring to the drawing.

MR WILDGOOSE: (inaudible) drawing (inaudible) is ... what I'm doing there is comparing the ability of a standard vehicle to access current access points for agricultural vehicles and demonstrate that their swept path, for instance, in the top left drawing, which is a large tractor/trailer combination of some 19 metres in length, and the swept path that that vehicle executes while trying to make the access (inaudible). It shows that the body of that vehicle overhangs several constraint points, indeed, as it does on the diagram below for the proposals. However, if you take a more modest combination of a farm tractor/trailer of just short of 12 metres length, this vehicle is able to access, without any undue restrictions, the entrance off Farndon Road into Stobbs Lane and (inaudible) shows how those manoeuvres are under the Highways Agency's proposals in the same vehicle. And the first set of drawings uses a small vehicle, a box van, and describes the ability of that vehicle to access those points in the existing situation (inaudible). My point there is that the evidence presented by the Create consultant report, they did a rough (?) comparison, but they used a vehicle far larger than can access there currently.

MS BUSCH: Thank you very much. You've introduced drawings in connection with Issue Number 26 at page 23 of your main proof. Again we see a Create drawing at 220(inaudible) existing conditions, and you compare that with Drawing Number 516, which I think we've seen ...

MR WILDGOOSE: (inaudible), yes.

MS BUSCH: And then you also refer to (inaudible), Drawing 362 shows 16.5 metre long vehicles entering and leaving the park, we've seen that

(inaudible) as well. And the last point you refer to is 521, and that's at paragraph 4.3.4 of your proof, and shows proposed sections. And again it's (inaudible).

MR WILDGOOSE: Yes, (inaudible)

MR BARKER: (inaudible)

MS BUSCH: Right. That is the appendices to your main proof. (inaudible) your rebuttal proof and (inaudible). I'm sorry, (inaudible) rebuttal is not an inconsiderable document. On the other hand (inaudible) summarise it or indeed to ask the witness to summarise it. So if it would assist, given its (inaudible) do so, or otherwise it could be taken as read (inaudible). Not all of it needs to be read out, but the key points merely ...

MR BARKER: I think I'd like you to raise the key points, please.

MS BUSCH: So, Mr Wildgoose, firstly you provide rebuttal evidence with respect to the proof of Mr Malcolm Jones. So, Mr Wildgoose, first you provide rebuttal evidence with respect to the proof of Mr Malcolm Jones. If you could highlight from that, for the benefit of the inspector, the key points of difference between you and Mr Jones. There's quite a lot of text here, I don't want to ask you to read it all out.

MR WILDGOOSE: Okay. (inaudible) the points of difference is that at Section 2.2, and it (inaudible) Mr Jones's proof evidence in paragraphs 3.2, 3.4 and 3.6, making comments about the contrived, complex and complicated manoeuvres that the Highways Agency's proposals will impose upon them. What I do is try to analyse a sample of vehicle manoeuvres that

might be required in the day-to-day activities of the business and I present a set of drawings that look at these comparisons. These are in the appendix to my proof.

MS BUSCH: Yes. Well, we'll go to it (inaudible), Mr Wildgoose.

MR WILDGOOSE: (inaudible) at the left hand side of the drawing shows the swept paths of vehicles executing manoeuvres at present; the right hand side drawing shows a comparable ... comparable swept path, showing what that might be in the Highways Agency's proposals and what the result of each of these drawings aims to describe that the manoeuvres are not any more contrived, complex or complicated than they are at the moment. In fact, they're different but similar.

MS BUSCH: Yes, and you ...

MR WILDGOOSE: That ... the required (inaudible) ...

MR BARKER: Yes, I understand that. (inaudible)

MR WILDGOOSE: Okay.

MR BARKER: That (inaudible) on the issues I'll take in cross-examination, I understand what you're saying about those. If you want to go to y our next point.

MR WILDGOOSE: So, moving on ...

MS BUSCH: At 2.3.1 you deal with the issue of visibility.

MR WILDGOOSE: 2 point ... sorry?

MS BUSCH: 2.3.1.

MR WILDGOOSE: Yes. This is (inaudible) about the existing lorry park has clear early views and any vacant bays would be able to be identified. But when he makes those observations in the Highways Agency's scheme, he

says that they do not get a clear view of the layout until they are some way down the ramp, then my feeling is that there would be very little difference between one and the other. The Highways Agency's proposals approach the lorry park from an elevated ... slightly elevated aspect and there's extremely good visibility on the ramp (inaudible), because that's a measure of the design standards used to create (inaudible) in terms of design of the ramp now, and off the ramp there are also ... there are no restrictions to full visibility.

MS BUSCH: And you have drawings (inaudible) view of the last drawing.

MR WILDGOOSE: That one refers to the ... the inner part of the lorry park and then going ...

MR BARKER: Yes. And probably just taking presumably that (inaudible).

MR WILDGOOSE: That's one point. The other drawing, the last drawing in my appendix to the rebuttal, Number 569, refers to a ... an observation ... I can't find the point. Sorry, yes. At point 2.13, 2.13, it goes (inaudible) potential lack of visibility for vehicles leaving the secure depot. This is ...

MR BARKER: Sorry, where is this in your rebuttal?

MR WILDGOOSE: At 2.13. I refer to the evidence of Mr Jones.

MR BARKER: Yeah.

MR WILDGOOSE: And then in his evidence he says that the potential for lack of visibility when leaving the secure depot, Drawing 569 shows that in fact the visibility exiting the depot would be improved. This is borne (?) out because the lorry parking bays at the eastern end of the park are pushed further east. So if we're looking at the top left corner of

that drawing, we've got a current situation where the 16.5 metre lorries park in the (inaudible) adjacent bay to the exit from the secure depot, and the blue hatched (?) area it shows the field of view available to drivers. And the top right of that drawing shows a similar situation if a 30 metre vehicle were parked in that (inaudible) lorry bay with the field of view of the driver shown there. The bottom left shows the Highways Agency's proposals with a 16.5 metre vehicle. And indeed that vehicle would not even be seen from that elevation because it would be back behind the fence which forms the boundary between PA Freight's property and Mr Lawrence's access. In fact, the first vehicle you would see would be the one in Bay 4. With a 30 metre vehicle in that rearmost bay, this is the bottom right quarter of that drawing, the whole of the lorry park, up to the give way line for (inaudible) access joining (inaudible).

MR BARKER: Okay.

MS BUSCH: Thank you. So, I think (inaudible). You refer in paragraph 2.5 of the rebuttal to the evidence of Mr Jones concerning (inaudible) the potential for high exit speeds.

MR WILDGOOSE: Is this my main proof?

MS BUSCH: No, this is your rebuttal. Paragraph 2.9, you raise the issue of the (inaudible) evidence of Mr Jones and Mr Cage concerning high exit speeds.

MR WILDGOOSE: Yes.

MS BUSCH: At 2.5.1 you cross refer to your main evidence.

MR WILDGOOSE: Yes.

MS BUSCH: You then set out your response by way of rebuttal at 2.5.2. Do you want to read that?

MR WILDGOOSE: Yes. 2.5.2 (inaudible)?

MS BUSCH: 2.5.2.

MR WILDGOOSE: Okay. “In response, it is my opinion that the combination of the geometrical layout gives good visibility combined with appropriate signing, the risk of high exit speeds leading to shunts posed by the potential high exit speed has to be mitigated. The ability for the lorry park to accommodate a number and variety of vehicles limits the need to queue on the approach ramps, hence the risk of a speeding vehicle to (inaudible) standing vehicles immediately off the roundabout has been mitigated. Adequate distance off the roundabout can ensure that a vehicle will be able to reduce its speed. The combination of the above reduces the risk that a speeding vehicle will (inaudible) standing traffic and (inaudible) to control its speed or stop.”

MS BUSCH: Thank you. You then go on in the next paragraph to refer to another concern made by Mr Jones and Mr Cage about the swept paths of vehicles while negotiating through the roundabout. Again, at 2.6.1, you cross refer to your evidence and then you set out your response at 2.6.2. Just read that.

MR WILDGOOSE: “In response, it is my opinion that any incidence where a 30 metre vehicle is travelling through the roundabout, whether going to PA Freight or elsewhere, it will take the route through the roundabout that the driver will determine irrespective of the road markings.

There will possibly be minor and temporary interruption to the otherwise smooth flow of traffic round the roundabout.”

MS BUSCH: And then a similar exercise at 2.7, you refer to Mr Jones’s concern about the passing of wide vehicles on the access road. You cross refer to your evidence that you set out in your rebuttal response at 2.8.2. If you could read that, please.

MR WILDGOOSE: “In response, it is my the (inaudible) will be visible with adequate signing and the anticipated traffic flows into the accesses will be comparatively small. The risk of (inaudible). Furthermore, the design ensures that the risks due to toppling are mitigated by ensuring that appropriate (inaudible) apply the curves.”

MS BUSCH: Right. And then you go on at 2.9 to the issue of signage. At 2.10 Mr Jones said that (inaudible) to undertake a U turn in the event a vehicle overshoots site access, and you set out your response in 2.10.2.

MR WILDGOOSE: “In response, should a vehicle overshoot the accesses, then it would be possible to undertake a U turn in a manner that does not affect traffic leaving the roundabout. In view of the risk and the likelihood of this occurring, the options for carrying out a U turn are adequate.”

MS BUSCH: At 2.11 you refer to a (inaudible) of potential conflicts due to the fact it’s not possible for two 30 metre long vehicles to pass on the access without entering the lorry park as ... concerns as to the effect this may have.

MR WILDGOOSE: Mmm hmm.

MS BUSCH: And again you cross refer to your evidence and you deal in response in 2.11.2 and the following paragraph.

MR WILDGOOSE: “In response, Mr Jones is taking issue with a situation that is not possible (inaudible). It is my opinion that the HA’s proposals more than adequately provide access for the types of vehicle that normally access the site. Mr Cage makes similar comparisons in his evidence at paragraph 5.29 at page 26. He also provides simulation of traffic movements in his Appendix 3 (?). These videos clearly demonstrate the additional flexibility of use afforded by the HA’s proposals.”

MS BUSCH: I think also the following paragraph over the page contains your rebuttal response as well.

MR WILDGOOSE: I beg your pardon?

MS BUSCH: 2.11.3 carries that on.

MR WILDGOOSE: Yes. “Video 1 shows a 30 metre abnormally long vehicle arriving as lorries leave, and (inaudible) how this is not possible with the current arrangement. Video 2 shows two 30 metre vehicles arriving as lorries leave. I have demonstrated that this is not possible in the current arrangement. Furthermore, those videos demonstrate that HA’s proposals provide additional flexibility of use over that possible at present. They also show that it is (inaudible) possible for the arrival of 30 metre vehicles a far greater frequency than is currently possible without any undue effect on the efficiency of the roundabout.”

MS BUSCH: Thank you very much. And then you go onto the old issue about geometrical design, which I think we’ve covered. At 2.13 we’ve seen ... there’s an issue at 2.15 raised by Mr Jones concerning potential concerns in relation to overhead cables. Again, you said you dealt with that. Your response is briefly set out at 2.15.2, you think it’s

adequate. I think that probably (inaudible) covers the key points so far as Mr Jones is concerned. Mr Mercer, Mr Morris and Mr Young we don't need to deal with. The next key person is Mr Watts. At 7.1 you refer to the fact that Mr Watts describes the (inaudible) vehicles enter the existing lorry park parking bays, et cetera. You cross refer to your response and then you set out your rebuttal response in 7.1.3. Just read that brief paragraph.

MR WILDGOOSE: “In response, current access to Mr Walmsley’s land could be at times potentially inaccessible due to concentration of activities immediately in front of his access (inaudible) and that of the secure compound access. The conflicts would be less with the HA’s proposals, as Mr Lawrence would not be able (inaudible) through this area.”

MS BUSCH: At 7.4 you refer to Mr Watts’ further concern at 5.3 in his proof, the likely issue of LGV drivers to leave their vehicles parked diagonally across the park while they receive further instruction, and then you deal with that in your 7.4.12. So, if you could read those.

MR WILDGOOSE: (inaudible)?

MS BUSCH: Yes.

MR WILDGOOSE: Right. “7.4.1. It would be logical for drivers, especially professional drivers of LGVs, entering the lorry park with marked out bays would enter a vacant bay and not leave their vehicle parked diagonally as suggested. The proposed layout of the lorry bays is clear and can be seen well in advance. Simple signs indicating ‘park in marked bays only’ may assist. If this were to occur, the lorry park is sufficiently generous in size that it may not cause difficulties. The issue

regarding extensive manoeuvring is covered in my response 2.2 above. In response, it is my opinion that LGVs would naturally park in marked bays. If this did occur, the proposed lorry park is sufficiently large that it may not be a problem.”

MS BUSCH: At 7.5 you refer to the issue made by Mr Watts concerning (inaudible) blind side of other vehicles whilst they proceed to position. You deal with that in 7.5.12, so again, if you could read those, please.

MR WILDGOOSE: “In the current arrangements, all vehicles entering the lorry park and proceeding forward would have a (inaudible) on their blind side. This will be the case with the majority of right hand drive vehicle . At a point where the LGV (inaudible) the secure entrance, the intended routes converge. My aims, starting at paragraph 3.2.14, on page 4, highlights the intensity of activities in this area. I also discuss this issue at paragraph 4.26, (inaudible) page 15. This condition occurs when vehicles are travelling forwards and will not have any guidance (inaudible). In the case Mr Watts described, the LGV is reversing. Any reversing within the lorry park will always be supervised, reference Mr Watts’ evidence, paragraph 8.1, page 9, and Mr Cage’s evidence, paragraph 2.15, page 9. Plus, any issues regarding (inaudible) will be under control and supervision. In response, the potential hazards due to vehicles being on the blind side are no more onerous than they are at present. Since the current arrangements are functioning adequately, there is no reason why they should not function just as well for the HA’s proposals.”

MS BUSCH: Thank you. And then at 7.6 you refer to a consignment made in respect of mixing of heavy and light traffic, and the potential for Mr Walmsley's land to be put to a use where there may be more frequent use. Ahm, and you set out your response, I think, at 7.6.2.

MR WILDGOOSE: (inaudible)

MS BUSCH: Yes, please.

MR WILDGOOSE: (inaudible)

MS BUSCH: Well, 7.6.1 reiterates a discussion at 7.1 to 7.3, so 7.6.2.

MR WILDGOOSE: "In response, the HA's proposals provide a simpler route off the highway that will be more efficient than the current lane. Traffic crossing from the lorry park would have good visibility due to the generous size of the park. Any frustration of the space immediately in front of the secured access could be left open, allowing vehicles to stack on the access road, if necessary. Crossing of the lorry park will entail no more risks than those caused currently by traffic crossing the space immediately in front of the secure depot"

MS BUSCH: Thank you. I think that deals with Mr Watts', so moving on to Mr Cage. You've seen the issue at 8.1 about the width of the existing entrance. At paragraph 8.2 you refer to the fact that Mr Cage states in his evidence that the current lorry park has the capability (inaudible) HGVs (inaudible) vehicle movements (inaudible).. You cross refer to your evidence and I think you set out your response at paragraph 8.2.2. If you read that please.

MR WILDGOOSE: "In response, it is my opinion that the current lorry park cannot currently cater for nine out of bay vehicles. Further evidence of this can be demonstrated by observing video recordings of a number of vehicles manoeuvring in the existing lorry park. This shows that in order to turn this vehicle the rest of the lorry park needs to (inaudible). The videos are (inaudible) an experienced response."

MS BUSCH: Thank you. Then you go on to refer, and you've touched on this in your summary, that the 17 constraints, according to Mr Cage, the alternative access proposal doesn't meet, and again, really just for the record, your response is at paragraph 8.3.2.

MR WILDGOOSE: "In response, it is my opinion that the HA's proposals more than satisfy the constraints and (inaudible) that have been set by Mr Cage or whatever alternative scheme(inaudible). However, current arrangements fail to satisfy all the constraints. Furthermore, provision for pedestrians and (inaudible) are improved."

MS BUSCH: Okay, thank you. And I think the rest of this rebuttal mostly consists of cross referring and helpfully directing the inspector to the relevant part of your evidence that deals with the issue in question. So I don't think we need to read out any more of that. If I can just ask you to read your conclusion at Section 9 of the rebuttal. .

MR WILDGOOSE: "The conclusions made in Part 5 of my evidence, 8 to 27 (?) remain valid after considering the evidence provided by PA Freight's estimates. The HA's proposals will provide ample replacement of the access off Farndon Road when comparing it with the current arrangements. It will also provide, and in some cases enhance, the lorry park facilities above what is available at present. Appropriate consideration has been given when comparing the HA's proposals, to aspects of geology, visibility, access to all other (inaudible) , drainage, pedestrians, manoeuvrability of freight, including one (inaudible) and normal vehicles, and safety. Matters of detail concerning, ie signs, road markings, can be agreed as part of the detailed design. In

conclusion, it is my opinion that the supplementary order should be met (?)."

MS BUSCH: Thank you very much, Mr Wildgoose. That completes the evidence of Mr Wildgoose.

MR BARKER: Thank you. Now, we'll adjourn there. Mr Scriven, do you have questions for Mr Wildgoose?

MR SCRIVEN: Yes, I do.

MR BARKER: Okay. Well, ehm, we'll adjourn till 3.35.

(Inquiry adjourns and reconvenes)

MR BARKER: Well, I certainly (inaudible).

MR SCRIVEN: I have one or two questions for Mr Wildgoose today, and the first one is can I just ask whether you were involved in assisting with the (inaudible) rebuttal evidence (inaudible) this morning by Mr Bethel?

MR WILDGOOSE: No.

MR SCRIVEN: Ah, okay. The reason I ask that question is Mr Bethel, I think, lists most of the points that I have made (inaudible) nature in my evidence, and I just wanted to know (inaudible) advise the court in relation to any of those points (inaudible) makes.

MR WILDGOOSE: I (inaudible) from ... given your objection which I provided some technical details to the Highways Agency to aid their response (inaudible).

MR SCRIVEN: Right, okay. So, so moving on from there, if I may one of my concerns on behalf of my client is noise, and noise, I think, from two

sources. Firstly, from those vehicles using (inaudible) via the access to the PA Freight site, which obviously comes from the (inaudible) the Farndon roundabout, so probably 2 or 3 metres, I guess, of (inaudible). The access road is directly in line with my client's property and therefore vehicles would be coming down the access ramp and I just want to (inaudible) see what we try (inaudible) increase in noise.

MR WILDGOOSE: There would be ... sorry, there would have been a noise assessment on the general principles of the improvements level presented to the 2007 public inquiry, and those would have taken into account the traffic round the Farndon roundabout. I don't think that there have been any finer, more detailed calculations, based on what traffic might be using PA Freight's access, but I would have to take advice on whether that was included or not.

MR SCRIVEN: And I just want to be clear (inaudible) these comments (inaudible) Highways Agency actually made in their conclusion, then, that my concerns about the noise wasn't particularly justified?

MR WILDGOOSE: Possibly from the angle that the majority of noise will be experienced by your client's property will be from the (inaudible) predominant with the movements, because the traffic flows at that point are, let's say, considerable in comparison to that which will be access with PA Freight. I mean it's not that they can't get (inaudible).

MR SCRIVEN: Thank you. Staying with noise, my other concern is the yellow hatched area on the (inaudible) which seems to be, for want of a better word, a marshalling area for vehicles. From, from the evidence that I've seen and from your evidence, it seems that the majority of

vehicles(inaudible) that marshalling area before then deciding where they go from there. Is that right?

MR WILDGOOSE: Not as far as (inaudible). How PA Freight want to manage their, access to this park, then, I mean, are you suggesting, that in our evidence that how sudden manoeuvres might be aided by using that hatched spaced, because (inaudible) to be the same for all the vehicles needs. A lot of the drawings in my proof show, let's say, normal sized vehicles making easy access to any of the numbered bays,. The angle of my evidence and rebuttal has been mainly directed towards the management combination of (inaudible) long vehicles and not the day to day 16.5 metre normal size, which is the majority of ... sorry (inaudible).

MR SCRIVEN: Okay. So, the intention of that hatched area really is it is a manoeuvring area (inaudible) as opposed to the lorry park in itself?

MR WILDGOOSE: Yes, it could be termed as a temporary waiting area.

MR SCRIVEN: In which case, bearing in mind that area currently, I think (inaudible) lorry bays, numbered one, two, three and four, could it really be the case that (inaudible) my client's property could be increased (inaudible) lorry (inaudible) that lorry waiting area so we'll end up with lorry engines ticking over, whereas at the moment the majority of traffic goes straight past that fence and along(inaudible), is that going to happen (inaudible)?

MR WILDGOOSE: No, I can't comment on the (inaudible).

MR SCRIVEN: But, ehm, I have, I've obviously raised issues in terms of (inaudible) in the rebuttal evidence, and yeti haven't any seen evidence from

anyone(inaudible). My second concern is one of vehicle headlights, in particular coming down the access road at PA Freight's side at this time of year(inaudible) late at night, bearing in mind the difference in height between the new Farndon roundabout and my client's property, but those headlights can be shining into two bedroom windows, one front facing and one side facing (inaudible), and I just wondered if there was any work being done (inaudible) to assess the amount and affect of light on my client's property there. To date there's another issue another issue (inaudible).

MR WILDGOOSE: I don't have a particular analysis on that condition.

MR SCRIVEN: I think I just have an issue in relation to a number of the comments in your rebuttal evidence (inaudible). There was a statement you said that you note changes to Mrs Paver's access in 2007 (inaudible) . Ehm, that is correct, as to my understanding. There have been amendments to that access (inaudible) as a result of a safety audit. I think you're probably aware of that, are you?

MR WILDGOOSE: I think safety audit you refer is a central truck management safety audit. The works, the (inaudible) recent works at that entrance at the moment are all in a temporary condition. They're not to a permanent level. So the safety audit was taken out for the (inaudible) traffic management. So it's not a safety audit on the final design condition.

MR SCRIVEN: Right. I was particularly referring to the safety audit that was carried out in the summer of this year at the request of (inaudible) Council on this access, and it did result in some changes, some small

modifications of the scheme, in particular the Farndon Road, had to be realigned in part to allow a safe right turn, hatched area on the road.

MR WILDGOOSE: That's right.

MR SCRIVEN: Are you familiar with that (inaudible)?

MR WILDGOOSE: Yes, but that was more referring to the temporary condition, not to any permanent condition.

MR SCRIVEN: I was wondering if that was permanent, if that was a permanent arrangement?

MR WILDGOOSE: No.

MR SCRIVEN: Okay. And so, in terms of the detailed design process, (inaudible) by Mr Bethel (inaudible) and not yet complete, nor can we expect a detailed design that we can actually have a look at, because obviously we are looking at (inaudible) concerns for my client to understand how safe her access is going to be. Do you (inaudible)?

MR WILDGOOSE: No. I (inaudible) the discussion we had where the commenced the design for the access to (inaudible) and that was probably in the summer of 2010. Eh, that detail was unchanged.

MR SCRIVEN: Right, but that didn't show any levels or anything else; did it? **MR**

WILDGOOSE: It didn't show the levels. It showed the plan, and that plan was adjusted in line with some of the requests that you made at the time.

MR SCRIVEN: Well I think you're aware of our concerns in (inaudible) the access to (inaudible) ability to meet Farndon Road facing forward (inaudible) but I think just as much (inaudible) . In your opinion, would it be safe for a car to actually reverse up what I think is going to be reasonable

(inaudible),, across the footpath (inaudible) reversing onto it?
(inaudible)

MR WILDGOOSE: In contravention of the Highway Code.

MR SCRIVEN: Fine. But, (inaudible) as far as we're seeing on the proposals there's
(inaudible) more detail (inaudible) my client(inaudible).

MR WILDGOOSE: I think you would have to compare that with what she may be doing at
the moment

MR SCRIVEN: Yes, but is it the situation, considering reverse turn position in relation
to the roundabout speed of traffic (inaudible) and also with the
(inaudible)?

MR WILDGOOSE: Well, simply four of my drawings (inaudible) closer so the road speed
should be less. The gradient at which the access is, eh, slightly steeper
than what it is at present, or slightly steeper than what it is at present.

MR SCRIVEN: I think one of my concerns is that(inaudible) we were told that my
client, who made an objection in 2007 (inaudible). I think I have got
some real concern as to the firstly (inaudible) what we would have
done, but the concern I've got is we are now, eh, nearly, nearly five
years on from that, and we still don't have the details so I'm not sure
quite (inaudible).

MR WILDGOOSE: I think, in fairness, the detailed) guide is there, and we've agreed detail
from it.

MR SCRIVEN: Well I, I find (inaudible) my client continues to raise objection in terms
of that, because I think we've just got to the point where my client
(inaudible) using the access (inaudible). .

MR WILDGOOSE: Well, again, I'd say that you've got to (inaudible) what is able to be carried out at present. It should be (inaudible).

MR SCRIVEN: Well at the most they can turn round and (inaudible) all part of the access to PA Freight's (inaudible), so it can be (inaudible) facing forwards.

MR WILDGOOSE: Well, sir, I'm just forming an opinion.

MR BARKER: Speak up. Sorry. Sorry, I missed that word, you see.

MR WILDGOOSE: I'm just trying to consider what Mr Scriven's (inaudible). It should be possible for, ehm, any domestic traffic to be able to turn within the property. There was (inaudible) that any reversing required.

MR SCRIVEN: But that, that isn't the position at the bottom (inaudible) at the moment. The position (inaudible) is a small, slight (inaudible) but maybe (inaudible) but maybe more than one vehicle driving (inaudible) reverse safely, driving from (inaudible) PA Freight side in order to be able to meet Farndon Road facing forward (inaudible) many times (inaudible). So I think that that's a real concern for me that at the moment the proposals (inaudible) at the time of writing are accurate and is something that (inaudible).

MR BARKER: Can you show me the same site in detail, please?

MR SCRIVEN: Certainly. (inaudible) available.

MR BARKER: Alright.

MR SCRIVEN: Really, I think at the moment it is on Farndon Road (inaudible) what seems to Farndon Road.. All I've seen at the moment, and I haven't seen it I haven't got a copy of some of those drawings that we had this morning (inaudible) all sorts of proposals in relation to gradient of that

section. We'll be testing (inaudible) the opposite side of the road (inaudible) in the opposite direction (inaudible).

MR SCRIVEN: And (inaudible) sort of drawing.

MR BARKER: Could I suggest you get together, perhaps, with the drawings, with the levels on them, please? I think, Mr Scriven, if there are any concerns, having looked at that, you know, when you come to give evidence, then raise them.

MR SCRIVEN: Well, that's it (inaudible).

MR BARKER: Thank you. Okay. (inaudible)?

MS BUSCH: Yes. Right, Mr Wildgoose, you can leave the table now.

MR WILDGOOSE: Pardon?

MS BUSCH: You can leave the witness table now, thank you.

MS BUSCH: Right, Mr Elliott, you should have in front of your main proof of evidence, the appendices to that proof, sort of appendices, your summary proof and your rebuttal proof., and I'll begin, as I have with previous witnesses, by introducing you from the information sent out at the beginning of your main proof. Right, your name is David Elliott. You're an Associate of the Transport Consultancy within URS/Scott Wilson, you are a design consultant of the A46 Newark to Widmerpool Improvement Scheme.

MR ELLIOTT: That's correct.

MS BUSCH: You graduated in 1982 with an Honours degree in Civil Engineering from the University of Manchester. You are a Chartered Member of the Institute of Logistics and Transport, and also a Member of the Chartered Institution of Highways and Transportation.

MR ELLIOTT: That's correct.

MS BUSCH: You then set out the history of your association with Scott Wilson. You joined in 1982. In early years you worked in highway and bridge design for the M42 motorway and (inaudible) trunk roads. You then transferred to the Transportation Planning Department in 1990. Since then you've worked full time on transport planning projects. You also (inaudible) transport impact assessments with relevant road safety audits, transport assessment highway schemes and you lead teams involved in traffic engineering and transport (inaudible) aspects (inaudible) public and private sector finance, including transportation studies of traffic models and you have experience acting as an expert witness on traffic issues for highway schemes for local planning authorities.

MR ELLIOTT: That's correct.

MS BUSCH: And then your history of involvement in the scheme, your team (inaudible) by traffic safety modelling (inaudible) for the scheme, this is Scott Wilson (inaudible) in March 2004, and you were a member of the site team that developed the scheme and you attended previous public exhibitions, and you were the traffic expert in this 2007 Public Inquiry.

MR ELLIOTT: Yes, that's correct.

MS BUSCH: And then finally, you explain that you and your team, updated the traffic forecast in cases of 2009 supplementary audits for (inaudible) area, and reworked the business case for the earlier 2012 scheme (inaudible).

MR ELLIOTT: Yes.

MS BUSCH: You're familiar with this site.

MR ELLIOTT: Yes.

MS BUSCH: Thank you. If I could ask you now to take up your summary proof, and begin reading, I think, from paragraph 1.3, please.

MR ELLIOTT: “At the Margidunum roundabout, the detrunking remains the same as envisaged when the draft orders for the Scheme were published in 2006 and does not change the traffic evidence presented at the 2007 Public Inquiry. There are no objections to the draft 2011 supplementary detrunking order. At the Saxondale roundabout, the traffic arrangement remains the same as envisaged when the draft orders for the Scheme were published in 2006. There are no objections to this part of the draft 2011 supplementary side road orders. At the Farndon roundabout, objections have been received in relation to the private access arrangements. The traffic evidence responds to the traffic points. The Traffic Model. Traffic data was collected in 2004. The traffic data was used to develop a traffic model of the A46 corridor for the Base Year of 2004. The development of the traffic model was described in a series of reports that were presented at the 2007 Public Inquiry. The Highways Agency, in collaboration with Nottinghamshire County Council, undertook a series of volumetric traffic counts across the study area in May 2009. These counts included manual classified turning counts at the Farndon roundabout. The highest total inflow, for analysing the capacity of the Farndon roundabout, is in the PM peak hour (1700 to 1800). The observed flow

in 2009 is per cent lower than the 2010 modelled forecast for this PM peak hour. The model of the PM peak period is reproducing the observed flows to an acceptable level of agreement. The results of the comparison between the model and the 2009 observed counts indicate that in both the PM peak hour and in the inter-peak period there has been less traffic growth than forecast by the traffic model over the period 2004 to 2009. Short-term forecasts produced by the traffic model are therefore likely to be robust for the purpose of sizing of the junctions. Traffic Forecasting. The Department of Transport published revised travel growth data-sets, in April 2011, that represents an expectation of increased growth in PM peak trips within Newark and the surrounding area. Newark has been identified as a potential growth zone and it is possibly this change in status that is being reflected in the national travel model and the travel growth data-sets. More specifically, housing areas have been zoned to the south of Newark. These housing zones would not be delivered without substantial infrastructure improvements, for example the houses south of Newark are linked to the provision of a southern link road between the A46 and the A1 trunk roads. The transport assessment for this development will identify the improvements to be made to the highway infrastructure. The A46 Scheme was designed to accommodate the growth forecasts prepared in 2007 and has some spare capacity to accommodate additional growth. However, as a general rule, the Scheme was not designed to accommodate the additional trips associated with growth zone housing in the design year. In paragraphs

2.4 above, I noted that the traffic model remains an appropriate tool for short term forecasting. Paragraph 3.1 identifies potential sources of uncertainty in the long term forecasts. However, because the development associated with the Newark growth zone would need to fund any additional infrastructure requirement to mitigate their impacts, it is appropriate to design the Scheme using the earlier forecasts prepared in 2007. Therefore, for the purpose of an operational analysis of the Farndon roundabout, the use of the forecast Design traffic flows from the earlier study is an appropriate and robust method of assessment. The Scheme's junctions have been designed with more capacity than required to meet the forecast demand in the specified 15 years after opening, which would be 2027 if the Scheme was designed today. Business Case for the Scheme. Economic values are converted to a common system of accounting, which is to deflate all costs and benefits to 2002 market prices and discount all benefits to a 2002 present value year. The Scheme was shown to deliver transport economic efficiency travel benefits of £907.6 million over a 60 year operational period. The government investment and operating costs sum to £248.9 million. The Scheme being constructed has a net present value of £933.2 million. The change in the treatment of indirect tax revenue has an effect upon the benefit to cost ration . Using the revised treatment of indirect tax revenue, the Scheme has a BCR of 4.75, which is greater than the guide value of 2, and confirms that the Scheme remains good value for money. Traffic Implications of the Draft Supplementary Orders. The economic case for the Scheme will

not change as a result of the 2011 draft Supplementary Orders. The traffic evidence supports the case for making the Supplementary Orders. Use of the Access. The existing Access at Farndon roundabout, which is the subject of the draft Supplementary Orders, serves: Mr Walmsley's land; P A Freight (including secured site for international logistics operations and various parcels of open land); and the property owned by Mr Lawrence (Cranleigh Park). Vehicles arriving and leaving the existing access were recorded on a sample of days in August and September 2011. The AM peak hour (0800 to 0900) has an average of 15 vehicles going in, and 5 vehicles leaving the sites. The PM peak hour (1700 to 1800) has an average of 3 vehicles going in, and 9 vehicles leaving the sites. Operation of the Existing Access. With the forecast level of flow, the capacity of the access would not present any adverse delays or queues for vehicles entering or leaving the site. However, the geometric layout and safety aspects prevent the retention of the existing Access with the new Farndon roundabout arrangement. A typical 16-metre long vehicle turning right into the Access would need to wait on a left-hand bend in the alignment of the B6166 and the rear of the vehicle would be less than 20 metres from the new Farndon roundabout exit. Should a second vehicle be waiting to turn right then the distance from the new Farndon roundabout exit would be further reduced. In addition, long vehicles turning left out of the existing access would be constrained by the geometry of the B6166 approach to the new Farndon roundabout. This turning movement would be very difficult for large vehicles. The

solution is to stop up the existing access and divert the access to join the highway network via a fifth arm at the new roundabout. Operational Analysis of Farndon roundabout. The target ratio of flow to capacity for the design of a new roundabout is 0.85. For the traffic demand represented by the demand reference flow forecast in 2031, all of the roundabout's maximum RFC values were less than the target value indicating that the roundabout design has sufficient capacity for the expected demand forecast. With the higher forecasts using the latest DfT growth forecasts, the highest RFC value is computed as 0.87 on the A46 south approach and in the PM peak, which is slightly greater than the target value. The RFC is less than 1.0, which indicates that the roundabout is more than likely to be operating within its capacity up to the year 2027, even using the higher forecast growth factors. On all approaches in all other time periods, and also on all other approaches in the PM peak, the target RFC for the design of new roundabouts is met. As noted in the forecasting section above, such growth levels probably would be associated with the developments linked to the Newark growth zone policy and, as such, these developments would be required to mitigate their traffic impacts. The traffic capacity analysis indicates that the Farndon roundabout is more than likely to operate acceptably in the design year."

MS BUSCH:

Thank you very much, Mr Elliott. And then turning to your main proof, we have a relatively short section dealing with issues raised by objectors and your representations. I'm just going to ask you to deal

with the PA Freight objection, so if you could read from paragraph 4.2.1, page 20 of your main proof, please.

MR ELLIOTT: “P A Freight summarise their objections in Laytons' letter to the Highways Agency dated 23rd June 2011. The technical criticisms are set out in their letter dated 15th April 2011 and attachments. The objection includes the following traffic issues: long or abnormal load vehicles aiming to exit at the new roundabout to enter the P A Freight site would need to do so extremely slowly. This could cause backing up on the new roundabout, and possibly into Farndon Road, increasing the risk of accidents; abnormal loads may need to impinge on the inside lane of the new roundabout, which would increase the risk of accidents; the speed of circulating traffic on the new roundabout may cause drivers of long or abnormal load vehicles to enter the access too quickly and over-shoot; long or abnormal width vehicles may impinge upon the pedestrian and cycle path that crosses the CPO access road; the proposals will give rise to unsafe conflicts within the lorry park itself, which is exacerbated by the increased number of movement likely to be required within the lorry park. The response to these traffic issues are: the exit from the roundabout follows a radius that is similar to the other exits from the roundabout. Beyond the exit the alignment into the P A Freight site would follow a smooth alignment, as described in the Engineering evidence of Mr Wildgoose and there is no reason to conclude that abnormal vehicles would leave the roundabout extremely slowly. However, such an occurrence would not represent an increased risk of accidents because the abnormal vehicle

would be highly visible to other road users that are approaching and circulating the roundabout. Abnormal loads are, by definition, outside of the design envelope for roads. Wide loads may overhang the lane marking and long vehicles may track across adjacent lanes on bends. Such vehicles are required to carry identifying signing and markings to identify the exceptional nature of the load. The police should be notified of these movements in advance and the load may require an escort vehicle. It is notable that the existing Farndon roundabout had an inscribed diameter of 60 metres and was marked with two circulating lanes. The new roundabout will have an inscribed diameter of 130 metres and therefore the radius of the inside kerb of the circulating carriageway will be increased (from about 25 metres) to about 53 metres. The circulating carriageway will be marked with three lanes that spiral outwards to assist drivers with the positioning of their vehicles. The circulating carriageway will provide more space, compared with the existing roundabout, so that even if the abnormal vehicle has to straddle two lanes there would be a third lane available for other road users. Long and abnormal load vehicles are driven by professionals with an appropriate license. It is possible that the access could look similar to the other exits from the roundabout although the publicly maintained highway will stop at a point about 10 metres from the roundabout. This boundary would be signed (i.e. “cul-de-sac” road sign) and road marked (e.g. “no through road”) to demark the change from public highway to private access. A hatched area could be marked against the kerb lines to reduce the apparent lane width of the

exit. Such features would help drivers to differentiate the change in road types and indicate that drivers should moderate their speed. This would be a matter for detailing as a part of the final design stage. A footway is shown on the southeast side of the roundabout from Farndon Road to the Access. This provides for pedestrian access to the Farndon Fields farm and Mr Lawrence's property only. The main pedestrian and cyclist movements are between Farndon Road (i.e. passing the Lord Ted public house) and Fosse Road (i.e. the community of Farndon). The scheme provides a dedicated route for these pedestrian and cyclist movements, which are grade separated via a new underpass beneath the A46 Newark Bypass arm of the Farndon roundabout. Pedestrian movements at the access are therefore expected to be infrequent. The access would have a splitter island to separate the entering and exiting vehicles, which would also provide a refuge so that a pedestrian crossing the access may cross each half separately. There will be good visibility from a vehicle on the circulatory carriageway of the roundabout to the location where pedestrians would cross the access. The proposed scheme would provide access to Mr Lawrence's property via a new separate route and, as such, would reduce the number of vehicle conflicts within the lorry park area. A separate access road has been provided for cars. An arriving lorry may drive forward into any available free parking bay where it could be safely parked until a banks man became available to assist with the reverse manoeuvring of the vehicle (as historically). If appropriate, an arriving lorry could be signed to park on the west side; a lorry waiting

to depart (e.g. sheeting or awaiting escort vehicles) could be stored on the east side. The proposed arrangement should reduce conflicts compared with the existing arrangement.

MS BUSCH: Thank you very much. And then finally, with your rebuttal proof, again I'll try to highlight the key points in your response to the evidence of the objecting witnesses. Paragraph 2.3 in your rebuttal, if you go straight to that, you refer to Mr Jones's evidence concerning a dedicated turning area to reverse in, and you deal with that in the main remaining sub paragraph. If you go through those, please.

MR ELLIOTT: Yes. "Under the existing arrangement, the turning area is not separate from the parking area and therefore if other vehicles are already parked, the arriving vehicle needs to wait for space or make reverse manoeuvres. Abnormal length vehicles need space outside of the dedicated area to turn. Other vehicles, pedestrians and cyclists travelling to the PA Freight site and the adjacent properties are free to pass through the area in which the large vehicles are turning. There is no warning of the risk of reversing vehicles. Historically this has not been a source of incidents (refer to paragraph 2.1 above). The Highways Agency's proposals would remove vehicles from the pedestrians and cyclists access route to the south of property No. 153 and would remove vehicles heading to Mr Lawrence's property from the vehicle marshalling area. It is my view the HA's proposals would contain fewer conflicts and therefore less risk than the existing arrangement."

MS BUSCH: Thank you. Now, at 2.4 you refer to Mr Jones in paragraph 2.5 in a statement, "Pedestrians are seen to be few in number", and again you deal with that in the remaining sub paragraphs. If you read those, please.

MR ELLIOTT: "Many of the PA Freight employees are likely to live locally. The (inaudible). There are a limited number of parking spaces for office workers, so walking and cycling are likely to be attractive travel modes for employees (inaudible). I have not specifically documented pedestrian and cyclist numbers, but I have observed cyclists entering the site during AM peak, so I know (inaudible). In my view, cycling is likely to be an attractive mode of travel-to-work for employees and could be encouraged in the future through active travel plans. The HA's proposals would remove some of the conflict points between cyclists and manoeuvring vehicles on the access route."

MS BUSCH: And at 2.5 you refer to Mr Jones's description that turning manoeuvres into the proposed lorry park was complex, and then you deal with that in your following paragraphs.

MR ELLIOTT: "With the existing vehicle arrangements, all vehicles must enter and leave the site in a forward gear. This implies that within the site all vehicles must make a 180 degree turn. If there are no vehicles parked, then shorter vehicles can turn around in a forward gear under both the existing arrangement and also under the HA's proposed arrangement. The difference is that the existing arrangement has less space and a 180 degree turn therefore needs to be tighter with the rear wheels of longer trailers being dragged sideways across the tarmac surface (as

shown in the video provided by PA Freight). If other vehicles are already parked in the designated spaces, then the existing arrangement necessitates reversing manoeuvres. With the existing arrangement, vehicles tend to reverse into the secured site area in order to avoid having to manoeuvre within the secured site. The HA's proposals do not change this existing arrangement. In my opinion, the HA's proposal is no worse than the existing arrangement and actually would provide more space for turning manoeuvres."

MS BUSCH: Right. And then at 2.6, I believe you refer to (inaudible) crossing traffic with the HA's proposals. And then you deal with that in the remaining sub paragraphs at 2.6.

MR ELLIOTT: "With the existing arrangement, car and lorry traffic are separated immediately on entrance to the site. However, the two types of vehicle are then mixed in the 'hot spot' immediately in front of the inner gates Mr Jones's evidence suggests that the HA's proposal 'introduces manoeuvres that are complicated, contrived and sometimes done with poor rearward visibility'. As I explained, similar manoeuvres are occurring with the existing arrangement. This existing arrangement has been operating without incident. The HA's proposals would separate pedestrians, cyclists and vehicles that are associated with Mr Lawrence's property from the area where lorries would manoeuvre."

MS BUSCH: Thanks. And at 2.7 you now deal with the access to Mr Walmsley's land, and basically you say that proposal removes some of the existing conflicts. At 2.8 you refer to Mr Jones's description of car and van routes to and from the freight deport and his conclusion the level of

risk is unacceptable, and you rebut that at 2.8 onwards of your rebuttal proof. If you could read those sub paragraphs.

MR ELLIOTT: “Vehicle speeds in the in the lorry park will be naturally slow. The HA’s proposals would separate the vulnerable users (i.e. pedestrians and cyclists) from motorised vehicles crossing the lorry park. Mr Jones considers a specific problem with large HGV’s that overhang the opposing lane on the exit. I consider that such events would have a low occurrence and would represent a minimal risk. Mr Wildgoose’s evidence considers the swept paths of (inaudible). In my opinion, the HA’s proposals would operate acceptably.”

MS BUSCH: Okay. Thank you. And at 2.9 you deal with the issue of pedestrian access and you cross refer to your main evidence. We don’t need to go over that again. At 2.10, Mr Jones’s evidence, concerning TD9/93, that’s setting forward the visibility requirements on the exit from a roundabout, and you deal with that at 2.10.1 and 2.10.2.

MR ELLIOTT: “Geometric Design of Roundabouts. Drivers on the circulating carriageway must be able to see the full width of the carriageway ahead of them for 70 metres. This is taken from a table which are specific to roundabouts (inaudible). This particular (inaudible). Drivers circulating on the roundabout would be able to see ahead to the signs at the roundabout exit, to perceive the form of the Access and anticipate any vehicle that happened to be stopped on the access. The prescribed forward stopping sight distance is specific to the inscribed circle diameter of the roundabout and allows vehicles to stop safely if required.”

MS BUSCH: Okay, thank you. And then I think the remaining paragraphs primarily assist with the cost references to your main proof and also to the evidence of Mr Wildgoose. I think if you can just read paragraph 2.16 please, on page ten.

MR ELLIOTT: “In summary, I note Mr Jones’s statement that the depot has been handling outsize vehicles for many years without incident. The HA’s proposals will reduce the number of conflicts outside of the secure gates and remove motorised vehicles from the pedestrian and cyclist access to the site. I do not share Mr Jones’s concerns about the design of the new Farndon roundabout.”

MS BUSCH: Okay. Thank you. I don't think we need to deal with Mr Morris’s (inaudible) the traffic issues. Mr Young, you refer to in 5.1, he's concerned with the Highways Agency’s proposals are inferior. (inaudible) cross refer to your evidence. If you just want to read paragraph just want to read 5.1 through to paragraph 5.3, please.

MR ELLIOTT: “I would expect a typical house to generate five trips a day. With the supplementary orders scheme, these trips would be removed from the vehicle conflicts that occur outside of the inner access gate. Compared with the existing arrangement, the supplementary orders scheme would not change the number of vehicles entering and leaving PA Freight’s inner site through the security gate. My opinion is that supplementary orders would reduce the number of vehicle conflicts outside PA Freight’s inner access gate.”

MS BUSCH: Okay. At 5.2 you deal with Mr Young's potential for risk to domestic and commercial persons and vehicles due to cross movement, and if

you can read your rebuttal response to that in the following sub paragraphs

MR ELLIOTT: “A proportion of the trips to the PA Freight site are made by walking and cycling modes that, in safety terms, are considered to be the most vulnerable users of the highway. These users currently access the site from the B6166 Farndon Road and follow a pathway that is shared with motorised vehicles. With the supplementary orders scheme, these walking and cycling movements would follow the same pathway as they have since 2007; however the need for motorised vehicles to use the pathway would be removed over the length adjacent to property No.153 over the length between the B6166 Farndon Road and Mr Walmsley’s access with the supplementary Orders scheme. My opinion is that the Supplementary Orders scheme would be safer for persons accessing the PA Freight site by vulnerable-user travel modes.”

MS BUSCH: And I don’t think we need to worry about Mr Taylor or Mr Watts. Mr Cage, you note, deals mainly with geometric and engineering issues. If you could just read your paragraph 8.1.2 please.

MR ELLIOTT: “After examining the evidence I conclude that, compared with the existing arrangement, the HA’s proposed scheme would allow more vehicles to be parked in the lorry marshalling area without restricting the space and the ability of other vehicles to manoeuvre. The incidental benefit is that the HA’s proposals would permit growth in use of the PA Freight site that the existing parking and marshalling arrangements could not accommodate.”

MS BUSCH: Thank you, and then just finally your conclusion at 9.1.

MR ELLIOTT: “In conclusion, it is my opinion that the Supplementary Orders should be made.”

MS BUSCH: Thank you very much.

MR BARKER: I've got one or two questions that I'm going to lead in cross-examination (inaudible). What about we take (inaudible). First of all, is everybody ... are there any of the objectors who want to raise any points?

UNKNOWN: (inaudible)

MR BARKER: Just Mr Scriven, okay. Shall we deal with Mr MacDonald now?

MS BUSCH: Mr MacDonald, as with previous witnesses, the same routine. First of all you should have your summary proof, your main proof, appendices to your main proof and finally your rebuttal proof.

MR MACDONALD: I do.

MS BUSCH: I shall begin by introducing you and your main proof of evidence. You are as (inaudible), you are employed by the Wilson James Limited. They are a recognised as being a logistics specialist, providing services to numerous industries, including notably construction and civil engineering industries.

MR MACDONALD: Yes.

MS BUSCH: And your title is General Manager.

MR MACDONALD: That's right.

MS BUSCH: You (inaudible) agreed to be an expert witness in relation to the scheme, specifically about this (inaudible).

MR MACDONALD: That's correct.

MS BUSCH: And then your qualifications and experience, you say you've been employed in the construction industry for 21 years. Your initial involvement (inaudible) in 1990 at the Ludgate Development in central London, a multi-site a project widely regarded as a first in construction for engaging a dedicated operational logistics function. You are an Affiliate Member of the Chartered Institute of Logistics and Transport. From 1990 to the present you've been engaged as a logistician at numerous and varied constructions and civil engineering projects. Your earlier professional roles include site based supervision and management, project management of logistic operations, and in later years you've been engaged in development of logistic strategies and the production of logistic plans for a wide range of projects.

MR MACDONALD: Correct.

MS BUSCH: And then your general role managing includes operational responsibility for several concurrent logistics operations and numerous projects. You give an example of the London Construction Consolidation Centre. You say a key part of this role includes large goods vehicle and road transport, routine material loading and unloading arrangements at the site concerned. And your accountability includes maintaining company compliance with licensing and enforcement manoeuvres ... sorry, measures, enforced and governed by the Vehicle Operators and Services Agency. And you've had WJ membership to several industry organisations and trade associations, you give examples, and then you also say that you've attended various construction safety logistic, skills training and development courses

over many years, and you set out those relevant (inaudible) there. And finally, you explain that until you had been approached by BBCEL to act as an expert witness, you haven't had any involvement with the scheme.

MR MACDONALD: That's correct.

MS BUSCH: And if you take your supplementary proof, please ... sorry, sorry, your summary proof, and start reading from paragraph 1.3.

MR MACDONALD: Which paragraph?

MS BUSCH: 1.3

MR MACDONALD: “The key logistics factors are as follows. Access arrangements for the three parties who raised objections to the supplementary orders. The stated requirement to park nine abnormal loads, 30m in length, concurrently in the lorry park. Vehicle data in relation to volume of abnormal loads. Vehicle manoeuvrability into, within and from the lorry park. Pedestrian access arrangements. Cycle access arrangements. In assessing whether comparable logistics arrangements have been accommodated within the Scheme I have reviewed and assessed the existing arrangements, the information provided by the HA and the documented information received from the parties who raised objections to the supplementary orders. Logistics arrangements for the three parties that raised objections to the supplementary orders. All existing traffic approaching PAF Lorry Park/Secure Depot from the A46 takes the Newark exit (B6166) at the Farndon Road roundabout. After approximately 70 metres all PAF bound road traffic make a right turn into the shared pedestrian/light vehicle route to the existing the

lorry park. The distance from the roundabout to the 'right turn' point is limited. If PAF receive multiple lorries 30m in length concurrently, then there is potential for lorries to stack on the B6166 which subsequently has potential to cause congestion at the Farndon Road roundabout. Lorries turn off the shared pedestrian/light vehicle route into the existing lorry park. All light traffic approaching the lands owned by Mr Walmsley and Mr Lawrence share the same existing route. The shared pedestrian/light vehicle route should be kept clear except for actual access/egress purposes to all users. The proposed scheme provides a new dedicated vehicle route to merge with the existing access to Mr Lawrence's property east of the entrance to PAF Secure Depot. This will reduce the existing traffic on the pedestrian/light vehicle route. The proposed scheme provides a new access route to the PAF lorry park and Mr Walmsley's Land. This will reduce the volume of traffic on the pedestrian/light vehicle route. The stated requirement to park nine lorries 30m in length concurrently in the lorry park. The existing lorry park has nine individual lorry parking bays. The size of each existing lorry bay enables a lorry, up to 18m in length, to park in the existing designated bays. None of the existing lorry parking bays is large enough to accommodate a lorry 30m in length. There is no capacity within the existing lorry park to increase capability for lorries 30m in length to park unless there is reduction in the existing number of lorry parking bays. If receiving lorries 30m in length in the existing lorry park then the capacity to receive another eight lorries 30m in length concurrently is not possible.

The proposed scheme permits concurrent parking for nine individual lorries 30m in length. The proposed Scheme will provide lorry parking for nine lorries 30m in length. This is an enhancement on the existing arrangement. The existing lorry park is approximately 1,020 metres square in area. The proposed scheme is approximately 2,200 metres square in area. Vehicle data in relation to volume of abnormal loads. Vehicle data in relation to volume of abnormal loads. Data identifying the existing volume and frequency of lorries 30m in length that require access to the lorry park and secure depot is not available at this time to enable precise comparison. Therefore it is not possible to calculate exactly the existing volume and frequency of lorries, including those 30m in length, that require access to the lorry park and secure depot on a regular basis. In identifying the volume and frequency of all lorry movements in relation to the waiting time, loading / unloading time and secure depot storage capacity would enable calculation of the existing lorry impact at the lorry park, secure depot and at Farndon roundabout. PAF have provided some data in relation to the goods movements to and from the secure depot but not the actual length of lorry to transport the goods. In assessing the dimensions of the goods supplied by PAF it was possible to identify some abnormal loads, (namely those that would have required transportation on lorries in greater length than the standard permitted UK roads). The overall length of these vehicles, inclusive of any overhanging load is restricted to 30m. The actual length of abnormal loads can range from 16.5m to 30m in length. Lorries at the maximum overall maximum 30m length

are very rare in relation to lorry movement. Nottingham Police must receive notification of all abnormal loads movements in Nottinghamshire in advance. Nottinghamshire Police receive approximately 2,150 abnormal load notifications per month equating to 15,000 abnormal vehicle movements per month on average. There is no information identifying the individual lorry lengths. Nottinghamshire Police state the majority of abnormal load movements in Nottinghamshire are on the M1 Motorway and A1 Highway. Based on prior assumption and calculation in my Proof of Evidence this equates to approximately 432 abnormal lorry movements, between 16.5m and 30m in length, per week on all A and B movements across all Nottinghamshire. Nottinghamshire Police did not have the specific data available to identify how of these movements were in the A46 area at Farndon roundabout. The data provided by PAF does identify a requirement for abnormal loads on occasion. However this data does not correlate to a requirement to have nine lorries, 30m in length, concurrently in their lorry park. The frequency is too low. Informed by the data provided both by PAF and Nottingham Police it is highly unlikely that the current volume of lorries and frequency will surpass the capacity of the existing arrangements or the proposed scheme. Vehicle manoeuvrability into, within and from the lorry park. The existing lorry park has nine designated lorry parking bays. The existing lorry parking bays are approximately 18m in length. Each individual parking bay is able to accept a standard length lorry which does not require prior notification to the Police. PAF have not defined how they

manoeuvre lorries 30m in length into the existing lorry park when the lorry park has another eight lorries parked concurrently. PAF have not defined how they currently manoeuvre lorries 30m in length from the existing lorry park to the secure depot when the existing lorry park is at capacity to enable detailed comparison with the proposed scheme. Each existing lorry parking bay can accommodate a lorry up to 18m in length. If the existing lorry park is full to capacity then the existing arrangement does not permit lorries parked in designated bays 8 or 9 direct access to the secure depot without causing additional lorry manoeuvring in the lorry park and in the shared pedestrian / light vehicle route if other lorries are parked in bays 6 and 7. The existing lorry parking bays, numbers 1 to 5, cannot directly reverse into the secure depot without additional manoeuvring in the lorry park if bays 6 to 9 are occupied. In this case the standard LGVs parked in bays 1 to 5 have to manoeuvre in the shared pedestrian / light access route to reverse access into the secure depot. The proposed scheme provides for parking nine lorries 30m in length concurrently in the lorry park. The proposed scheme enhances the manoeuvrability for lorries 30m in length from the lorry park into the secure depot. The existing lorry park is not large enough to park nine lorries 30m in length at the same time. The proposed scheme provides for a new access route and an enlarged lorry park. This will be an enhancement compared to the existing arrangement. Pedestrian access arrangements. Existing pedestrian access to the secure depot and neighbouring properties is via the existing shared pedestrian / light vehicle route from the B6166

Farndon Road. The existing shared pedestrian / light vehicle route is currently used by two-way traffic and cyclists. It is approximately 3.5m in width. It does not have a dedicated pedestrian foot path. Consequently, pedestrians have to share access / egress with all vehicle and cycle traffic. The existing arrangement exposes pedestrians to all vehicles, including lorries, movements turning into or out of Mr Walmsley's land and the PAF secure depot. The proposed scheme has a dedicated pedestrian foot path to the point where the shared pedestrian / light vehicle route meets the first point of access into Mr Walmsley's land. The proposed scheme will provide an alternative lorry access to the lorry park. This will negate pedestrians sharing access with lorry movements. The proposed scheme will reduce the pedestrian exposure to lorries on the shared pedestrian / light vehicle route, thus enabling safer passage for pedestrians. The pedestrian access in the proposed scheme is enhanced compared to the existing arrangement. Cycle access arrangements. All existing cycle access to the secure depot and neighbouring properties is via the existing shared pedestrian / light vehicle route from the B6166 Farndon Road. The existing shared pedestrian / light vehicle route is used by two-way traffic and pedestrians. It is approximately 3.5m in width. It does not have any dedicated cycle path. Consequently, cyclists have to share access / egress with all vehicle traffic. The existing arrangement exposes cyclists to all vehicles, including lorry movements, turning into and out of Mr Walmsley's land and PAF secure depot. The proposed scheme has a dedicated cycle lane to the point where the

shared pedestrian / light vehicle route meets the first point of access into Mr Walmsley's Land. The proposed scheme has an alternative lorry access to the lorry park thus negating cyclists sharing access with lorry movements. The proposed scheme reduces the exposure to lorries on the shared pedestrian / light vehicle route, thus enabling safer passage for cyclists. The cycle access in the proposed scheme is enhanced compared to the existing arrangement. Conclusions. Having reviewed the existing logistics arrangements and assessed comparisons with the proposed Scheme based on the information available, and I have reached the following conclusions: The arrangements in the Scheme for access to, and egress from, Mr Walmsley's land are comparable to those that exist at present; the scheme will incidentally enhance arrangements for PAF; it is not probable that PAF will receive nine lorries up to 30m in length in the lorry park at the same time; the scheme will provide a lorry park which is 1,180 metres square larger than the existing lorry park; vehicle movements for all (inaudible) abnormal loads (inaudible) up to 30m in length are extremely rare in relation to standard LGV movements. This is supported by the information provided by Nottinghamshire Police. Furthermore, I have been conservative in my calculations in relation to the abnormal load information received by Nottinghamshire Police and how it relates to PAF. There are no scaled drawings or track runs provided by PAF to describe how they manage nine 30m lorries in the existing lorry park simultaneously. The scheme will incidentally enhance arrangements for Mr Lawrence."

MS BUSCH:

Thank you very much. Now, just looking at your main proof, (inaudible) you deal with PAF's objections starting at (inaudible) 4.3 in your proof. I will be able to deal with this reasonably quickly. You refer to the fact, at paragraph 4.3.6, you refer to the fact that Item 3.3 in the Create Consulting Report it lists 17 main operating parameters provided (inaudible) access scheme. (inaudible) where you can comment and then refer back to the statement in paragraph 3.4 of your proof, (inaudible) the operational logistics aspects. And then you go on to paragraph 4.3.7, you set out your response to the issues identified by the Create Consulting Report relating to the proposed scheme, you have dealt with each one of those in turn. I had intended to ask Mr (inaudible) to read through this section (inaudible), so if you would read from paragraph 4.3.7 onwards.

MR MACDONALD: Items 3.6 through to 3.70 of the Create Consulting Report identify a number of issues relating to the proposed Scheme. I have listed each issue (underlined text) in relation to logistics, and responded below as necessary. Issue Number 7 – All Vehicles Entering/Exiting the Site Crossing HGV Vehicle Manoeuvring Area. Item 3.24 states, in the last sentence, the following: “The revised scheme does not show how all these movements can be safely and practically managed”. There is no directly comparable information available from PAF at this time to show how the same movements are safely and practically managed within the existing lorry park arrangement. Therefore this section of the report does not inform in full to enable comparison between existing arrangement and the scheme. However, I refer to my

statements in Section 3.4 Operational Logistics Aspects. Issue Number 8 – All HGV’s Entering the Site have to Manoeuvre Within the Revised Lorry Park Before Being Able to Book In. The first sentence of the comment in item 3.25 states that “At present, any HGV entering the existing lorry park can park safely to the south of the main access whilst waiting for further instructions on which bay to park.” The first sentence of the comment in item 3.26 states that “At present any HGV entering the existing lorry park is instantly directed into the lorry bays to the south of the main access road into the secure depot.” These statements indicate that staff are deployed by PAF at the lorry park to receive LGVs and issue further parking instruction on a full-time basis, although information regarding the working hours of the lorry park and secure depot has not been provided. Furthermore, Issue Number 7 - All Vehicles Entering/Exiting the Site Crossing HGV Vehicle Manoeuvring Area, item 3.24 states, in the first sentence, “This results in a number of vehicles all entering the same area without guidance, routing or clear priorities.” This statement does not refer to any PAF staff which is however alluded to in items 3.25 and 3.26. Issue Number 9 - Turning 30m Vehicles Around. In response to items 3.31 and 3.32 there is no directly comparable information available from PAF at this time to show how the same movements are safely and practically managed within the existing lorry park arrangement. Therefore this section of the report does not inform in full to enable comparison between existing arrangement and the scheme. However, I refer to my

statements in Section 3.4 Operational Logistics Aspects. Issue Number 11 - Access into Revised Lorry Park. In response to items 3.35 to 3.44 inclusive there is no directly comparable information available from PAF at this time to show how the same movements are safely and practically managed within the existing lorry park arrangement. Therefore this section of the report does not inform in full to enable comparison between existing arrangement and the scheme. However, I refer to my statements in Section 3.4 Operational Logistics Aspects. Issue Number 12 - Access into bays 4 to 9. In response to item 3.44 there is no directly comparable information available from PAF at this time to show how the same movements are safely and practically managed within the existing lorry park arrangement. Therefore this section of the report does not inform in full to enable comparison between existing arrangement and the scheme. However, I refer to my statements in Section 3.4 Operational Logistics Aspects. In response to item 3.45 I refer to Create Report Issue Numbers 7 & 8, comments in relation to human resource deployment in the lorry park to issue instruction to drivers. Issue Number 17 – Exiting from Bays 1 to 3. The statement refers to PAF contingency action in regard to vehicles held in the lorry park awaiting a police escort prior to despatch. In this event, vehicles, on occasion, can be reversed into one of the five existing bays at the eastern end of the lorry park. This assumes that there is at least one empty parking bay at present on occasion to facilitate this requirement. Therefore the existing arrangement does not hold nine

standard LGV concurrently at all times. Issue Number 26 – Abnormal Width Loads. It is acknowledged that a core aspect of PAF operations is the receipt and despatch of Abnormal Loads, be it in width, length or height. However, wide loads of this nature as stated in item 3.69 may require an escorting vehicle, which would further reduce any potential for wide loads to conflict. The document entitled ‘Safety Review of Highway Agency’s Access Drawing Number1/PD0285/GD/SK/459 Rev A’, dated April 2011, forms part of PAF’s objection to the scheme. There are some aspects of this report that relate to logistics and I have made comment where appropriate. Section 1.0 Introduction. The report refers to “HGVs”; and, while HGV is common terminology still in use by personnel in the haulage and associated industries HGV categorisation by VOSA no longer exists. Section 2.1 Existing Arrangement. The report states that the access junction to PAF is 73m from the exit off Farndon roundabout. The scheme is approximately 75m from the exit off Farndon roundabout. Section 2.2 Existing Arrangement. The report refers to “nine extra-large bays” but does not state the size of each bay. The report states, in part, that “All HGV’s are directed into the lorry park area, to separate as early as possible HGV’s from normal car movements to and from site.” This substantiates that conclusion that under the existing arrangement access to the lorry park is shared by other road users; however Section 3.1 Layout of Revised Lorry Park states, in part, “there is no segregation of traffic” in relation to the scheme. This section does not specify the overall length of HGVs

in relation to the statements made. Therefore it is not clear if the statements describe the manoeuvres which a vehicle 30m in length undertakes when parking in the existing lorry park arrangement. Therefore this section of the report does not inform in full to enable comparison between the existing arrangement and the scheme. Section 2.3 Existing Pedestrian Access. The report states that “Pedestrians are not specifically catered for in the existing layout, but are assumed to be few in number.” The scheme includes a dedicated pedestrian route which incidentally provides safer access in relation to the existing arrangements. Section 3.3 (Revised Site Access Arrangement) HGV Manoeuvres. This section refers to drawings that identify the 30m lorry manoeuvres based on the Scheme. However, there is no reference in the report to 30m lorry manoeuvres in relation to the existing lorry park arrangements. Therefore this section of the report does not inform in full to enable comparison between existing arrangement and the scheme.

MS BUSCH Okay. Thank you very much. And then we’ll just deal with your rebuttal proof of evidence finally. (inaudible)

UNKNOWN: (inaudible) may I ask him a question?

MR BARKER: Yeah, when he’s finished his evidence, it’s still ...

MS BUSCH If we deal first with the evidence of Mr Malcolm Jones. You make a similar point (inaudible) at Point 8 and then it goes on to say (inaudible) Mr Jones’s evidence it’s possible to (inaudible) existing lorry park and existing arrangements. I’ll ask you to read, if I may, from 2.2 downwards. Yes, 2.2 and 2.3.

MR MACDONALD: “Section 2.5, ‘Existing Pedestrian Access’ states, in part, that pedestrians are not specifically catered for within the existing layout. Therefore the existing arrangement for pedestrian contradicts the legislative guidance submitted in evidence by Mr Edward Watts (OBJ/003/2/1), Section 7.7. The Highways Agency (HA) proposed scheme has made provision for some segregated pedestrian traffic. Section 3.4, HGV Manoeuvres, makes comment on HGV manoeuvrability within the HA proposed scheme but does not state how, if possible, the same HGV manoeuvrability is undertaken within the existing arrangements. It cannot be determined from Mr Jones’s evidence if it is possible to, safely or otherwise, manoeuvre nine lorries 30m in length within the existing lorry park in accordance within the existing arrangements. I refer to my Proof of Evidence (SD2/4/1) that details how the HA proposed scheme will incidentally enhance arrangements for PAF.”

MS BUSCH Okay. Thank you. And then Mr Morris, you helpfully refer to your ... the relevant section of your proof. And similarly that (inaudible) your rebuttal consists primarily (inaudible) your evidence and also Mr Taylor. I’ll ask you to then to turn to Section 7, where you deal with the evidence of Mr Watts. If you could begin to read that out, please.

MR MACDONALD: “Section 5.3, ‘The Highways Agency Proposal’ makes comment that it is likely that LGV drivers will leave vehicles parked diagonally across the lorry park whilst they seek further instruction before commencing extensive manoeuvring. The evidence given by Mr Jonathan Cage (OBJ/003/7/1), Section 5.33, indicates that staff are

deployed by PAF at the lorry park to receive LGVs and issue further parking instruction on a full-time basis thus negating, or at least mitigating, the evidence given by Mr Watts. Section 5.9, 'The Highways Agency Proposal' makes comment that the construction of the HA proposed scheme would be highly disruptive to the operation and that the lorry park would be unusable for the duration of the works. Mr Watts does not provide any evidence on the construction process to support this evidence. Construction works, by their very nature, are disruptive. Construction logistics processes can be planned in advance of the works to mitigate potential for disruption. Section 7.0, 'Legislation' refers to several pieces of safety legislation in relation to scenarios in Mr Watt's evidence. The safe implementation of logistics activities must be planned in advance. Mr Cage's evidence states that the existing lorry park was constructed in 2007, with planning permission obtained on 15th August 2007. Unless the safety documentation prepared for the construction and operation of the existing lorry park arrangements (2007), in accordance with legislation and guidance stated in Mr Watts' evidence, is available for review and assessment it is not possible to assess detailed safety related logistics operating arrangements of the existing lorry park in relation to the proposed scheme.

MS BUSCH: And then finally, I think, about Mr Cage, if I could ask you to read your rebuttal in respect of him..

MR MACDONALD: "Sections 2.1, 2.2, 2.3, 'Current Operations' refer to vehicle movements, including HGV vehicles, abnormal loads, out-of-gauge

and vehicles up to 30m in length. However the evidence does not provide data of the actual number of vehicles, of any size or category, received into or despatched from, the secure depot over any given period. The evidence does not demonstrate when or how often the existing lorry park is at capacity or with what type or size of vehicle. Section 2.10 'Existing Depot Operations' states that, in part, that "All vehicles are booked in on an agreed time basis or with authorisation as it is a secure site, with the yard being strategically prepared by experienced load planners in advance of any vehicle arriving and the stock being positioned in the depot to facilitate the efficient loading/unloading of the goods." If records of all vehicle bookings are available from PAF for review and assessment, it is possible to identify the average and peak vehicle numbers and what the associated lorry parking impact on capacity at the existing lorry park. I refer to my proof of evidence, I comment on the estimated number of lorries up to 30m in length that arrive at or are despatched from the secure depot based on the data provided by PAF. The data is referred to in the proof of evidence, Appendix D, submitted by Mr Morris. Section 2.13, 'Existing Lorry Park' refers to "nine extra-large HGV spaces" in the existing lorry park. The evidence does not state the size of each existing lorry bay. The evidence does not identify the capacity of each lorry parking bay to support PAF requirement to park nine lorries 30m in length concurrently. Section 2.14, 'Existing Lorry Park' state that there is capability to handle up to nine out of gauge HGVs. The evidence does not identify the size and type of out of

gauge HGV. It may be the case that the existing lorry park does have capability to handle nine out of gauge HGVs if each HGV vehicle is approximately 18.5m or less in length, nor does the evidence describe how the capability to handle nine HGVs impacts on the lorry park capacity or manoeuvrability. In my Proof of Evidence (SD2/4/1), Section 3.4.2, I have stated that none of the existing lorry parking bays is large enough to accommodate a lorry 30m in length. Section 2.16 'Existing Lorry Park' makes comments that large 30m long vehicles generally reverse into the depot from the lorry park. This vehicle manoeuvre contradicts the legislative guidance submitted in evidence by Mr Edward Watts, 'Walmsley Land' states that "HGVs again currently use the lorry park area to manoeuvre before accessing Walmsley's land." This contradicts evidence from Mr Jones, 'Access to Mr Walmsley's Land'. Mr Jones states that currently "Access can be gained either from the HGV route or the car/van route and is achieved in a forward direction with no additional manoeuvring required." Therefore this conflicting evidence indicates doubt regarding the existing operational use of the lorry park. Conclusion. Several of the Proofs of Evidence submitted on behalf of PAF refer to "extra-large" in relation to the size of the existing lorry bays in the existing lorry park. In addition, in their Objections PAF have stated requirement to park nine lorries 30m in length concurrently in the existing lorry park. There are nine lorry parking bays at the existing lorry park. Each existing lorry parking bay is estimated at 18.5m in length. In my review and assessment of PAF Objections and

supporting evidence they have a demonstrable need to receive multiple goods vehicles, including abnormal loads, in support of their business activity. However PAF have not provided any evidence that supports their stated requirement to park of nine lorries 30m in length concurrently. In conclusion, it is my opinion that the Supplementary Orders should be made.”

MS BUSCH: Thank you very much, Mr MacDonald. There may be some further questions for you..

MR BARKER: Mr Walmsley, you wanted to ask a question or two I think?

MR WALMSLEY: Yes.

MR BARKER: Mr Walmsley, could I ask you to sit behind that microphone, just so that the ... that's fine. Thank you.

MR WALMSLEY: Yes, I ... (inaudible) I have to ask (inaudible) provision for footpaths (inaudible) separate access to each (inaudible), can you, in your experience, (inaudible) bus and lorry park (inaudible) and especially if a foreign lorry is sat on the opposite side of the road (inaudible) straight down (inaudible) having to cross the lorry park, with people reversing one way (inaudible).

MR MACDONALD: In relation to accessing (inaudible) your yard ...

MR WALMSLEY: Yes. (inaudible) across from our yard, there's a lorry park to the left of us and a lorry park to the right of us on your proposals. Can you explain how it would be safe for us to look both roads at the same time?

MR MACDONALD: In relation to the existing area (inaudible) by the Highways Agency, the understanding that I have is (inaudible) in that area and that there

will be ... PAF have (inaudible) existing (inaudible). So there's a replacement scheme that will soon be (inaudible) replacing (inaudible).

MR WALMSLEY: (inaudible) proposing (inaudible) safe to cross; is that correct?

MR MACDONALD: That's ... yes, that's (inaudible).

MR WALMSLEY: So we've got a separate car entrance and then a main lorry entrance to the site (inaudible) cross the roundabout (inaudible)?

MR MACDONALD: (inaudible)

MR BARKER: Well, I think ... if I can help. I think the point that Mr Walmsley is trying to make, and I don't want to (inaudible), but the proposal brings an access road round off the roundabout and vehicles wishing to gain access to Mr Walmsley have to give way and cross directly across the middle of the proposed lorry park. I think the point, and correct me if I'm wrong, I think the point Mr Walmsley is trying to make is how will that be safer than the existing situation, where they come up, if you like, parallel across the pedestrian route? Is that it?

MR WALMSLEY: Yes.

MR BARKER: How is that safer?

MR MACDONALD: Well, because the approach ... under the proposed scheme?

MR BARKER: Yes, under the proposed scheme.

MR MACDONALD: (inaudible) drivers, whether an HGV or car, there will be (inaudible) directing any PAF vehicles so that they can pull up, they have good vision (inaudible) and then (inaudible) across the lorry park and directly into Mr Walmsley's property.

MR WALMSLEY: (inaudible) any time (inaudible) someone there (inaudible).
(inaudible).

MR MACDONALD: That's ...

MR WALMSLEY: That's not (inaudible) possibility?

MR MACDONALD: No. (inaudible).

MR WALMSLEY: (inaudible) possibility (inaudible) in the lorry park (inaudible). We're talking about the time when PA Freight don't use that compound at all we'd start to use it for other purposes.

MR MACDONALD: (inaudible) in the future, (inaudible) arrangements that (inaudible).

MR WALMSLEY: Yes, well, that's correct. You can't (inaudible) passage for us to go across.

MR MACDONALD: But (inaudible) my opinion that the safe access into it from your land is no worse than (inaudible) logistics aspect.

MR WALMSLEY: Well, you would have lorries entering from the left and (inaudible) on the right, so that was not as safe as just one (inaudible).

MR MACDONALD: I think the point of that (inaudible).

MR WALMSLEY: Thank you.

MR BARKER: Thank you, Mr Walmsley. Okay. So ... yes?

MR LAWRENCE: I have a question ...

MR BARKER: Just a moment. You're a supporter now, aren't you?

MR LAWRENCE: No, I've got a question from (inaudible) which I need to ask you.

MR BARKER: Sorry, you need to ask of me (??)?

MR LAWRENCE: Well, I need to ask this inquiry (inaudible).

MR BARKER: Well, tell you what, you are going to be here tomorrow, aren't you, Mr Lawrence?

MR LAWRENCE: Yes.

MR BARKER: Can you get a copy and give it to the programme officer, copies for myself and (inaudible)?

MR LAWRENCE: If you'd like to read it tonight, sir, I am going to (inaudible).

MR BARKER: Okay.

MR LAWRENCE:(inaudible), mention was made (inaudible) planning application (inaudible) PA Freight alternative access and for any other reasons with planning application (inaudible) be considered during this inquiry, and I have (inaudible).

MR BARKER: Can you respond to that, Mr MacDonald?

MR PUGH-SMITH: Well, sir, (inaudible) we didn't actually raise ...

MR BARKER: Yeah.

MR PUGH-SMITH: ... this morning. Well, sir, I've certainly comment other than Mr Bethel in his rebuttal (inaudible) Newark and Sherwood, (inaudible) . Our position is yes, it is a matter for you to consider.

MR BARKER: And it is that scheme that is ... forms part of your submission.

MR PUGH-SMITH: It does indeed. The only addition I need to draw to the attention of the inquiry is that the ... the request for Newark and Sherwood there has been amendment to certain of the submissions by (inaudible) which we will circulate as soon as we can, perhaps (inaudible) intention of making to Mr Cage's rebuttal so he can explain the position.

MR BARKER: Yes.

MR PUGH-SMITH: And that also includes responses from various statutory consultees.

MR LAWRENCE: (inaudible)

MR BARKER: Yes.

MR LAWRENCE: (inaudible)

MR PUGH-SMITH: Sir, could I raise one matter while Mr Lawrence is here. Sir, we have a slot in the programme for him to give evidence tomorrow. (inaudible) this morning there was nothing (inaudible).

MR LAWRENCE: There will be in the morning, sir, they will be printed out (inaudible).

MR PUGH-SMITH: Okay. Right. Well, thank you, Mr Lawrence, we'll look for that in the morning.

MR BARKER: CCTV stuff, (inaudible).

MR PUGH-SMITH: Now, can I explain to you the position? Yes, that is hard data. Hard data, we have one copy of it. We've had this before. It then has to go to Laytons' IT Department, who copy it. It then has to be sent to Mr Cage's office, (inaudible). It then has to be analysed, at least on a sample basis. sir, that takes hours, if not days. And we grateful that we have it now rather than the 15th November, but, sir, it's still going to take time.

MR BARKER: Mmm.

MR PUGH-SMITH: I can also say that ... can I also just say that before Ms Busch responds, sir, on Friday night, there were spread sheets produced. Some of those spread sheets are incomplete. We are going to have to check those spread sheets to see the extent to which they are even an accurate reflection of what may or may not be on the (inaudible). But, sir, one of the dates that we do know is missing or incomplete is the 6th October, and the reason why I mention that is that that was a day upon which Mr Morris would like to comment when he actually

gives evidence next week, because there was a considerable amount of activity, the type of activity that his business had to accommodate, and therefore the data from the CCTV footage would be a very useful way of seeing (inaudible) which accurately reflects the position as opposed to partially represents it.

MR BARKER: Ms Busch?

MS BUSCH: Yes. Just ... we've all had a second copy of that (inaudible).

MR BARKER: Sorry, a second copy of what?

MR PUGH-SMITH: (inaudible)

MR BARKER: (inaudible)

MS BUSCH: (inaudible)

MR BARKER: Programme (inaudible). (inaudible) Mr Lawrence in the morning, followed by Mr Scriven, Mr Walmsley. Are we satisfied that the acoustics ...

UNKNOWN: (inaudible)

MR BARKER: Sorry?

UNKNOWN: It is in the (inaudible) the conveners.

MR BARKER: Fine. I think that will be (inaudible).

MR PUGH-SMITH: Well, I have to say, I have been having problems, with all respect to Mr MacDonald, (inaudible).

MR BARKER: Yes. Okay. So, do we need to start a little later or are you going to manage ... okay for a ten o'clock kick-off?

MS BUSCH: (inaudible)

MR BARKER: Pardon?

MS BUSCH: (inaudible)

MR BARKER: Okay. Anything else, then, before we adjourn? No? Okay. I will adjourn until ten o'clock tomorrow morning. Thank you very much.

(Inquiry adjourns until 10.00am on Wednesday 9th November 2011)