

THE A46 NEWARK TO WIDMERPOOL IMPROVEMENT

PUBLIC INQUIRIES

JULY 2007

THE A46 TRUNK ROAD (NEWARK TO WIDMERPOOL IMPROVEMENT AND SLIP
ROADS) ORDER 200_
THE A46 TRUNK ROAD (NEWARK TO WIDMERPOOL IMPROVEMENT AND SLIP
ROADS) (DETRUNKING) ORDER 200_
THE A52 TRUNK ROAD (A46 NEWARK TO WIDMERPOOL IMPROVEMENT AND SLIP
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ROADS) COMPULSORY PURCHASE ORDER 200_

CLOSING SUBMISSIONS ON BEHALF OF THE HIGHWAYS AGENCY

1. Preliminary remarks

- 1.1 The inquiry process has a very important function. It permits the Secretary of State and Ministers to make their decision (whether or not to make the Orders which the HA is proposing) with the benefit of independent scrutiny by an Inspector. Furthermore, the process enables those who are interested to make their views known to the Inspector (and, via, the Inspector's Report, to the Secretary of State and Ministers).

- 1.2 At this Inquiry evidence has been given and articulate submissions have been made, both written and oral, by various members of the local communities, against (and for) various aspects of the Scheme. The concerns of objectors must be weighed in the balance and measured against the significant overall benefits which the Scheme is likely to bring.
- 1.3 It is the government's policy to tackle the most serious congestion and safety problems on the trunk road network through a carefully targeted programme of improvements. The A46 is an important regional trunk road connecting the East and West Midlands. The 28km dual carriageway proposed by the HA will reduce congestion, improve safety and will provide a bypass for East Stoke and Farndon. In designing the Scheme a balance has had to be struck between a variety of factors. The preferred choices are the result of detailed consideration of a number of alternatives. It is inevitable that the HA's preferred choices will not be welcomed by everyone.

2. Overview of HA's case

- 2.1 The following points will be developed in more detail below. In summary, it is the HA's submission that the evidence before the Inquiry leads to the following conclusions:-

2.1.1 there are serious traffic congestion problems on the A46 road network between Newark and Widmerpool;

2.1.2 the accident rate on this section of the A46 is poorer than is to be expected for a modern trunk road;¹

¹ Since the Inquiry adjourned in July there have been several accidents on the A46; a head on collision on 12 August in Cotgrave resulting in a fatality and an injury; two motor vehicle injury accidents requiring

2.1.3 local communities experience substantial volumes of traffic, for example in Farndon, East Stoke and Bingham;

2.1.4 drivers are taking back roads to avoid the problems² of the A46;

2.1.5 the HA's proposal would solve the problems identified in the Scheme Brief and would bring substantial and wide-ranging benefits;³

2.1.6 there is widespread support for the proposed dualling of the A46 between Newark and Widmerpool;

2.1.7 there are adverse effects but these are not substantial compared with the overall benefits which the Scheme will bring;

2.1.8 none of the suggested alternatives provides any better overall solution than the proposals which the HA promotes, within the budgetary constraints.

2.2 These points will now be developed in more detail.

road closures in East Stoke on 23 and 26 August; an overturned vehicle in Syerston on 4 September; and an HGV collision near Farndon on 13 September.

² See generally Mr Elliot's traffic proof which identifies the following problems: route standards, existing speed limits, journey times, traffic flows, heavy vehicle numbers, delay during maintenance, unreliable journey times, journey reliability, alternative routing, junction capacity, high vehicle diversions, NMU facilities.

³ A copy of the Scheme Brief is in Inquiry Document 1/0/1.

3. Substantial benefits provided by the Scheme

3.1 The benefits were outlined in the HA's Opening Submissions (in particular section 4.3). It is not proposed to repeat all those points in these Closing Submissions, but attention is drawn to the following points in particular:-

3.1.1 The results of traffic forecasting show that with the Scheme in place, congestion would be reduced, travel time would be saved, the AADT flows on many minor roads would reduce⁴ and journey time reliability would be improved;⁵

3.1.2 The economic effects of the Scheme have been measured using DfT appraisal procedures. The Scheme is economically very good value for money;

3.1.3 The implementation of the Scheme is expected to result in overall safety improvements and a significant reduction in personal injury accidents. Of particular note is the proposed stopping-up of direct accesses onto the main line, and the retention of the old A46 for local traffic movements (not to mention the provision of dualling itself which will resolve the dangers associated with overtaking on a straight but undulating road.)

3.1.4 There would be better facilities for non-motorised users: for example, a north-south cycle route between Stragglethorpe and Farndon; the provision of pedestrian overbridges and controlled crossings; reduced severance effects on local communities; and more reliable bus services.

⁴ See 1/1/2, Appendix B figures.

⁵ See 1/3/1, paras. 3.4 and 3.9.

3.2 That the Scheme will deliver these substantial benefits is recognised by many of the objectors who have appeared at the Inquiry, who have not only expressed their support, in principle, for the Scheme, but who have also expressed the urgent wish that the Scheme be implemented as soon as possible.

4. Objections to the Scheme

4.1 The Scheme proposals have attracted both oral and written objections at this Inquiry. The HA has responded fully to all these objections. The Inspector's attention is particularly drawn to the HA's Responses to objectors, and to the numerous alternative reports, submitted during the course of the Inquiry. Objectors have been concerned with a wide variety of issues, mostly localised, but some scheme wide. This section considers the criticisms which have been made of the Scheme at this Inquiry and whether those criticisms are justified.

Kinoulton/Roehoe

4.2 The Inspector has heard criticism of what is proposed by the Scheme in the Kinoulton/Roehoe area, principally from the Kinoulton Fosse Dualling Group and Parish Council (Mr Gladstone and Mr Huckerby),⁶ Mr David Armiger (Ruschcliffe Borough Council) and Councillor Keyworth,⁷ Mr David Allen (of the Keyworth Liberal Democrats Focus Group) and Councillor John Cotte,⁸ and Mr Greenwood.⁹ The principal criticism of the

⁶ Sitting Day 4, 6th July.

⁷ Both Sitting Day 3, 5th July.

⁸ Both Sitting Day 5, 10th July.

⁹ Sitting Day 6, 11th July.

Scheme is that it will, for certain road trips, require drivers to divert around Roehoe junction, a round trip diversion of some 2.2 miles.¹⁰ An associated criticism is that such a manoeuvre (joining and leaving a busy dual carriageway over a relatively short distance) will be dangerous. Consequently, various alternatives have been proposed by objectors in this area, which can usefully be considered in two groups:-

- those which provide an additional link road connecting the existing downgraded A46 from Kinoulton Lane to Widmerpool Junction/A606 (KN03, KN04, KN05, KN06);
- those which provide an overbridge connecting Kinoulton Lane with Station Road (KN08, KN10, KN11, KN14) (KN13 – bridleway overbridge only).

KN09 (bridleway and PMA only overbridge at Roehoe) has also been proposed in conjunction with a number of the above instead of the Scheme proposal at Roehoe).

4.3 The HA believes that it has given due consideration to the competing factors¹¹ in the Kinoulton/Roehoe area and that the Scheme is to be preferred to all the KN alternatives. The main considerations are these:-

- Given the location and all-movement provision of Roehoe Junction, the provision of an overbridge at Station Road and Kinoulton Lane (which would necessitate a difficult improvement at the A606/Station Road

¹⁰ The 3 miles mentioned by some objectors relates to the comparison with the road movement that was possible prior to May 2004 at the A46/Station Road junction.

¹¹ See the Kinoulton Lane Options Report (DD347) and section 4.2 of Mr Baker's Engineering proof of evidence (Doc 1/2/1).

junction, and would increase landtake of the Roehoe Wood SINC) cannot be justified.¹²

- Roehoe Junction is necessary. An all-movements junction on the stretch of the A46 between Widmerpool and Owthorpe Junctions is desirable. Roehoe Junction is in a good location; it is at an appropriate distance from Widmerpool Junction and provides good connections for nearby properties (and the scrapyard business) along either side of the A46¹³ and for NMUs.
- The provision of an additional link road connecting the existing downgraded A46 from Kinoulton Lane to Widmerpool Junction/A606 (KN03, KN04, KN05, KN06) cannot be not justified.¹⁴ The cost of KN03 plus KN09 would be greater (£0.15m more; plus the cost of acquiring Cross Roads Farm c.£0.8m). KN03, KN04, KN05 and KN06 would adversely affect the SINC. Furthermore, the proximity of Cross Roads Farm House and buildings are a particular engineering constraint associated with KN03.¹⁵
- The four overbridge alternatives would cost from £3.6m to £4.3m more than the Scheme. (Omission of the Roehoe Junction - KN09 - would reduce this by £1.2m).¹⁶
- The HA accepts that for certain car journeys there will be a round trip diversion of 2.2 miles.¹⁷ However, this would not be true for all

¹² See 1/0/4 Alternative Report KN08 etc, Conclusion, section 8.

¹³ Jerico Farm, Roundhill Spinney, Lodge on the Wolds, Woodlands, Owthorpe Lodge.

¹⁴ See 1/0/2 Alternative Report KN03 etc, Conclusion, section 8.

¹⁵ See the note on KN03 cross sections at 1/0/22.

¹⁶ Alternative Report KN08 etc, 1/0/4, para. 8.1.7.

¹⁷ The HA does not consider the time it would take to travel this distance significant.

journeys in and out of Kinoulton. Mr Gladstone accepted in cross-examination that, as a resident of the east end of Kinoulton, he currently uses Stragglethorpe Junction to travel north on the A46. The Scheme would therefore not affect his travel movements north. Mr Gladstone accepted that the same could probably be said for others living in east Kinoulton.

- The HA rejects the view that the diversion around Roehoe junction would be dangerous, as suggested, in particular by Mr Allen. Roehoe Junction is designed to standards, and, in terms of forecast traffic flows in the design year, it would not be difficult for vehicles to join the A46 at Roehoe.¹⁸ Those drivers wishing to leave the A46 at the next slip road after Roehoe could stay in lane one of the dual carriageway and therefore need not encounter any weaving difficulties.
- On page 1 of Kinoulton's proof of evidence (5/1/1) mention is made of Kinoulton residents' support for the earlier Preferred Route which included an overbridge at Kinoulton (but including a no right turn onto the A606 from Station Road). Northbound travel up the A606 at that location would have necessitated a diversion around Widmerpool Junction.¹⁹ Kinoulton residents did not object to that diversion. The HA urge the Inspector not to place too great a weight on the psychological antipathy expressed by objectors for diversions around Roehoe Junction. In addition to all the factors mentioned above, this antipathy should also be measured against the increased safety benefits and driving appeal which the new A46 will hold over the old in terms of

¹⁸ See Response to Kinoulton PC & FDG (1/R/098&174/1) paras. 5.13.2.

¹⁹ Of approximately one mile.

improved journey time reliability, better journey ambience, and freer flowing conditions.

Owthorpe and Cotgrave

4.4 In these locations objectors were mainly concerned with the effects they believe the Scheme will have on traffic flows in surrounding villages. Those who spoke out about the proposed junction at Owthorpe and the overbridge at Cotgrave were Mr Armiger, Councillor John Cottee and Mr Drew Wilkie from Cotgrave Town Council.²⁰ Mr Armiger said that Rushcliffe Borough Council and the residents of Owthorpe feared that the new junction at Owthorpe would increase traffic flows through the surrounding villages and encourage rat running, although he accepted in cross-examination that these fears were impressionistic and not based on traffic studies or forecasts. Councillor Cottee expressed the view that rat-running would occur at Owthorpe Hill. Mr Wilkie told the Inquiry that he believed traffic in Owthorpe Road would increase if the access onto the A46 at Colston Gate were to be removed.

4.5 The HA has examined the potential for Owthorpe Junction to increase traffic flows through surrounding villages, using both observed data and traffic model forecasts. There would be an increase in traffic through Owthorpe²¹ but both the HA and the local highway authority (Nottinghamshire County Council) are content that the traffic flow changes are manageable. The HA has given detailed consideration to the junction arrangements in the Owthorpe Road and Colston Gate areas,²² and therefore considers that there is no merit in any of the alternatives suggested in these locations.²³

²⁰ On days 3 (5th July) and 5 (10th July) of the Inquiry.

²¹ See the HA's response to Mr Armiger (1/R/179/1) at para. 5.10.5 onwards.

²² See, in particular, section 5 of the HA's response to Cotgrave Town Council, 1/R/34/1.

²³ See the Alternative Reports OW02/04 (1/0/53), OW05 (1/0/6), OW01A (1/0/71).

Stragglethorpe Junction

- 4.6 The height of the proposed embankment at Stragglethorpe Junction has provoked vocal criticism at the Inquiry from three objectors in particular: Mr Armiger and Mr Neil Clarke from Rushcliffe Borough Council, and Mr Greenwood.²⁴ Mr Armiger says that the embankment will be “visually and environmentally intrusive”, Mr Greenwood calls it a “horrendous visual intrusion” (and on page 4 of his proof gives the impression that the mile long embankment is 9.5m high), and Mr Clarke criticises the junction arrangement for being more complex and more expensive than it needs to be. These objectors regard ST01 and ST02 as appropriate alternatives, both of which would involve the Nottingham and Stragglethorpe Roads passing over the new A46 rather than under it, as envisaged by the Scheme.
- 4.7 The HA accepts that there would be a large adverse visual effect at Stragglethorpe in the Scheme opening year, but contends that this would have reduced to slight adverse after 15 years. Taking this longer view, the HA therefore considers that the objections to the Scheme at Stragglethorpe have been exaggerated and that expressions such as “horrendous visual intrusion” are clearly inappropriate, particularly given the limited number of receptors.
- 4.8 The height of the embankment above ground level would not be 9.5m along its length. The correct figures are given in the Inquiry Document 1/0/29 (Long Section of Scheme at Stragglethorpe Junction), and in the HA’s Response to Mr Armiger (1/R/179/1) at para. 5.7.3.²⁵ The top of the embankment would sit within the context of rising ground to the south and

²⁴ Who appeared on Inquiry days 3 (5th July), 13 (25th July) and 6 (11th July) respectively.

²⁵ Over a distance of 1km the average height of the embankment would be 6.25m above the existing A46 road level, and 8.03m above the adjoining field levels. Where existing ground levels are at their lowest the maximum height of the embankment would be 9.9m.

the east, and would sit against rising farmland to the north west and follow the grain of the landscape. It is considered that the photomontages produced during the Inquiry (Inquiry Document 1/8/4) give a good indication of how successfully the new road will be integrated within the landscape once the planting has had a chance to establish itself.

4.9 The objectors' alternatives ST01 and ST02 are not appropriate.²⁶ The new roundabouts and connector roads at the junction would be lit. By locating the junction at ground level, the light columns and lanterns would be set against the embankments and not elevated within the landscape. With the alternatives, the lighting would be elevated; there would therefore be greater environmental intrusion and light pollution.²⁷ The alternatives would also be more expensive²⁸ and ST02 would require more landtake. Mr Clarke believes there must be "simpler" alternatives at Stragglethorpe, but apart from ST01 and ST02 he did not identify any.

4.10 The HA fundamentally disagrees with the statement Mr Greenwood makes in paragraph 2 of his closing submissions: that the configuration of Stragglethorpe Junction depends to a large extent on three strategic proposals for the East Nottingham area.²⁹

Saxondale Junction

4.11 Mr Greenwood has criticised the proposed layout for Saxondale Junction because, he says, it requires too much landtake and has not taken sufficient account of possible future improvements to the A52. Until his closing submissions he favoured SX02, but following cross-examination, he has now

²⁶ The ST01 and ST02 Alternative Reports are Inquiry Documents 1/0/3 and 1/0/5.

²⁷ And see Alternative Report ST02, 1/0/5, para. 7.1.23.

²⁸ Not least due to the cost associated with the disposal of surplus material.

²⁹ Mr Greenwood refers to the development of the Cotgrave Colliery site, the A52 Radcliffe by-pass, and a possible new crossing of the Trent west of Radcliffe.

abandoned this alternative and favours another (shown as Figure 3 attached to his recent letter to the Programming Office of 16th July³⁰) which, he considers, would better accommodate an improved A52.

4.12 It would be inappropriate (and, indeed, the Scheme brief does not require it) for the Scheme to attempt to take account of possible improvements to the A52 corridor between Gamston and Bingham. Although the final report for the A52 Multi-Modal Study has recommended such an improvement, the alignment and form of such an improvement has yet to be identified. Saxondale Junction has been designed to accommodate the 2031 central growth forecasts of peak hour traffic. The HA has also modelled a dual carriageway link on the A52 between Gamston and Saxondale Junction to produce peak hour traffic flow forecasts. HA considers that Saxondale Junction would be able to accommodate an A52 dualling with only relatively modest improvements to the design of the roundabout.³¹ To attempt to make any more detailed provision for possible A52 improvements would be premature.

4.13 The HA's Alternative Report on SX02 (1/0/14) explains why the optimum layout for Saxondale Junction is on an off-line alignment, and justifies the amount of landtake.³²

Margidunum (rat running in Newton)

4.14 Mr Armiger fears that the link between Newton village and Margidunum Junction will encourage rat-running. The HA's view, however, which is confirmed by traffic forecasts, is that on the new A46 travel between

³⁰ This suggested alternative was also included in Mr Greenwood's PowerPoint presentation given on Day 6 (11th July).

³¹ See the HA's Response to Mr Greenwood (1/R/7/1) at para. 5.1.8.

³² See 1/0/14, in particular sections 3.1 and 3.3.

Margidunum and Saxondale Junctions would be quicker, and therefore fewer drivers would use the alternative route between Radcliffe and Newton.³³ In addition, the link is also necessary to facilitate access from the A46 to the former RAF Newton development site (otherwise the existing access from Newton village would have to divert through the village to the A6097).

East Bridgford

4.15 Since the Public Consultation in 2003, the HA has much done to allay the concerns of the inhabitants of East Bridgford.³⁴ One particular objection, however, remains outstanding. Mr Geoffrey Reed, representing East Bridgford Parish Council, informed the Inquiry³⁵ that 460 people in the parish of East Bridgford support an alternative alignment to the east of the existing alignment (as in alternative EB06) as against 21 people who support the Scheme alignment to the west. With alternative EB06 the proposed A46 would be further away from the village of East Bridgford (and closer to Bingham and Car Colston). Mr Reed says that in comparing the costs of EB06 with the Scheme, land values should be equalised because the land which would be compulsorily purchased, in both cases, is owned by the Crown Estate. This is not a fair analysis of the position. The HA consider that it is justifiable to conclude that EB06 would be costlier because the route would go through development land (as opposed to agricultural land) which has received outline planning consent. EB06 would also take some grade 1 agricultural land whereas the Scheme alignment would not.³⁶

³³ See the HA's response to Mr Armiger 1/R/179/1.

³⁴ For example, the Scheme now passes beneath the A6097, with provision of landscape bunding, whereas previously it was on an embankment over the A6097.

³⁵ On Day 7 (12th July).

³⁶ See the extracts from DD217-1 and DD217-2 which Mr Field referred to in cross-examination by Mr Reed.

4.16 Mr Reed also claimed that the Scheme alignment would cause more damage, in archaeological terms than the EB06 alignment. The HA disagrees with this analysis. Moreover, English Heritage, with whom the HA has had lengthy correspondence on the archaeology at Margidunum supports the Scheme alignment and objects to EB06.

4.17 Mr Reed claimed “[t]he western route will undoubtedly cause substantial noise and light pollution to the villages of East Bridgford and Newton.”³⁷ The HA’s evidence contradicts this assertion. Mr Dowse made it clear under cross-examination that light pollution would not increase for East Bridgford because high pressure sodium lamps with zero tilt would be used and these would be set against the backdrop of Bingham.³⁸ Mr Maneylaws considered that there would be only slight changes in noise levels for East Bridgford residents.³⁹ The Inspector can balance the HA’s assertions with his own recollections from the site visit to East Bridgford on 20th July. It was necessary to walk from Walnut Tree Lane diagonally across two fields to arrive at the vantage point in the third field where the photographs for the photomontage were taken.

4.18 Mr Reed also expressed the view that under the Scheme rat-running would increase in East Bridgford and Newton, which could be avoided with the adoption of EB06.⁴⁰ Again, these views were largely impressionistic and not formulated with the benefit of detailed forecasting. The HA disagrees with Mr Reed’s assertions and has provided detailed reasons for this in its

³⁷ See paragraph 2 of his proof of evidence.

³⁸ See the HA response to East Bridgford 1/R/11/1 at para. 5.2.2; and the photomontage (Inquiry Document 1/8/4, drawing 004).

³⁹ Under cross-examination he pointed out that the greatest decrease in noise levels, with Alternative EB06, would be 1.3dBA on the eastern fringes of East Bridgford, and that the reduction in noise levels would become less, moving west across East Bridgford, because of noise from the A6097. He also pointed out that with EB06, the northern part of Bingham, and Car Colston, would experience slight increases in noise levels.

⁴⁰ See paragraph 3 of his proof of evidence.

response (1/R/11/1) at paragraphs 5.3.1 to 5.3.8. The Scheme is also considered by the HA to have little impact on trip routing between Car Colston and the north. Again, detailed reasons have been provided for this conclusion.⁴¹

4.19 Accordingly, the HA considers that there is no reasonable basis upon which an eastern alignment like EB06 could be supported.⁴²

Red Lodge

4.20 Various alternatives have been suggested at this junction. Mrs Linda Bradford, who lives at Red Lodge, appeared on Day 7 (12th July) of the Inquiry and promoted RL03, which provides for a link road connecting Lodge Lane directly with Red Lodge Junction. Mrs Bradford considers that adoption of RL03 would greatly reduce the traffic flow past her property and would give the residents of Screveton a more direct route (315 metres less) to and from their village. The HA considers that projected vehicle flows on Lodge Lane (20 vpd in 2031) are too low to justify a more expensive alternative.⁴³ This alternative has received a counter-objection from Mr Neale, who was represented at the Inquiry by Mr Andrew Robinson on Day 7 (12th July). He considers that the alternative would provide no benefit for road users and local people. Flintham Estate also object to RL03, considering that it would have adverse visual and landscape effects on Flintham Hall and its setting.⁴⁴

⁴¹ See the HA's response to EBPC 1/R/11/1 at paras. 5.6.1 to 5.6.9.

⁴² See also Alternative Report EB06, 1/0/20 esp. sections 7 and 8. Mr John Martin has counter-objected to EB06 because of the impact it would have on his business. He was represented at the Inquiry by Andrew Robinson of Andrew Grainger & Co (on Day 7, 12th July).

⁴³ See the HA response to Mrs Bradford, 1/R/26/1 at paras. 5.7 to 5.10 and the Alternative report for RL03 (1/0/15). RL03 would cost £0.769m more than the Scheme at Q1 2005 prices.

⁴⁴ There are a number of other counter-objections to RL03; these outweigh the supporters for this alternative. See 1/0/96.

4.21 Councillor Kay Cutts (giving her own views not those of NCC), who appeared on Day 9 (17th July), said she wanted a “different” junction at Red Lodge, because she considers there is too much landtake, although she was not necessarily endorsing any particular published alternative.⁴⁵ Reduced junction configurations are being proposed - RL01, RL01A⁴⁶ and RL04 – but these have all attracted counter-objections, particularly from Mr Neale and Mrs Walker.⁴⁷ Mr Neale considers that RL01 and RL04 would cause danger for his clients and staff crossing the road; and that RL01A could have a potentially huge impact on agricultural efficiency because of a no-right turn.

4.22 The HA does not support any of these other Red Lodge alternatives.⁴⁸ The primary objection to RL01 is a safety concern: the HA wishes to avoid the dangers of an at-grade right turn crossing manoeuvre across a gap in the central reservation which RL01 would involve.⁴⁹ RL01 would be the only at-grade crossing on the entire Scheme. As for RL01A, the absence of an all-movements junction would involve longer journeys (up to 5.9km) for some road users on less suitable roads (to Kneeton through East Bridgford).⁵⁰ The lack of a grade-separated NMU crossing at Red Lodge would act as a serious deterrent to the use of the north-south NMU route and would be contrary to one of the objectives of the Scheme design.⁵¹

4.23 RL04 would provide an overbridge to connect Kneeton to Screveton but without linking to the A46. It is forecast that only a small number of vehicles

⁴⁵ It was understood from correspondence received from Mr Suthers that Councillor Kay Cutts would be promoting RL04, although paragraph 2 of her proof of evidence does not refer expressly to this alternative.

⁴⁶ RL01 and RL01A are being promoted by Flintham Estate, although Mr Hildyard appeared to concede in his submissions that the HA’s safety concerns about these alternatives are legitimate.

⁴⁷ Both of whom appeared on Day 7 (12th July), Mr Neale being represented by Andrew Robinson/

⁴⁸ See the Alternative Reports for RL01 and 01A (1/0/73), and RL04 (1/0/26). See, in particular, sections 7 and 8 in each report.

⁴⁹ See Alternative Report RL01/01A paras. 7.1.6, 7.1.10 and 8.1.3.

⁵⁰ See Alternative Report RL01/01A paras. 7.1.7, 7.1.12, 7.1.14, 7.1.15.

⁵¹ See Alternative Report RL01/01A para. 8.1.7.

would use Red Lodge Junction but the need for the junction is not based on the level of traffic but on access requirements for local businesses and the emergency services. The emergency services expressed concern that without the junction at Red Lodge, the village of Kneeton would be at the end of a 2.8 mile cul-de-sac from the A6097. The Fire Service stated that they would require access via Red Lodge Lane. For vehicle travellers from Kneeton, journeys would be via Screveton and Flintham when travelling to or from the north (an increase in some trip lengths by 3km).

- 4.24 Alternative RL05 (a more western alignment at Red Lodge) is being promoted by Flintham Estate, although Mr Hildyard regards it as an alternative of last resort, and is sensitive to the counter-objection which has been made by Mr Neale, the owner of the land which would be affected.

Flintham Footbridge (FL08)

- 4.25 Mr Peter Ford, who appeared on Day 7 (12th July) of the Inquiry, is promoting a footbridge at Flintham to connect the former RAF houses at Coneygre Spinney to Inholms Road and Flintham Village.⁵² In his view, this will dispense with the need for the footbridge at Slacks Lane. Mr Ford made it very clear that he is promoting a footbridge in this location primarily because he is concerned for the safety of the children at Coneygre Spinney, although he also expressed concern that the lack of a footbridge at this location will exacerbate community severance. He believes that children will be tempted to cross the A46 near Coneygre Spinney rather than at Flintham Junction. Mr Ford is supported in his promotion of FL08 by David Cartledge, who gave evidence immediately after Mr Ford, and Councillor Kay Cutts.

⁵² This has been drawn up as FL08, although the HA has mistakenly shown a bridleway bridge rather than a footbridge. Alternative report FL08 has been revised to reflect this. See 1/0/42 and 1/0/21 Rev 1.

4.26 The HA considers that a footbridge is not justified in this location, so close to Flintham Junction overbridge (350m away)⁵³ and that safety concerns at Coneygrey Spinney could be adequately addressed by the planting of appropriate hedgerows. The HA considers that Slack's Lane footbridge is required to maintain (safely) the historic route. Without Slack's Lane footbridge, walkers wishing to cross the A46 from Slack's Lane to Flintham Park, would incur a diversion of 1.6km compared with 0.2km with the Scheme. NCC has also expressed its desire for connectivity to be maintained between footpaths KN3 and FL6. An additional footbridge at Coneygrey Spinney is therefore an unjustifiable cost.

Flintham Estate (Slacks Lane Footbridge, VCBs, offsite planting)

4.27 The issues between Flintham Estate and the HA have now been considerably narrowed. The remaining differences are set out very clearly in paragraph 3 of Mr Hildyard's closing submissions. The Estate now objects, principally, to the continued inclusion of Slacks Lane footbridge and the central reserve vertical concrete barriers (VCBs). There is also disagreement as to the appropriate extent of offsite planting near Red Lodge Junction. To deal with this last point first, the HA is firmly of the view that the full extent of the offsite planting proposed by the Estate is inappropriate, as this would permanently and seriously compromise the long views presently enjoyed from Newfield Farm. The HA does not agree that the balance lies in favour of enhancing this particular long view from Flintham Hall and RPG.

4.28 Mr Hildyard impliedly criticised the Environmental Statement as lacking in true objectivity. This criticism is unfair. The Environmental Assessment was carried out in accordance with the requirements of the Highways Act 1980,

⁵³ The HA concedes that the location of 2 crossings so close together would not contravene DMRB standards, but considers that pedestrians would be over-provided for if both crossings were in place, and that the capital and maintenance costs cannot therefore be justified.

Section 105A, as supplemented by the Highways (Assessment of Environmental Effects) Regulations 1988 (amended in 1994 and 1999). This domestic legislation implements the European Commission (EC) Council Directives 85/337/EEC and 97/11/EC on the assessment of the effects of certain public and private projects on the environment. Environmental assessment is the process by which information about environmental effects is collected, assessed and used to inform decision making. The aim of the Environmental Assessment is to provide an unbiased, comprehensive and factual report stating both the advantages and disadvantages of the Scheme. The function of the ES is to give both the public and statutory environmental bodies the opportunity to express their opinion before a project is initiated. As the Inspector will be aware from evidence given and documents submitted during this Inquiry, Scott Wilson's design and environmental teams have worked closely together on the A46 project and this has enabled the design team to be fully aware of the various environmental constraints in the A46 corridor. Early consultation with Statutory Consultees such as English Heritage and local interest groups such the Nottinghamshire Wildlife Trust has aided in the development of the mitigation strategy. All chapters of the Environmental Statement were circulated to the appropriate Statutory consultees for comment prior to publication.

4.29 Turning to PPG 15 (Planning and the Historic Environment) (DD76), this provides guidance on the protection of the historic environment and also provides the Government's advice on listed buildings, historic parks and conservation areas. The consideration of the effect of development on the historic environment is a matter of public interest. It is important to consider the balance between the measure of public service provided by the A46 improvements and that served by fully meeting Mr Hildyard's concerns. Mr Hildyard has maintained that the historic importance of Flintham Hall, the

RPG and the conservation area have not been given sufficient weight in the design of the A46 improvements. The HA disagrees and considers that the Scheme has been designed with particular regard to the importance of these historic assets and with the aim of minimising its effect upon them. English Heritage has raised concerns over the potential urbanising effects of certain aspects of the Scheme (Slack's Lane Footbridge and the VCBs) on the Hall, historic park and conservation area. These concerns must, however, be weighed against the wider public interest of meeting the Scheme's objectives. PPG 15 is quite clear that in considering important historic assets (such as in a conservation area): "*appearance must be a major consideration, [but] this cannot realistically take the form of preventing all new development.*"...⁵⁴ "*The historic environment of England is all-pervasive, and it cannot in practice be preserved unchanged*"⁵⁵ (para 1.3). The HA has stressed the strong planning policy background for the improvement of the A46. The route of the Scheme is protected in local and regional planning policies and as such satisfies objective (no. 8) of PPS 1 (Delivering Sustainable Development).

4.30 In his proof of evidence, Mr Rech made economical references to planning policy. Worthy of mention are the following policies:-

- Para. 5 of PPS1, which refers to the need to ensure that development proposals are sustainable and in particular contribute "to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community"

⁵⁴ See para. 4.16.

⁵⁵ See para. 1.3.

- Para. 4.19 of PPG 15, which explains that there can be a need for development that outweighs the obligation to give a high priority to the objective of preserving or enhancing the character or appearance of the (conservation) area.
- Paras. 4.16 and 4.19 of PPG 15 sets out a duty to “have special regard to” or “pay special attention to” the desirability of preserving or enhancing the historic environment, but does not impose a duty to preserve it at all cost.

4.31 The HA considers that the adverse impacts of the Scheme on the setting of the Hall and RPG have been adequately and appropriately mitigated in the Scheme design. Slacks Lane is required in order to link the footpaths KN3 and FL6 (and this view is supported by Notts County Council). The mitigation proposed in relation to the footbridge is additional tree planting, and it is expected that as these trees mature, their presence will effectively screen the footbridge from the Hall and most of the RPG. Accordingly, the HA considers that there is no justification for a truly bespoke (and therefore considerably more expensive) footbridge, although the HA continues to acknowledge its willingness to look at this issue further (within the Scheme budget) at the detailed design stage.

4.32 The proposed VCBs would not physically encroach upon the RPG and would be similarly isolated from the Hall, RPG and conservation area by the tree belt in the Slips. The VCBs would not be visible from the Hall or the RPG unless the receptor was in, or very close to, the Slips. Furthermore, as Mr Rech largely accepted in cross-examination, a driver on the A46 driving past Red Lodge Junction and the Slips may well not see the Hall and, unless he knew otherwise, would not appreciate that the Slips formed part of a RPG.

4.33 The HA fully accepts that the use of VCBs is not currently mandatory on the Scheme. It is very concerned, however, with the safety of drivers on the A46. No evidence has been presented to challenge the HA's assessment that VCBs would be safer than the tension corrugated beam formerly proposed.⁵⁶ Given the matters raised in the foregoing paragraph, the HA considers that the balance lies in favour of protecting the safety of road users as far as is possible, and urges the Inspector to reach the same conclusion.

Syerston (overbridge, layby, BOAT)

4.34 At Syerston objectors have stated that the proposed dual carriageway would be too close to the village of Syerston, and various alternative alignments have been proposed. The village's interests were represented, on Day 8 (13th July) of the Inquiry, by Ms Jayne Wilkes and Ms Kathy Ronald. The village has come down in favour of support for alternative SY07C (the proposal to site Syerston overbridge further north) and is no longer actively promoting SY07B, which would see a shift in the alignment of the new road 20m further away from Syerston. SY07C would also relocate the Longhedge Lane BOAT further away from the residential properties at Greengate.

4.35 The HA considers that there are cogent reasons why the Scheme proposals should be preferred to those being promoted in SY07C. The realignment of the Syerston overbridge further north would give receptors in Greengate a more direct view of the overbridge, would require a greater landtake, would result in a less desirable⁵⁷ arrangement at the junction of the old A46 with

⁵⁶ Not the stressed cables incorrectly stated (in para. 6(2) of Mr Hildyard's closing submissions) to have been the HA's previous choice.

⁵⁷ Because of poorer visibility. The visibility would be below standard. Note that the HA is not saying that the proposed junction would be dangerous. Ms Wilkes states in para 3.4 of her closing submissions that the visibility at this junction compares favourably with that of the Scheme. She relies on photographs of the existing road to demonstrate this. This is not an appropriate means of drawing such conclusions.

Greengate, would be located partly over, or very near, layby 4S (about which the HA has valid safety concerns, given the constraints on moving the layby elsewhere), and would cost £0.6m more than the Scheme. Syerston's allegation that the connection of the Longhedge Lane BOAT to Greengate will cause legitimate safety concerns is not made out. Syerston produced no evidence that the BOAT will be heavily or even moderately trafficked. It was acknowledged by Ms Wilkes that agricultural traffic does not presently use Longhedge Lane. In the long term, there will be no loss of rural approach to the village. The concerns of Kathy Ronald are unfounded. Syerston overbridge will not ultimately "impose a dominating presence on the village".⁵⁸ The photomontage introduced by Mr Dowse amply demonstrates this.⁵⁹

Elston/East Stoke

4.36 In this area of the Scheme, which came before the Inquiry on Day 9 (17th July), the residents of Elston wish the main alignment of the Scheme to be further away from Elston. To this end, Mr Gordon Hurn, supported by Mr Alan Rabjohn, the Chairman of Elston Parish Council, is promoting EL02. This alternative has very little indeed to commend it. It would have a direct physical and high adverse impact on Stoke Battlefield; consequently English Heritage object to it. It would cost an additional estimated £4.095m as a result of three properties having to be compulsorily purchased, and overhead power lines having to be diverted. It is also deeply unpopular with the residents of East Stoke and Thorpe. Mr Sutton, representing East Stoke with Thorpe Parish Council, wished to make this point very clear to the Inspector when he appeared at the Inquiry on Day 9, as did Mrs Mary Cherry-Downes of Thorpe Residents' Group.

⁵⁸ See Ms Wilkes' closing submissions, last para.

⁵⁹ Inquiry Document 1/8/4.

Lodge Lane/Fosse Road junction

4.37 Late on in the Inquiry⁶⁰ the Inspector heard Mr and Mrs Matthews' case, presented by their son-in-law, Mr Jeremy Thompson. Mrs Matthews, who lives at Elston Lodge Farm, objected to the Scheme proposal that would have required her access onto Lodge Lane to be restricted, owing to the proximity of the proposed roundabout at the junction of Lodge Lane and the old A46. The HA has recently proposed that Mrs Matthews' access could be improved if the radius of the roundabout splitter island were increased to 3m. This revision, to permit all movements, has the support of NCC but has not satisfied Mrs Matthews, however, who now prefers a design which would relocate the roundabout 10m further west (drawing SK/979). The HA considers that it is fully justified in not supporting this late alternative, because of the impact it would have on the Registered Battlefield of Stoke Field. English Heritage fully support this view,⁶¹ as does NCC.⁶² The particular concern of Mr Carver, and English Heritage, is the increased likelihood of discovering human remains. Mr Carver's evidence, which he supported with reference to Vol 3 of the ES (para 7.2.8) is that the land adjacent to the A46, especially on the battlefield side, is a high risk area for inhumations.

4.38 Mrs Matthews has a number of subsidiary points, mainly concerning noise, visual intrusion, lighting and traffic levels. These are fully addressed in the HA's Response.

Crees Lane/Farndon Roundabout

⁶⁰ Day 15, 12th September.

⁶¹ See their letter dated 11th September 2007, attached to HA's response (1/R/46/2).

⁶² See David Pick's email of 11th September 2007 (1/0/105). The owner of the land has also objected to this alternative.

4.39 Several issues have arisen at this location, which have concerned the following objectors: Crees Lane Residents' Association, Mrs Hennessy, PA Freight,⁶³ Crown Textiles and Mrs Clarkson. The primary issue raised at the Inquiry concerns the HA's need to provide an access for Crees Lane at Farndon. The Scheme proposal is the diversion (and extension) of Crees Lane away from Farndon roundabout, and onto the Fosse Road (which would become the old A46). Crown Textiles and Mrs Hennessy object to this proposal because of the compulsory purchase of their land which the diversion would necessitate. Mrs Hennessy appeared at the Inquiry on Day 10 (18th July) supporting CL02 (where the provision of access for Crees Lane would be via Marsh Lane). The Crees Lane Residents object to CL02. Crown Textiles⁶⁴ wants Crees Lane to connect directly onto Farndon roundabout. At the Inspector's request the HA drew up this alternative as CL04.⁶⁵ This is now also supported by CLRA,⁶⁶ and Mrs Hennessy. The HA's primary objection to this alternative is on grounds of safety.⁶⁷ The HA maintains its position that a 6 arm roundabout at Farndon is undesirable on safety grounds and urges the Inspector to recommend the Scheme proposals at Farndon.⁶⁸

4.40 Mrs Marjorie Clarkson, of Farndon Fields Farm (represented at the Inquiry by Mr Tim Silcock of Brown & Co) claims⁶⁹ that the size of Farndon roundabout is excessive and that it is inappropriate for the design of the roundabout to have been dictated by the location of the electricity pylon. The

⁶³ Andrew and Philip Morris appeared at the Inquiry to express their frustration about the uncertainty surrounding the proposed Southern Relief Road.

⁶⁴ Represented at the Inquiry on Day 10 (18th July) by John Phillips of APB Chartered Surveyors.

⁶⁵ 1/0/69.

⁶⁶ CLRA appeared at the Inquiry on Day 14 (5th September) represented by Simon Hellier. CLRA's next preferred option is CL03, which would involve Crees Lane being an unadopted road and maintained by those using it, and would therefore require the consent of both PA Freight and Mrs Hennessy. Mrs confirmed in her closing submissions that she objects to CL03.

⁶⁷ See the HA's Response to CLRA: 1/R/29/2.

⁶⁸ There is no standard prohibiting a 6 arm roundabout, but there are safety concerns. See Inquiry Document 1/0/99.

⁶⁹ Day 15, 12th September.

HA has drawn up a reasonably practicable alternative design (FN02)⁷⁰ which marginally reduces the size of the roundabout, relocates it further away from her property, and still fails to avoid Mrs Clarkson having to share an access with the adjacent haulage/distribution yard (PA Freight).

4.41 The HA has carefully considered the design of Farndon roundabout (see the Farndon Roundabout Options Report – DD365). The desire to avoid the increased costs associated with the relocation of the electricity pylon and transmission line (which would account for some £0.62m of the £0.917m cost increase of FN02) was an important but not the only consideration. Other constraints are the presence of a nationally important archaeological site (a Late Upper Paleolithic flint scatter), and, which is the primary constraint, the geometric requirements of the roundabout. The HA maintains its view that the increased costs of FN02 cannot be justified, and that there is no viable alternative to Mrs Clarkson sharing her access. In noise terms, Mr Maneylaws gave evidence that the difference between the Scheme and FN02 would be minimal (although the HA accepts that the Scheme will bring a moderate increase in noise levels to Farndon Fields Farm). The HA considers that requiring Mrs Clarkson to (i) share an access, and (ii) use Farndon roundabout to access Farndon Road is not unreasonable.

Non-Motorised Users (NMUs)

4.42 The proposed footpath, bridleway and cycleway strategy for the Scheme was developed in discussion (at a number of NMU workshops) with various walker, cycling and equestrian groups and with County, District and Borough Councils. The Scheme makes locally enhanced provision for NMUs, by facilitating north-south movements, and by providing safe east-west

⁷⁰ FN02 is not quite Mrs Clarkson's preferred option; she would rather retain an access onto Farndon Road, rather than have the layout shown in FN02.

crossings. The Scheme proposals maintain a balance between user needs and practical solutions. The HA considers that new connecting links created by the Scheme would offer a better and more cohesive NMU network, providing local circular access opportunities where none currently exist. The creation of this improved network should be borne in mind when considering the particular NMU objections presented at the Inquiry.

4.43 The Inspector heard objections from Notts Footpath Preservation Society, Keyworth and District Footpath Association, the Ramblers Association, John and Ruth Spence, Angela Cooke of the British Horse Society, the Cyclists' Touring Club, and Hugh McClintock of Pedals.⁷¹ The main concern of the walkers was the alleged severance of east-west footpaths. Support was expressed, in particular, for alternatives LG-01 and C10-01. LG-01 would cost over £1m more than the Scheme, and whilst this alternative may appear to offer some saving in journey length for NMUs, such savings could well be largely illusory given that the majority of journeys are likely to be for leisure,⁷² rather than commuting. It is important to remember that new and alternative routes would be provided for NMUs via Roehoe and Owthorpe Junctions. As for the proposal to connect bridleway C-10 and footpath O-2 with a footbridge, the HA considers that the diversion to Owthorpe Junction overbridge would provide a reasonable route for NMUs, given that the footpath is not often used, the cost of the alternative is £0.458m more than the Scheme, and a new bridleway would be provided parallel to the Scheme connecting the bridleway and footpath routes.

⁷¹ On Days 11 and 12 (19th and 24th July).

⁷² Eg walks would be circular. In cross-examination Mr Rolls from NFPS accepted, at least in part, that walkers would be able to plan new walks, taking the same amount of time as their old walks; although it is fair to say that Mr Rolls also considered that walks involving the C-10 "diversion" would not be popular with walkers. The HA considers that if such attitudes did exist it is at least possible that such attitudes would soften over time.

4.44 The footpath diversions were referred to by Chris Thompson as “vast”. This is plainly an exaggeration. Mr Spence was not being realistic when he suggested that walkers who unexpectedly encountered the A46 on their walk along C-10, would be rebuffed by the presence of the new dual carriageway and would simply give up and go home rather than walk to the Owthorpe Junction overbridge.

4.45 Equestrians: Equestrian provision would be greatly improved by the Scheme. The HA considers that the proposed Toucan crossing will be sufficient to accommodate occasional equestrian use and that it is not unreasonable to require riders to dismount to use the crossing.

4.46 Cyclists: Again, cyclists have been well provided for with the Scheme. The only substantive concern of cycling groups is with the loss of access at Station Road. The HA agrees that a diversion round Roehoe Junction would take 6 or so extra minutes for a cyclist. The HA considers that this increase is simply not that significant; certainly not for the recreational cyclist, but also not for the commuting cyclist. Under cross-examination Mr Codling agreed that he thought it unlikely that cycling commuters, when faced with this addition to their journey times, would give up cycling to and from work in favour of their cars.

Environmentalists (CPRE, Nottinghamshire Wildlife Trust)

4.47 Whilst the HA takes seriously all the issues eloquently raised by John Gillespie of CPRE and Janice Bradley of NWT, it considers that the suggestions of Mr Gillespie are not, given the problems which need to be

addressed on the A46, realistic⁷³ and the criticisms of Janice Bradley are not justified. The Inspector is referred to the HA's detailed responses to these objectors. Janice Bradley, in particular, had very polarised views, and also made assessments that were clearly inaccurate. For example, she suggested that the A46 was not particularly congested. She also took a dim view of the ecological compensation proposed by the Scheme, labelling it "inadequate". The HA wholeheartedly rejects this analysis and refers the Inspector to Stephanie Peay's proof of evidence which paints a very different picture indeed.⁷⁴

Individual landowner issues

4.48 Truelove Properties objects to the proposed location of a balancing pond on land it owns to the south west of the proposed Hawton Lane overbridge, and has suggested an alternative location 800m away on other land it owns. No feasibility study for this has been carried out, but the Environment Agency, which is content with the Scheme proposals, has expressed the fear that with Truelove's proposals there would be too large a distance between the areas of floodplain loss and floodplain compensation. In those circumstances the HA submits that the Inspector cannot reasonably recommend that Truelove's proposal be looked at further.

4.49 Mr W. Strawson, represented at the Inquiry⁷⁵ by his nephew Philip Strawson, has proposed an alternative position for the balancing pond on his land to a location 150m further south of that proposed by the Scheme (ST07). Mr Strawson dislikes the location of the balancing pond adjacent to Stragglethorpe Road because he says it "sterilises land which has future uses". Under cross-examination, however, Mr Strawson confirmed that there

⁷³ Eg the proposal for a wide single lane carriageway rather than dualling.

⁷⁴ See in particular Table 5.1 in 1/9/1.

⁷⁵ On Day 5, 10th July.

were no present plans to develop the area and accepted that any future use would have to be appropriate development within the Green Belt. In engineering and cost terms (see the HA's response at 1/R/22/1) the Scheme is to be preferred. The HA submits that there is insufficient justification for this alternative being preferred over the Scheme.

5. Land-take

- 5.1 It is fully acknowledged by the HA that a compulsory purchase order should only be made where there is a compelling case in the public interest for doing so, and that there must be clear evidence to show that the public benefit will outweigh the private loss. The relevance of the ODPM Circular 06/2004 was mentioned in the HA's Opening Submissions.⁷⁶
- 5.2 The HA considers the land-take it proposes is the minimum required for the Scheme and that clear evidence has been presented to the Inquiry which demonstrates that, in relation to the entirety of the proposed land-take, the benefit to the public will outweigh the private loss, and that therefore there is a compelling case in the public interest for making the CPO.
- 5.3 The extent of the proposed land-take has not been significantly challenged at the Inquiry; however one objection is worth mentioning. The Inspector should reject the submissions made by Mr Andrew Robinson, on behalf of Mr John Martin, that the extent of land sought to be purchased is excessive. The HA has demonstrated that the land (115sq.m) is required for the provision of an access track in the southern corner of Mr Martin's land. Mr Baker explained, convincingly, during his cross examination that an alternative field access would, in fact, increase the proposed land-take.

⁷⁶ Para. 3.4.

6. Written representations

- 6.1 A number of objectors did not give oral evidence at the Inquiry. The HA has, however, always acknowledged the concerns which have been raised and has made every effort to answer objectors' concerns, in several cases successfully. Where this has not proved possible the HA has attempted to ensure that all relevant and requested information has been provided to the various objectors both before and during the Inquiry. The HA has produced full written responses to the various written objections made.

7. Concluding remarks

- 7.1 The HA is firmly of the view that the effects of the Scheme, as suggested by the various objectors, do not provide sufficient grounds for the Inspector to recommend that the HA's proposals be rejected or modified.
- 7.2 For the reasons set out above, the HA considers that it should be recommended that the Orders be confirmed (subject to the minor modifications of which the Inspector is aware).⁷⁷ The HA's Scheme is required to solve the traffic problems within the Scheme corridor.
- 7.3 Finally, the HA and its team (Balfour Beatty, Scott Wilson and Jacobs) would like to express their thanks to the Inspector for his conduct of the Inquiry and to the Programme Officer for its smooth and efficient running.

KATE SELWAY

⁷⁷ See 1/0/93.

Counsel for the Highways Agency

September 2007