



Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

**By R M Barker, BENG(HONS), CENG, MICE,
FIHT**

**An Inspector appointed by the Secretary of State
for Transport and the Secretary of State for
Communities and Local Government**

The Planning Inspectorate
4/09 K te Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

Date: 2 February 2010

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52
Nottingham Improvement and Slip Roads) Order 20..,**

**The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52
Nottingham Improvement) Detrunking Order 20..,**

**The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52
Nottingham Improvement) Side Roads Order 20..,**

AND

**The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52
Nottingham Improvement) Compulsory Purchase Order 20..**

Dates of Inquiry: 10 - 20 November 2009

Ref: HA 065/019/000302 1, HA 065/019/000303 1,
HA 065/019/000304 1 & HA 065/019/000306 1

TABLE OF CONTENTS

	CASE DETAILS	1
1	PREAMBLE	2
2	DESCRIPTION OF THE ROUTE AND ITS SURROUNDINGS	4
3	THE CASE FOR THE ORDER MAKING AUTHORITY	6
	Scheme Background and History	6
	Need for the Scheme	7
	Scheme Objectives	9
	Policy Considerations	9
	The Proposed Scheme	16
	Scheme Assessment	21
	Funding, Construction and Timescale	27
	Modifications to the Orders	28
4	THE CASE FOR THE SUPPORTERS	28
	Written Representations of Support	28
5	THE CASE FOR THE OBJECTORS	29
	Introduction	29
	Mr. G I Phillips	30
	Barton in Fabis Parish Council	33
	Mr. D Shaw	34
	CPRE	34
	Towers	37
	Mr. M R and Mrs. M E Osborne	38
	Mr. J M White and Messrs W R & J H White	39
	Dr Ramsden	39
	Objectors' Alternatives	40
	Written Representations of Objection	42

6	THE CASE FOR THE COUNTER OBJECTORS	42
	Councillor Barber	43
	Dr Gear	43
	Mr. M R and Mrs. M E Osborne	43
	Written Representations of Counter Objection	44
7	REBUTTAL BY THE ORDER MAKING AUTHORITY	44
	Mr. G I Phillips	44
	Barton in Fabis Parish Council	51
	Mr. D Shaw	52
	CPRE	53
	Towers	55
	Mr. M R and Mrs. M E Osborne	56
	Mr. J M White and Messrs W R & J H White	57
	Dr Ramsden	58
	Objectors' Alternatives	58
	Written Representations of Objection	60
8	CONCLUSIONS	61
	The Scheme	61
	Other Issues	65
	Objectors' Alternatives	67
	Further Green Belt Considerations	70
	Overall Conclusions on the Scheme	71
	The Orders	71
9	RECOMMENDATIONS	73
	APPENDICES	
A	APPEARANCES	74

B	DOCUMENT LIST	78
	Deposited Documents	78
	Other Documents Submitted by the Highways Agency	85
	Documents Submitted by Objectors	87
	Documents Submitted by Counter Objectors	89
	Inquiry Documents	89
C	GLOSSARY	90

CASE DETAILS

- These draft Orders would be made under Sections 10, 12, 14, 41, 106, 125, 239, 240, 246, and 260 of the Highways Act 1980, as extended and supplemented by Section 250 of that Act and under Section 2 of the Acquisition of Land Act 1981 and are known as:
 - **The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement and Slip Roads) Order 20..,**
 - **The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) (Detrunking) Order 20..,**
 - **The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Side Roads Order 20..,**
 - **The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Compulsory Purchase Order 20..**
- The Secretary of State for Transport (hereafter referred to as “the authority”) proposes to make the Orders.
- The Orders were published on 29 January 2009, and there were 28 objections outstanding to them at the commencement of the local inquiries.
- The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement and Slip Roads) Order 20..,[DD01] is an Order under sections 10 and 41 of the Highways Act 1980 which would provide the roads which the Secretary of State proposes to construct that would become Trunk Roads.
- The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) (Detrunking) Order 20..,[DD02] is an Order under sections 10 and 41 of the Highways Act 1980 which would identify the roads which the Secretary of State proposes to de-trunk as part of the scheme.
- The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Side Roads Order 20.., [DD03] is an Order under sections 12, 14 and 125 of the Highways Act 1980 which as a consequence of the scheme and Order would enable the Secretary of State to improve, stop up and construct new local highways and to stop up and provide new private means of access to premises affected by the scheme.
- The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Compulsory Purchase Order 20.., [DD04] is an Order under Sections 239, 240 and 246 of the Highways Act 1980, as extended and supported by section 250 of that Act, and under section 2 of the Acquisition of Land Act 1981 which would authorise compulsory acquisition of land and rights for the following purposes:
 - The construction and improvement of the new Trunk Road;
 - The construction and improvement of highways and the provision of means of access in pursuance of the Side Roads Order;

- The mitigation of adverse effects of the scheme;
- The diversion of watercourses and the execution of other works to watercourses in connection with the construction of the new Trunk Road and the construction and improvement of other highways and the execution of other works mentioned above.

Summary of Recommendation(s): I recommend that the Orders be made subject, in the case of the SRO and CPO, to the modifications proposed.

1 PREAMBLE

- 1.1 I was appointed, pursuant to Section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980, to hold concurrent public local inquiries into the above draft Orders, and to report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government. For ease of reference, I propose hereinafter to refer to the concurrent inquiries as "the inquiry".
- 1.2 The inquiry opened on Tuesday 10 November 2009 at the Rutland Square Hotel, Nottingham to hear representations and objections concerning an application made by the authority to make the above-mentioned Orders. It closed on Friday 20 November 2009.
- 1.3 I held a pre-inquiry meeting (PIM) on Monday 14 September 2009 at the same venue. The administration and programming of the inquiry were dealt with by the independent Programme Officer (PO), Mr. Graham Groom.
- 1.4 The authority indicated that the purpose of the proposed A453 Widening scheme (A453W) is to address traffic congestion and safety issues on the existing single carriageway Trunk Road between M1 Junction 24 (M1 J24) and A52 Clifton, a length of some 11.5 km. This section of road is one of the most heavily congested routes in the region at peak times, with a particularly high proportion of heavy goods vehicles. It has a poor safety record when compared with national averages for similar roads.
- 1.5 This Scheme would include the dualling of the 9 km rural section of the Trunk Road between M1 J24 and the edge of the urban area of Clifton where it would form a new roundabout junction (Mill Hill). From the motorway junction the southernmost rural 6 km would be widened on line; the contiguous northern rural 3 km to Clifton would be subject of an off-line widening. As part of the proposals it is proposed that the section of A453 made redundant by this off-line improvement would be de-trunked.
- 1.6 The 2.5 km urban section through Clifton, between Mill Hill and its junction

with Farnborough Road would be widened to single four lane carriageway standard (SC4).

- 1.7 I made separate unaccompanied inspections of the route of the proposals on Monday 14 September 2009 before the PIM, on Monday 9 November 2009 before the opening of the inquiry and following closure of the inquiry. I carried out accompanied site visits on Thursday 19 November 2009, during the inquiry. These included not only the proposed route but also the surrounding areas and local roads together with areas that would be affected by alternative routes and proposals put forward by objectors.
- 1.8 During the inquiry (Days 5 & 6) I conducted round table sessions in which I examined the Orders, Plans and proposed Modifications in some detail.
- 1.9 Some 34 letters of support were received and placed before the inquiry [INQ/4].
- 1.10 There were 28 objections to the Orders outstanding at the commencement of the inquiry of which 12 were from statutory objectors [INQ/8].
- 1.11 One statutory objector (Cable & Wireless) withdrew its objection during the inquiry.
- 1.12 Three statutory and 5 non-statutory objectors appeared at or gave evidence to the inquiry;
- Mr. Phillips [OBJ 15]
 - Barton in Fabis [OBJ 17]
 - David Shaw [OBJ 9]
 - CPRE [OBJ 25]
 - Towers [OBJ 2]
 - Osbornes [OBJ 10] (As an Objector and a Counter Objector to the Towers' case)
 - Whites [OBJ 04]
 - Dr Ramsden [OBJ 18]
- 1.13 The main grounds of objection relate to impact of the proposed Scheme and its construction on the output of emissions and greenhouse gases, on the

Green Belt, on landscape, on the urban area of Clifton, on implications for flood compensation, on environmental considerations and on local access and land acquisition requirements.

- 1.14 Twelve alternative alignments (Objector's Alternatives Nos. 1–12) were received in response to the scheme publication and the subsequent public consultations and publicity. These alternatives were advertised in accordance with the timetable I established at the PIM.
- 1.15 Subsequently, shortly before the inquiry opened and outside the time limit specified at the PIM, I was made aware by the PO of the receipt of a further 5 alternatives (Objector's Alternatives Nos. 13-17) from one objector, Mr. J Potter [OBJ/31]. I requested the HA to formally advertise these alternative alignments so that they could be considered in the inquiry along with any counter-objections that they might attract.
- 1.16 Some 70 written representations were received in response to the publication of the Objector's Alternatives [INQ/5]. Three counter objectors appeared at the inquiry; Councillor Barber [CO 31], Dr Gear [OBJ 29] and the Osbornes [OBJ 10].
- 1.17 The authority, which was represented at the inquiry by the Highways Agency (HA), confirmed that it had complied with all necessary statutory procedures [HA/22].
- 1.18 This report contains a brief description of the site and its surroundings, the gist of the cases presented, together with my conclusions and recommendations. Lists of inquiry appearances and documents are attached, as is a Glossary of acronyms used in this report. All documents and plans submitted to the inquiry, including proofs of evidence, are attached. The proofs are as originally submitted, in other words unless expressly stated they do not take account of how evidence may have been affected by cross-examination or other aspects of the inquiry. References to inquiry documents are set out in square brackets [] and/or in footnotes to the text.

2 DESCRIPTION OF THE ROUTE AND ITS SURROUNDINGS

- 2.1 The A453 Trunk Road is a single carriageway route which forms the principal southern access into Nottingham from the motorway M1 at Junction 24 and from the nearby East Midlands Airport (EMA).
- 2.2 From the motorway the initial 9 kms lie in a largely rural setting. The surrounding area is open, mainly arable farmland with intermittent small areas of tree cover in the form of plantations. Verge widths vary throughout this section and significant lengths of verge contain trees and landscaping. There are also significant numbers of field and farm accesses to the Trunk

Road.

- 2.3 This rural section of the route, which is not lit, provides access to Ratcliffe on Soar Power Station, the recently opened East Midlands Parkway Station (EMP) and the nearby village of Ratcliffe on Soar and in this area the road crosses the River Soar and its associated floodplain and the Midlands Main Line Railway corridor. This general area is served by the newly improved Parkway junction with Kegworth Road.
- 2.4 The rural section of the route also provides access to the settlement of Thrumpton, via the West Leake junction, which is also the main access for the power station. Barton in Fabis also lies adjacent to the rural section of A453 and takes access from the Barton Lodge junction via New Road. Barton Lane joins the opposite side of the Trunk Road at this junction and gives access to Gotham, some 2.5 km to the south.
- 2.5 The urban section, which is lit, is the subject of a 40 mph speed limit. From the edge of Clifton to the Crusader Roundabout junction with Clifton Lane, a distance of some 0.75 km, the road passes through a relatively wide highway corridor with properties to the south east of the A453 set back 10 to 20 m from the edge of the carriageway, whilst those to the north west of the A453 are shielded from the road by earth mounds and planting. A minor rural lane, Fox Covert Lane, forms a junction with the north west side of this section of A453.
- 2.6 To the north east of Crusader Roundabout the A453 passes through a grassed and tree lined Conservation Area which contains a registered Village Green, known as Clifton Green, and several listed buildings. Green Lane and Village Road form junctions with the Trunk Road in this area.
- 2.7 North east of Clifton Green the road borders the Nottingham Trent University (NTU) Clifton Campus which lies behind an established hedge line on the north western highway boundary and which currently takes 3 accesses from the major road. On the opposite side of the road, residential properties are set back approximately 30m from the Trunk Road behind a 10 to 20 m wide belt of trees and a service road. Glapton Lane and Sunninghill Drive form junctions with the Trunk Road and provide access to this residential area.
- 2.8 The urban area of Clifton is predominantly residential; apart from NTU the other main land uses include the Crusader public house, which is located on the northern side of the A453 at Crusader Roundabout, with direct access via Hartness Road; the Man of Trent public house, which is located on the south side of the A453 midway between Green Lane Junction and the Crusader Roundabout and a petrol filling station and associated small supermarket, which lie immediately adjacent to the south side of the Conservation Area on the south east side of the Trunk Road.

- 2.9 The northern limit of the scheme lies just beyond the existing traffic signal controlled Farnborough Road/Fabis Road junction.

3 THE CASE FOR THE ORDER MAKING AUTHORITY

The material points are:

Scheme Background and History

- 3.1 The need for a scheme to improve A453 has been evident for over 25 years. The original proposals to improve the A453 between M1 J24 and Clifton were first included in the National Trunk Road Programme as early as 1983. These proposals were then developed through discussion at Public Consultation between 1985 and 1989. Schemes were worked up and taken to public inquiry in 1992 and 1996.
- 3.2 The 1996 scheme was not built. In July 1998 the DETR published "A New Deal for Trunk Roads in England" [DD14] which was a summary overview of the Government's strategic review of the roads programme, and identified the core Trunk Road network. This document re-focused the Trunk Road investment programme and identified those schemes which would be taken forward into the Targeted Programme of Investment (TPI). The strategic review also proposed a series of studies to address known problems on the Trunk Road network. A programme of both Multi-Modal and Road-Based Studies followed, in order to identify further schemes which should be included in the TPI.
- 3.3 Following this review the A453 widening schemes were removed from the roads programme for further consideration through the A453 Multi-Modal Study (MMS). Consequently, the Secretary of State did not issue a decision on the 1996 draft Orders for the schemes. These Orders have been withdrawn, and replaced by draft Orders for the current scheme.
- 3.4 The MMS commenced in 1999 and considered not only road construction options, but also rail, bus and pedestrian/cyclist options in order to define the most appropriate solution to take forward. The study reported that there should be a number of initiatives taken forward, based in 4 main areas; Public Transport Investments, Demand Management, Highway Improvements and Complementary Measures.
- 3.5 The Highways Solutions recommended in the final report of the A453 Nottingham to M1 Junction 24 MMS [DD13] were:
- Dual carriageway A453 improvements with grade separation between Clifton and Nottingham,

- A453 widening to 4 lanes at grade through Clifton with junction improvements and pedestrian facilities,
 - M1 junction 24 improvement with A50 flyover to M1 south.
- 3.6 The current proposals form part of the HA's response to the results of the MMS and have underpinned subsequent local consultations.
- 3.7 Following the award of a Contract in March 2006, the Contractor has looked at a number of minor alterations to the scheme, in order to improve buildability, efficiency and to resolve detailed issues which had not been considered during the earlier preliminary design.

Need for the Scheme¹

- 3.8 The A453 is an important regional Trunk Road and is a major route between Nottingham, the M1 and EMA. It carries between 23,000 and 30,000 vehicles per day and a high proportion of heavy goods vehicles (up to 19% in the rural section, compared with a national average of 10% on rural Trunk Roads). The road is one of the most heavily congested routes in the region at peak times leading to journey time unreliability² and vehicles re-routing to the surrounding road network.
- 3.9 Furthermore the number of vehicles using the A453 is predicted to increase making congestion even worse.
- 3.10 The A453 has a poor safety record, with a recorded accident level 33% higher than the observed national average for similar rural roads and 23% higher than the observed national average for similar urban roads. Over a five-year period between 2003 and 2007 there were 167 personal injury accidents, of which 134 were slight, 31 serious and 2 fatal³.
- 3.11 A number of footpaths and bridleways join and cross this section of the A453, but walkers, cyclists and horse-riders find it difficult to cross because of heavy traffic⁴.
- 3.12 The current congestion in the urban section through Clifton is largely caused by the demand activated pedestrian crossings together with limited

¹ An overview of the need is set out in DD17, paragraphs 2.6-2.10

² Key findings on traffic flows and journey time reliability are set out in DD19, paragraphs 3.8-3.20

³ DD19, paragraphs 3.21-3.23 and Table 1 (p9)

⁴ DD19, paragraphs 3.25-3.27

junction and road capacity.

3.13 The MMS identifies a wide range of problems and issues arising from the existing conditions that all contribute to the need for the scheme, in summary they are⁵;

- Congestion and serious delay in the peak hours on the A453 through Clifton (partly due to the three pedestrian crossings), but also between Clifton and the M1 on the days with heaviest traffic,
- Serious delays and area-wide congestion in cases of incidents or during roadworks,
- Secondary congestion on roads connecting with, or forming alternative routes to, the A453 because of traffic seeking to avoid delays on the A453,
- Congestion and resulting poor access in Kegworth,
- Accidents on the A453 generally and between the M1 and Clifton in particular,
- Poor local access and difficulties in maintaining schedules for commercial vehicles due to congestion,
- Poor reliability of rail freight services,
- Noise, severance, poor access and poor air quality for people living in the vicinity of the A453 and the adjacent area because of heavy traffic and congestion,
- Lack of rail freight infrastructure,
- Rat-running on local minor roads including those within the Clifton housing area,
- General trend of declining use of public transport, cycling and walking throughout the study area,
- Poor information on, and reliability of, public transport,
- Poor standard of public transport vehicles and cleanliness on some

⁵ DD19, paragraph 3.1

services,

- Fears about personal security on journeys other than by car,
- Intimidating conditions and fears about safety for pedestrians and cyclists,
- The transport implications of large-scale development around M1 Junction 24 and EMA,
- The multiple role of the A453 as a strategic national route, a major access to Nottingham and other major local traffic generators, part of the local rural road network serving villages and farms, and a local distributor road for the large residential area of Clifton,
- Economic factors encouraging more and longer journeys by car, especially commuting.

Scheme Objectives⁶

- 3.14 The Government's key objectives of the scheme are firstly to provide relief from traffic congestion and improve the safety of the A453 in accordance with the relevant targets in 'A New Deal for Trunk Roads in England' (DETR) July 1998 [DD142].
- 3.15 Secondly to ensure that there is no significant worsening of the Appraisal Summary Table (AST) sub-criteria and to improve them over the existing conditions where possible, within the constraints of the Brief, taking into account any special requirements.
- 3.16 Finally the MMS requires the scheme to provide a better access to the EMP near Ratcliffe on Soar, and to the proposed Nottingham Express Transit (NET) park and ride tram terminus south of Clifton.

Policy Considerations

National Policy⁷

- 3.17 The Government's long term strategy for the transport network is set out in the July 2004 White Paper, "The Future of Transport: a Network for 2030" [DD144]. The strategy charts a course over the next 30 years for

⁶ DD17, paragraph 2.10

⁷ A full appraisal of Trunk Roads and Government Policies is set out in DD17, Section 3

improving the transport system by sustained investment, improvements in the management of the transport network and planning ahead to address projected pressures on the transport system over the longer term. The White Paper identifies the following policy measures, which would provide the basis for delivering enhancements to the road network:

- new capacity where it is needed, assuming that any environmental and social costs are justified;
- locking-in the benefits of new capacity through various measures including some tolling and carpool lanes where appropriate;
- Government leading the debate on road pricing and its capacity to lead to better choices for motorists;
- better management exploiting the potential of new technology to avoid problems and deal with them rapidly if they occur; and
- using new technology to keep people informed both before and during their journey.

3.18 The Trunk Road programme has been developed within the policy framework set out in the July 1998 White Paper [DD142]. This introduced a new integrated transport policy, which aims to achieve:

- integration within and between different types of transport – so that each contributes its full potential and people can move easily between them;
- integration with the environment – so that transport choices support a better environment;
- integration with land use planning – at national, regional and local level, so that transport and planning work together to support more sustainable travel choices and reduce the need to travel; and
- integration with policies for education, health and wealth creation – so that transport helps to make a fairer, more inclusive society.

3.19 The programme of Multi-Modal and Road-Based Studies commissioned by Government in 1999 and 2000 is now substantially complete and Government has responded to the study recommendations in a number of separate announcements. These include, in particular, major transport announcements in December 2002 and July 2003, which together gave the Secretary of State's response to 16 Multi-Modal Studies. A Department for Transport discussion paper, "Managing our Roads" was issued in parallel with the July 2003 response to the Multi-Modal Studies. This reviewed

some of the longer-term challenges to be faced in addressing future travel demands. The way in which the Government proposes to respond to these challenges is set out in the July 2004 White Paper.

- 3.20 The Secretary of State's responses to the Multi-Modal and Road-Based Studies have largely identified the programme of major road schemes that the Government has asked the HA to prioritise for delivery over the next decade. To assess schemes, The New Approach to Appraisal (NATA) [DD145] set the following overarching objectives for transport: environment; safety; economy; accessibility; integration.

Regional Policies⁸

- 3.21 The East Midlands Regional Plan RSS8(EMR.P) (issued March 2009) [DD43] contains the Regional Transport Strategy (RTS) at section 3.4. This promotes a modal shift away from car use. Paragraph 3.4.10 of the EMR.P advises that: *"The inclusion of policies aimed at encouraging modal shift is not contradictory to the inclusion of proposals for new transport infrastructure in the RTS. The region is faced with a number of significant transport problems which are already very pressing and which are unlikely to be relieved by the impact of behavioural change policies in the short term. These problems have been the subject of considerable strategic analysis over recent years through such initiatives as the Multi Modal Studies (MMS) and the Regional Funding Allocations."*
- 3.22 Policy 43 in the RTS identifies 7 Regional Transport Objectives which include supporting sustainable development in the Region's Principal Urban Areas (objective 1) and improving safety and reducing congestion within the Region's Principal Urban Areas. Policy 44 of the RTS provides Sub Area objectives for, amongst others, the 'Three Cities Sub- area.' The Three Cities Sub Area includes Derby, Leicester and Nottingham, the A453 being located between all three.
- 3.23 Paragraph 3.4.35 of the RTS identifies recommendations on Regional Funding Allocations (RFAs) for the Trunk Road investment priorities. Policy 53 in the RTS advises that the HA should work closely with Regional bodies, Transport Authorities and Local Planning Authorities to progress the implementation of Trunk Road investment priorities subject to full detailed appraisal.
- 3.24 The EMR.P confirms that the A453 (M1- Nottingham) Improvement satisfies Policies 53 and 56 of the RSS (EMR.P) and objectives 1 and 5 of Policy 43 in the RTS.
- 3.25 Policy 56 of the RTS sets out regional priorities for air transport and sets

⁸ DD24, paragraphs 2.10-2.23

out how, in the Three Cities Area, Local Development Frameworks (LDFs) and Local Transport Plans (LTPs) should approach the future development of EMA. Bullet point 4 of policy 56 requires that LDFs and LTPs should ensure that transport proposals are compatible with the need to create effective public transport links to EMA. The current congestion issues along the A453 make the existing road unreliable in this respect, particularly with regard to journey times. The A453W is intended to help resolve this problem.⁹

The Leicestershire Local Transport Plan 2006 -2011[DD45]

- 3.26 At a County Level there are two Local Transport Plans, the first covering the section of A453 in Leicestershire. The Leicestershire Transport Plan [DD45] contains little detail for the A453 improvements but advises that that the A453 widening is a top-level priority at a Regional level.
- 3.27 The Council addresses the conformity of its plan with the Regional Transport Strategy in Appendix C4 and welcomes the A453 M1 – Nottingham improvements and the effect that they would have on concentrating longer-distance traffic growth on the most safe and suitable roads and to prevent drivers from diverting onto local roads to avoid motorway and Trunk Road congestion routinely, or in response to incidents.
- 3.28 Paragraph 2.99 of the Plan also notes the importance of the EMP and its reliance on the A453.

The Local Transport Plan for Greater Nottingham 2006/7 to 2010/11 [DD46]

- 3.29 The Local Transport Plan for Greater Nottingham sets out the future transport strategy and investment plans for the 2006 to 2011 period, across Nottingham and Rushcliffe (amongst others). It sets out a series of key policy issues in the Executive Summary relating to congestion and a series of solutions proposed to overcome this, including; *'Working with regional partners to deliver key strategic projects, particularly A453 and rail links.'* [DD46, page vi]
- 3.30 This is expanded upon in Table 2.1 of the Transport Plan [DD46] which promotes the 'Big Picture Proposals' which includes:
- NET Phase 2 with Park and Ride sites serving M1 junctions 24 & 25
 - A453 improvement (M1 junction 24 to Nottingham Ring Road)

⁹ Appendix 6 of the EMR.P (Table 1) entitled 'Regional Transport Investment Priorities' - shows the 'A435 (M1- Nottingham) Improvement' as being implemented in 2011-16 by the Highways Agency under the Regional Funding Allocation.

- Improved junctions 24, 25 and 26 of the M1
- Further development of express bus service to EMA
- Development of EMP

- 3.31 The A453W scheme would play a key role in achieving these goals. Furthermore Table 3.1: of The Plan entitled *“Initiatives Included in the Regional Preferred Package of Schemes”* sets out five priority schemes in the region and this includes the A453 (M1 to Nottingham) improvement.
- 3.32 The Plan advises¹⁰ that the A453 highway improvements form part of a wider solution alongside supporting measures including public transport improvements, restraint measures, behaviour change and small scale local measures. These are to be progressed in tandem with the highway capacity improvements in order to fully capture the benefits of Trunk Road investment and avoid the proposed additional road capacity simply being filled up again by induced traffic in a short period.
- 3.33 The A453W is therefore supported at a strategic level. It is an important part of the Local Transport Plan for Greater Nottingham. The A453W proposals form part of a wider package of solutions that together help improve the transport issues along the A453 in a sustainable way and promote a modal shift away from a reliance on car transport but address the forecast growth in traffic. Not improving the A453 would leave open the potential for the MMS transport solution for the A453 to fail as it would only be implemented in part. This in turn could complicate or compromise the implementation of other development policies reliant upon the A453.

Local Development Plan Policy

- 3.34 At Local Level the A453 improvements are supported in the policy documents for each of the three Local Planning Authority areas through which the route passes.

North West Leicestershire District

- 3.35 Adopted Planning Policy in North West Leicestershire District is provided by the Northwest Leicestershire Plan (Adopted in August 2002) [DD47]. The plan contains little detail on the proposed improvement of the A453 other than at Policy T2 b i) which identifies the A453 north of the M1 Junction 24 and confirms that development will not be permitted which would prejudice

¹⁰ DD46, Section 3.10.2

the implementation of the A453 M1 to Ratcliffe-on-Soar widening¹¹.

Rushcliffe Borough Council

- 3.36 The adopted planning policy in Rushcliffe Borough is provided by the Rushcliffe Local Plan of 1996 that only covered a period to 2001. The replacement of that plan was not fully completed as the statutory adoption of the Replacement Plan was suspended. The Council did however choose to adopt many elements of the Replacement Plan on a non statutory basis. This is now known as the Rushcliffe Borough Non Statutory Replacement Local Plan of Dec 2006 [DD49].

Rushcliffe Local Plan 1996 [DD48]

- 3.37 The adopted Rushcliffe Local Plan of 1996 remains the last formally adopted Local Plan document in Rushcliffe however only 6 policies from that plan have been saved under the Paragraph 1(3) Direction in schedule 8 of the Planning and Compulsory Purchase Act 2004. The 'Movement' chapter of that plan was not retained and the Non Statutory Local Plan provides the guidance that is currently being implemented by Rushcliffe Borough Council. The Rushcliffe Interim Planning Statement of December 2007 [DD50] reaffirms at paragraph 5.7 that the Non Statutory Local Plan serves a full and important role as a basis for determining all planning applications. To this extent the non statutory local plan is a material consideration where no adopted policies exist elsewhere.

Rushcliffe Borough Non Statutory Replacement Local Plan (Dec 2006) [DD50]

- 3.38 The Rushcliffe Borough Non Statutory Local Plan was adopted in December 2006 and now provides the most up to date local planning guidance for development in the area even though its adoption is on a non statutory basis. The plan advises that it covers the period 2001 to 2021.
- 3.39 No specific or graphic alignment is provided for the improvement of the A453 in this plan and its associated Proposals Map. The route is dealt with in word form only. Part 6 'Movement' comments at paragraph 6.44 that *'improvements to the Trunk Roads in the Borough are especially vital in the context of the transport problems currently affecting the Borough. Improvements to the A453 have been considered as part of a multi modal study, improvement work is essential now that the Nottingham – Birmingham M42/A42 link and the A50 Derby Southern Link has been completed and the Borough Council will encourage its early completion so as to accommodate the expected traffic increases.'* Paragraph 6.44

¹¹ Inspector's Note: The River Soar is the boundary between the North West Leicestershire District Council and the Rushcliffe Borough Council

concludes that The Borough Council will indicate its support for the protection of the lines and other features of the A453 once precise details are available.

Nottingham Local Plan (adopted Nov 2005) [DD51]

- 3.40 Policy T10 identifies the improvement of the A453 as a proposed highway scheme and seeks to prevent the granting of planning permission for development that would prejudice a number of proposed highway schemes outside the city centre. Policy T10.2 identifies the 'A453 Improvement / Clifton Bypass' as one of these schemes. The Plan also acknowledges in paragraph 10.33 that the Secretary of State has given his support to the MMS proposals for the widening of the urban section of the A453 to a 4 lane carriageway through Clifton. – as opposed to the Clifton by pass option mentioned in T10.2¹².
- 3.41 Policy T10.2 safeguards two routes; the online route through Clifton and a bypass route in the Green Belt between Clifton and Ruddington. Appendix 2 of the Plan notes that at the A453 previous public inquiry the Council's preferred route was that to the south and east of Clifton. However, the same Appendix also refers at Appendix 2 T10.2 to protecting both routes '*pending the outcome of the Multi Modal Study*'.
- 3.42 The MMS proposal had been published and promotes the on line widening of the A453 through Clifton¹³ in line with the main text of the Nottingham Local Plan under Policy T10.2 (as opposed to Appendix T10.2).

Green Belt Policy^{14 15}

- 3.43 Paragraph 3.12 of PPG2 advises that the carrying out of engineering operations is inappropriate development unless openness is maintained and there is no conflict with the purposes of including land in the Green Belt.
- 3.44 In circumstances such as these in which the openness of the Green Belt is maintained and there is no conflict with any of the purposes set out at paragraph 1.5 of PPG2 the development is not inappropriate development in the Green Belt.

¹² DD25, page xv

¹³ DD13, paragraph 12.5.3, bullet point 3

¹⁴ A full appraisal of the impact of the scheme on the Green Belt and on Policy is set out in evidence in DD24, Section 3, pages 13-21

¹⁵ See also DD15 for the full report on the scheme's impact on the Nottingham Derby Green Belt.

- 3.45 Road improvements are not flagged as the sort of developments which are inherently inappropriate in the Green Belt. In fact, the PPG simply asks that road improvements should, so far as possible, contribute to the achievement of the objectives of the use of land in the Green Belt¹⁶.
- 3.46 None of the objectives at paragraph 1.6 of PPG2 are offended by the scheme. It is clear that any policy of restraint which is of the sort which encircles the major conurbations, must necessarily have transportation routes which cross it. It would be surprising therefore for such infrastructure, which is vital to the conurbation, to be thought inappropriate. Of course, such development could be inappropriate if it failed to contribute to the objectives of use of land in the Green Belt or was evidently adversely affecting openness. Such is not the case for this scheme.
- 3.47 Further, and in the alternative, there are plainly very special circumstances which arise out of the need for the scheme, the safety benefits, the economic benefits¹⁷ and the substantial policy support which it attracts in so many respects.

The Proposed Scheme

Highway Layout

- 3.48 The Scheme commences at M1 J24 and extends through Clifton to the existing section of dual carriageway approximately 350m east of the existing A453 / Farnborough Road junction. The Scheme would provide a dual two lane carriageway along the rural section from M1 to the proposed Mill Hill Roundabout, approximately 9 km, and a 4-lane single carriageway along the urban section between Mill Hill Roundabout and Farnborough Road Junction, approximately 2.5 km.
- 3.49 Widening along the rural section would generally follow the horizontal alignment of the existing A453 between M1 J24 and Manor Road (Barton in Fabis), with a second carriageway being built mainly on the south side of the existing road.
- 3.50 Between Manor Road and Mill Hill Roundabout the new A453 dual carriageway would be built off line to the south of the existing road. This alignment has been chosen to overcome a number of problems with an online route, particularly: excessive earthworks; buildability issues, future access to the proposed NET (tram) park and ride site and accessibility for Barton in Fabis and Thrumpton. The resulting redundant sections of the

¹⁶ PPG2, paragraph 3.13 [DD157]

¹⁷ See response to IQ 21, [INQ/6/1]

A453 would be de-trunked and become a local road connecting the new West Leake Junction with Mill Hill Roundabout and serving Barton and Thrumpton.

- 3.51 Widening along the urban section between Mill Hill Roundabout and Farnborough Road Junction would generally follow the horizontal and vertical alignment of the existing A453 with widening mainly to the north.
- 3.52 The carriageway width along the rural section (inclusive of the central reserve) would be generally 21.10m, and the carriageway width along the urban section would be generally 15.05m. However, there would be local widening of the central reserve and verges to maintain adequate forward visibility.

Road Restraint Systems

- 3.53 Vertical Concrete Barrier (VCB) safety barrier would be used in the central reserve, except for the section between Long Lane and the Railway Bridge and the approaches to the roundabouts at M1 Junction 24 and Mill Hill where steel would be used due to the short lengths involved. Gaps would be left for future maintenance crossovers and moveable barrier provided instead in these locations. In the verge, conventional steel fencing would be used where appropriate.

Speed Limits

- 3.54 The rural section would be subject to a 70 mph speed limit and the urban section to a 40 mph speed limit.

Junctions¹⁸

- 3.55 A new grade separated junction would be provided at Parkway in the vicinity of the existing A453/Kegworth Road junction. This would enhance access to the recently constructed Parkway Station and provide a grade separated access to the Power Station south of the A453.
- 3.56 A new grade separated junction would be provided at West Leake Lane providing an improvement over the existing compact junction.
- 3.57 The area of land known as Cedar Isle would be accessed by means of the only 'left in / left out' junction in the rural section with the westbound carriageway of the A453 as no alternative is available. Lack of demand and the proximity of the Parkway junction would make a grade separated

¹⁸ A detailed assessment of the rural and urban sections and their associated junctions is provided in the Stage 3 Scheme Assessment Report [DD08]

junction inappropriate.

- 3.58 The E.ON central access to the Power Station would be closed to normal use because the proximity of Parkway and West Leake junctions on either side would mean that the geometric standards for weaving lengths could not be achieved. This would make it unsafe for normal use. However, it would be physically retained for use by abnormal loads on rare occasions.
- 3.59 There would be a roundabout at Mill Hill which would permit access to the proposed NET 2 tram park and ride site.
- 3.60 Traffic signal controlled junctions at Crusader Roundabout, Green Lane Junction, Farnborough Road Junction and Nottingham Trent University (NTU) would be provided with controlled crossing facilities for cyclists and pedestrians. A cycle/pedestrian crossing would also be provided opposite the Man of Trent public house to replace the existing facility. The pedestrian signals would be linked to the traffic signals to ensure traffic flows are maintained while allowing pedestrians and cyclists to cross safely.
- 3.61 The central access to NTU would be closed to traffic and the southern entrance (South Gate) would be restricted to left in/left out manoeuvres only. The right turn manoeuvre out of the existing northern entrance (North Gate) would not be permitted with the new NTU junction.
- 3.62 All other existing junctions with the A453 along the urban section would remain open as part of the widening scheme. However, right turn manoeuvres in and out of these junctions would not be permitted. This would include Clifton (Esso) Petrol Filling Station and the Man of Trent Public House.

Side Roads

- 3.63 New side roads would be adopted by the appropriate Local Highway Authority. These include the roundabouts and link roads at Parkway Junction and the roundabouts and the re-aligned Barton Lane at West Leake Junction.

De-Trunked A453

- 3.64 The de-trunked section of the A453 would be modified to give the appearance and style of a local rural road. This could be achieved by replacement signage and white lining to narrow the carriageway, giving a narrow cycle lane on both sides of the carriageway. Details are still to be agreed with the Local Highway Authority.

Facilities for Non-Motorised Users (NMUs)¹⁹

- 3.65 In summary, a continuous route for pedestrians and cyclists would be provided between Clifton and Long Lane linking the nearby residential areas of Clifton, Barton in Fabis, Thrumpton, Gotham, Ratcliffe on Soar and Kegworth to key destinations such as the EMP, EMA, the Power Station and the proposed NET park and ride site. Provision for equestrians would also be enhanced.
- 3.66 In the rural area, the scheme would provide a parallel but separate route for pedestrians and cyclists alongside the A453 except for short sections where the route would use a shared footway/cycleway, separated from traffic by a barrier. New bridleways would link existing routes, incorporating safe and convenient grade separated crossing points along the rural section where Public Rights of Way (PROW) cross the A453.
- 3.67 In the urban area, the existing footway-cycleway on the north west side of the road would be retained, improved and linked to additional controlled crossing points and additional pedestrian and cycle facilities.

Flood Compensation

- 3.68 The widening of the embankment across the flood plain would result in the loss of flood storage volume. The Environment Agency (EA) requires this to be replaced on a like for like basis by the creation of Flood Compensation Areas (FCAs)²⁰ close to where the volume would be lost, on the edge of the active flood plain. This does not remove the FCA land from agriculture; it does however place it at greater risk from flooding.

Road Lighting

- 3.69 The rural section would be unlit except for the junctions. Lighting at the junctions would comprise 10m or 12m high columns designed to minimise light spillage²¹ as would those in the urban area which would be lit throughout.

Structures

- 3.70 It is proposed that the westbound carriageway of the A453 would be carried
-

¹⁹ Full details of proposals for NMUs can be found in the Non-Motorised Audit Report [DD39]

²⁰ The siting and design of FCAs is covered in detail in the Flood Compensation Options Report [DD41].

²¹ A new lighting standard now applies and it may be possible to reduce the amount of lighting in comparison to that assessed in the Environmental Statement (ES) - see HA/29

on new structures which, with some exceptions, would be separate from but generally replicate the form, if appropriate, of the existing structures:

- Cattle Creep Underbridge – to be extended to the south in similar form to the existing bridge,
- Long Lane Bridge – to be extended as allowed for by the original design, i.e. by the addition of an extra span to the south,
- Floodspans Near Long Lane – to replicate the existing structure,
- Canal Bridge – the new structure would be a single span structure of similar overall span to the existing three span structure,
- Soar Flood Spans – to replicate the existing structure,
- River Soar Bridge – the new structure would be, like the existing, a three span structure but of different dimensions to accommodate the alignment of the river,
- Bridge over Railway – the new structure would be a single span structure of similar overall span to the existing three span structure,
- Ash Lane Bridge – existing Ash Bridge would be demolished to make way for a completely new structure (Parkway Bridge) which would form part of the Parkway Junction carrying both carriageways of the A453 and the slip roads over the junction link road and the Ash Road,
- Ratcliffe Precast Culvert – previously designed and built to accommodate widening of the A453 without modification,
- Ratcliffe Underbridge - previously designed and built to accommodate widening of the A453 without modification,
- Thrumpton Accommodation Overbridge – would be extended as allowed for by the original design, i.e. by the addition of an extra span to the south,
- Near Barton Lodge, where the A453 would be widened off line relative to the existing road, an entirely new structure, Barton Lane Underpass, would be provided to allow NMUs and farm traffic to cross beneath the A453.

Highway Standards

3.71 The A453W has been designed in accordance with the Design Manual for

Roads and Bridges (DMR.B) [DD176]. However, the physical constraints imposed by the widening of an existing road have meant that in some situations, full standards cannot be achieved. Relaxations and Departures have been assessed in terms of their effect on their economic value to the scheme, the environment and the safety of the road user.

- 3.72 Where possible, the proposed alignment would closely follow the existing Trunk Road alignment. In order to maintain adequate forward visibility this has required localised widening of the central reserve and verges.
- 3.73 A total of 24 Departures have been approved by the HA²². A detailed explanation of why the departures have been proposed is given in the 'Highway Alignment Departures from Standards Report' [DD40].

Scheme Assessment

*Traffic Assessment*²³

- 3.74 A transport model²⁴ has been developed to assist with the design and appraisal of the A453W scheme. The model has been built and validated in accordance with DfT Web-based Transport Appraisal Guidance (WebTAG) and DMR.B criteria. The LMVR confirms that the transport model is capable of replicating existing traffic conditions and hence is fit for purpose to evaluate future year conditions both with and without the A453W scheme.
- 3.75 To ensure compliance with WebTAG Variable Demand Modelling requirements, a demand model using the DIADEM software was built for the forecast trip matrix development.
- 3.76 The forecasting results for flows on the A453 for the scheme opening year (2012) and the scheme design year (2027), in AADT indicate only a marginal increase in traffic on the A453 without a scheme in 2012 and a small increase by 2027. This reflects the fact that the A453 is currently congested and cannot accommodate any significant increase in traffic. Notably, with the scheme, there would be a large increase in flow on the A453 which reflects the fact that traffic would divert to the A453 from unsuitable routes. For example, some 5,560 vehicles would be diverted

²² A full list of Departures from Standard is presented in Appendix D to DD22

²³ DD19

²⁴ Full details of the model building and validation is given in the Local Model Validation Report (LMVR) [DD10]

from the Nottingham Road, south of Clifton, a reduction of some 33%²⁵.

- 3.77 There would be significant benefits in terms of journey times – there being a five minute time saving per vehicle in the scheme opening year, between M1 J24 and Farnborough Road in the AM peak.

Safety²⁶

- 3.78 The existing road safety record, when compared with the data in Road Casualties Great Britain, demonstrates that the A453, between M1 J24 and Clifton, has 33% more accidents than the national average. In terms of severity, the killed or seriously injured (KSI) proportion in the rural section (national average) is 26% but the A453 rural section stands at some 51%, which is a troubling statistic. The published scheme would reduce the number of accidents over the 60 year assessment period by some 453; of those, 175 would be KSI.

Scheme Benefits

- 3.79 The principal benefits afforded by the scheme would include improvements to safety and reduction in congestion. These are summarised below.
- 3.80 As trailed in 3.78 above, the proposed scheme would significantly reduce the accident statistics reported in 3.10 above.
- 3.81 A spreadsheet COst Benefit Analysis (COBA) based methodology is used as opposed to using the COBA software since COBA uses predefined link classifications to predict accident rates. These do not cover the 4 lane single carriageway road type proposed for the urban section of the scheme. Predicted accident rates for these link types are derived from observed data collated at existing sites and reported in the 4 lane Single Carriageway Accident Rates Technical Note [DD36].
- 3.82 The procedure carried out by the spreadsheet assessment to derive the accident benefits of the scheme and in the immediate study area, followed the process used by the COBA program²⁷. The results are summarised in the table below.

²⁵ DD19, Table 4, page 17

²⁶ DD19, Section 6

²⁷ DD19, Section 7

Scenario	Number of Accidents	Severity		Cost £m
		KSI	Slight	
Do Minimum	30,340	4,267	26,073	1543.6
Do Something	29,887	4,092	25,795	1492.7
Accident savings	453	175	278	50.9

Table: Accident Saving Summary *Source DD19, Table 6, page 20*

- 3.83 The proposed scheme would have the capacity to safely handle the forecast increase in traffic and attract traffic back to the A453 reducing the traffic on a number of unsuitable local roads. It would restore journey time reliability.
- 3.84 Furthermore the scheme would significantly reduce congestion in the urban area by combining the pedestrian /cycle crossings with the vehicle signal controlled junctions and by doubling the road's capacity.
- 3.85 The proposed scheme would segregate or manage the movements associated with the footpaths and bridleways which join and cross the A453, thereby improving access to all forms of transport.

Economics²⁸

- 3.86 The COBA analysis of the safety benefits results in a benefit of £50.9m. Moreover, there would be consumer user benefits of some £96m and business user benefits of £168m. Set against the marginal disbenefit in terms of carbon (£0.9m) the benefit to cost ratio (BCR) stands at 3.25. The BCR comfortably exceeds the criterion for a high value-for-money scheme; namely 2. It would be an economically robust scheme.

General Environmental Assessment Methodology²⁹

- 3.87 The Environmental Statement (ES) describes³⁰ the general assessment

²⁸ DD19, Section 7

²⁹ DD30, Section 3

methodology used in the Environmental Impact Assessment (EIA) of the scheme. Generally, guidance within the DMR.B Volume 11 'Environmental Assessment' [DD176] has been followed. The ES provides a systematic and objective account of the likely scale and significance of the environmental effects of the proposed scheme and the measures proposed to mitigate any adverse effects.

- 3.88 Scheme design, including mitigation measures to avoid or reduce impacts, is an important consideration in the assessment of impacts and overall significance of effects. Some impacts would be temporary, resulting from construction activities, or would continue until proposed mitigation such as planting has an effect. Other impacts would be longer term or permanent.

Landscape and Cultural Heritage^{31 32}

- 3.89 Generally the rural section of the A453 between the motorway and Mill Hill passes through a gently undulating, open agricultural landscape. Communication routes, in particular the Trunk Road itself, are conspicuous features. As well as the A453 embankment over the river Soar floodplain, the Ratcliffe on Soar Power Station, with associated infrastructure, is also dominant in the landscape. Wooded hills, small blocks of woodland and small scale villages dot the landscape and limit views except from Mill Hill, where broad south-easterly views are available across Clifton Pasture, Barton Moor, Ruddington Moor, Bradmore Moor and Bunny Moor.
- 3.90 In contrast, the urban section of the scheme passes through the built up area of Clifton, dominated by housing, roads and other typical urban infrastructure. Areas of open space, planted mounds and mature vegetation provide some relief and screening from the road, particularly on the northern side. At Green Lane junction the Clifton Conservation Area provides an open, grassed area with several mature trees and the historic Village Green to the north. Further east the NTU Clifton Campus borders the road on the north side, whilst houses on the southern side are set back 10-20 metres from the road behind a wide grassed and treed verge.
- 3.91 The Clifton Conservation Area is described in the Conservation Area Policy [DD52] as being significantly and adversely affected by the existing A453. So far as the test in Section 72 Town and Country Planning (Listed Building and Conservation Areas) Act 1990 is concerned, the proposed scheme would enhance the Conservation Area by alleviating the constant and consistent wall of metal which is the effect of the congestion on the A453³³.

³⁰ DD05, Section 1, Part 3, pages 25 – 34

³¹ DD30, Environment Evidence of Mr. Brown

³² DD15, The A453 Widening Landscape Effects Report

³³ Evidence in chief of Mr. Briggs (Day 2) as to the operation of the Section 72 test and (continued)

It would generally improve the appearance of that part of the road which passes through the southern section of the Conservation Area³⁴. Moreover, the scheme would pull the A453 back from the main part of the Conservation Area.

- 3.92 As with any substantial road scheme, there would be some adverse visual effects on particular receptors. These are recorded in the ES³⁵. However, the magnitudes of the landscape/townscape impacts throughout the scheme are predicted to be minor and the overall significance of the effect are predicted to be slight adverse in year 0, compared to the situation in 2012 without the road improvements.
- 3.93 It is notable that the landscape within the study area is not sensitive to further changes because it has undergone considerable transformation in any event. The proposed widening is not out of character with the area, particularly as it is predominantly on line. So far as the scheme is off line, a detailed historic landscape character assessment has concluded that the historic landscape character is not especially legible and its value and sensitivity are low.
- 3.94 Overall, while there would remain some slight adverse landscape and townscape effects by the design year, there would be no unacceptable environmental effects of the scheme.

Noise³⁶

- 3.95 The assessment of 'key and typical sites' considers the predicted effect of the scheme at 52 specific worst case sensitive receptors along the length of the proposed scheme for both the opening year and 2027. In summary the greatest adverse effect of the scheme would be 'moderate' at key residential receptors and the greatest beneficial effect would be 'large' at one receptor. The overall noise effect of the scheme would be 'moderately negative'.
- 3.96 The assessment criteria used are based on classifications of magnitude contained in the DMR.B. Changes of between 1 and 2.9 dBA are described as 'slight', changes of between 3 and 4.9 dBA are 'moderate' and changes of 5 to 9.9dBA are 'large'. A change of less than 3dBA is imperceptible to the average human ear and a change of greater than 10dBA is perceived as

the benefit which would accrue to the scheme as a result of the enhancement to the conservation area - IQ25 in HA/20. See also the attachments to the response to IQ26 [INQ/6/1].

³⁴ Evidence in chief of Mr. Brown and answers in rebuttal to the case advanced by Mr. Phillips.

³⁵ Table 2.5.5 in ES Volume 1, Section 2, Part 5 at page 22 [DD05].

³⁶ DD29

a doubling of loudness.

- 3.97 Changes to noise levels as a result of the proposed scheme at key receptors would be mostly of 'slight negative' or 'moderate negative' magnitude. Of the 52 key receptors assessed, 16 were predicted to have a 'moderate adverse' impact, 24 to have a 'slight adverse' impact, 9 to have a 'neutral' impact and 3 to have a beneficial impact. The worst affected properties are expected to be those surrounding the Farnborough Road junction in Clifton. Noise levels at some properties on the Nottingham Road-Clifton Lane route to the Crusader Roundabout and on the Barton in Fabis turn off from the A453 would be considered of 'slight positive' to 'large positive' magnitude.
- 3.98 The greatest increase in the rural section of the scheme is predicted to be 4.9dBA in 2012 and 4.8 dBA in 2027 and, in the urban section, is predicted to be 4.0dBA in 2012 and 4.2dBA in 2027. The greatest decrease in the rural section of the scheme is predicted to be -7.9dBA in 2012 and -8.9dBA in 2027 and, in the urban section, is predicted to be -1.1dBA in 2012 and -1.8dBA in 2027.
- 3.99 A noise assessment has also been undertaken for all properties and other receptors (such as footpaths) within 200m of the proposed widening scheme. The worst case noise level has been used for each property and other relevant location in all scenarios. Increases in noise level for the 'do something' scenario mainly fall within the 1-3 dBA band, which would be considered a 'slight negative' effect. As suggested by the assessment of key receptors, 353 properties would experience increases considered to be of 'moderate negative' magnitude. The 'large negative' increases in noise only apply to the closest footpath and playing field receptors.
- 3.100 Overall the results show that the proposed scheme is predicted to increase the number of people 'bothered very much or quite a lot' by the scheme in comparison to the 'do minimum' scenario. In the 'do something' scenario, 5,328 receptor locations are predicted to have increases in nuisance level in comparison to 4,488 locations in the 'do minimum' scenario. In the 'do something' scenario, 377 properties and other relevant locations are predicted to have decreases in nuisance level in comparison to 487 locations in the 'do minimum' scenario.

Air Quality³⁷

- 3.101 In short, the overall effect of the scheme on local air quality would be neutral. This assessment relates to both nitrogen dioxide and to particulates. CO₂ emissions would increase in 2012 by 688 tonnes when comparing the 'do something' and 'do minimum' scenarios. This is an increase of 0.05% in carbon emissions in the opening year. There would be

³⁷ DD27

an increase of 0.079% in carbon emissions over the 60 year lifespan of the scheme.

3.102 There would be no new receptors which would be predicted to be exposed to any new breach of national air quality objectives. The scheme would improve air quality in 5 out of the 9 existing Air Quality Management Areas (AQMAs) and would reduce exposure to nitrogen dioxide and particulates in more receptors than it would increase.

Other Environmental Effects

3.103 The residual effects of other matters covered in the ES but not raised as issues in the inquiry may be summarised from the ES as follows;

- Ecology Overall effect 'neutral'
- Land use 'Slight adverse'
- NMUs 'Slight to moderate beneficial'
- Vehicle travellers 'Large beneficial'
- Water environment 'Neutral'
- Geology 'Neutral to slight adverse'
- Soils 'Slight adverse'
- Disruption 'Slight adverse' during construction

Funding, Construction and Timescale³⁸

3.104 The scheme budget is based on the HA's ranged estimate of costs³⁹, which gives an estimate of between £142m and £194m, with a P50⁴⁰ (central) budget of £168m. This budget includes; past costs, works costs, land costs, risk and the costs of inflation. The scheme budget has been agreed with the DfT and the East Midlands Regional Assembly (EMR.A), and assumes that the scheme would be constructed by the end of 2012. The

³⁸ DD17, Sections 2 & 4

³⁹ INQ/6/1, response to IQ2

⁴⁰ In an assessment of risk, P50 represents an estimate with a 50% probability that the outturn costs would be below the estimate (Pizzey in response to Inspector's question on Day 1).

contractor's initial estimate is £146m, which is 13% below the P50 agreed budget cost.

- 3.105 The scheme has been identified as a regional transport priority and funds for its construction have been allocated within the Regional Funding Allocation (RFA)⁴¹.
- 3.106 The ES [DD05] and the Outline Construction Environmental Management Plan (CEMP) [DD09] provide detail of the scheme's construction methodology. The Scheme would take approximately 2¼ years to build, with construction activities currently programmed to start in autumn 2010, and finish in 2012.

Modifications to the Orders

- 3.107 In the event that the orders are recommended to be made, there are certain modifications to the orders which are sought and which are set out in detail in HA/9 and HA/10.
- 3.108 These modifications pick up a number of minor amendments that arose after publication of the Orders. The background to these is set out in HA/9. The amendments that would be required to accommodate Objectors' Alternatives are also set out in HA/9 and HA/10⁴².

4 THE CASE FOR THE SUPPORTERS

Inspector's Note: The 34 letters of support are set out in Document INQ/4.

The material points are:

Written Representations of Support

- 4.1 There is significant support for an early start to the scheme. Several supporters stress the evident and pressing need for improvements to the route as highlighted in frustrating congestion, significant queuing, air quality concerns and road safety issues.
- 4.2 Some commentators stress that the A453W scheme is a crucial missing part of the regional and local transport network which would bring long term economic and transport benefits.

⁴¹ See letter of 8 September 2009 from the East Midlands Regional Assembly at SUP27.

⁴² Inspector's Note: The details of these are dealt with below in paragraphs 5.74-5.83, in Section 7 and in my Conclusions [8.45-8.61] see particularly footnotes 102 to 106

- 4.3 Furthermore the scheme would improve access to the Trunk Road network for rural settlements such as Ratcliffe on Soar and Kegworth.
- 4.4 Representative groups underline support in relation to the proposed provision for NMUs and for the linkages to the PROW network. Natural England is supportive and provides detailed commentary with respect to ecological activities and landscaping proposals.

5 THE CASE FOR THE OBJECTORS

The material points are:

Introduction

- 5.1 Eight objectors appeared at the inquiry, including three statutory objectors, Towers [OBJ 29], Osbornes [OBJ 10] and Whites [OBJ 04];
- Mr. G I Phillips, [OBJ 15]
 - Barton in Fabis Parish Council, [OBJ 17]
 - Mr. D Shaw, [OBJ 09]
 - CPRE, [OBJ 25]
 - Mr. John Towers, Mrs. Margaret Towers, Mr. Keith Towers, Church Farm Trust, Manor Farm Trust and Joniroke Enterprises Ltd, [OBJ 29]
 - Mr. M R and Mrs. M E Osborne, [OBJ 10]
 - Mrs. J M White and Messrs W R & J H White, [OBJ 04]
 - Dr Ramsden. [OBJ 18]
- 5.2 Their cases are summarised below in the order in which they appeared at the inquiry.
- 5.3 Three counter objectors appeared at the inquiry and raised issues with some of the alternatives proposed by the objectors;
- Councillor Barber, with respect to Mr. Phillips' Alternatives,
 - Dr Annabel Gear, with respect to Mr. Phillips' Alternatives, and

- Osbornes, with respect to the Towers' Alternative

5.4 The cases of the counter objectors are reported in Section 6 below.

Mr. G I Phillips, [OBJ 15] (non-statutory objector)

Introduction

- 5.5 Five objector's alternative proposals are put forward⁴³, which have all been considered previously, namely the Green (No. 1), Purple (No. 2), Blue (No. 5), Yellow Options A (No. 3) and B Routes (No. 4). The first two are western by-passes, the third is a southern by-pass and the final two are eastern by-passes, with Option A being a single carriageway and Option B a dual carriageway⁴⁴.
- 5.6 Previous support and technical appraisal always favoured a by-pass solution for the Clifton urban area, nothing has changed. The alternative proposals would produce significantly greater benefits for Clifton than the published proposal.

Scheme Genesis

- 5.7 The HA argues that the A453W scheme arose out of the MMS consultation exercise. However it did not. The MMS Consultation on Final Options in MMS Working Paper 34⁴⁵ indicates that the Preferred Option would be made up from the best elements of three options, the Clifton road scheme elements of which were Options A and B, an Eastern By-Pass, or Option C, no change.
- 5.8 It was only in the later MMS Working Papers that the current proposal emerged as a modification to Option C. However the scheme that came forward was clearly a new option – Option D –and not a variant of Option C.

Flawed Consultation

- 5.9 Furthermore it was evident from the publicity material issued with the
-

⁴³ For large scale drawings of the 5 alternatives see HA/23 (Objector Alternatives 1 to 5)

⁴⁴ Inspector's Note; Mr. Phillips' 5 alternatives were formally advertised by the HA as follows: Objector's Alternative No 1 (Green Route: 1996 Public Inquiry), Objector's Alternative No 2 (Purple Route: 1996 Public Inquiry), Objector's Alternative No 3 (Option A (Yellow) from MMS), Objector's Alternative No 4 (Option B (Yellow) from MMS), Objector's Alternative No 5 (Blue Route: 1996 Public Inquiry) – see statutory compliance folder at HA/22

⁴⁵ OBJ/15/3, Folder 3, Tab 34

consultations in February 2002, as seen in the Inclusion Newsletter⁴⁶, that there was a preference within the consultation for Option A.

- 5.10 However, largely as a result of the anti-eastern by-pass campaign mobilised in Ruddington, HA shifted its position away from Option A, an eastern by-pass option.
- 5.11 The consultation exercise options did not involve a road scheme in urban Clifton. Therefore anyone concerned by such a proposal would have no reason to respond. The present proposal was one hastily thrown together as a result of a flawed consultation exercise.

Lack of Equal and Objective Comparisons

- 5.12 Therefore the current option for a widening to four lanes through Clifton has not been subjected to any comparative analysis with the original MMS options.
- 5.13 It is unfair to compare the proposed scheme, put forward by the HA, with the objector's 5 alternative proposals. A proper scheme appraisal should be a full objective technical process; this has not been possible in the case of the objector's 5 alternatives. Without proper scrutiny any view of these alternatives is skewed.

Statutory Tests

- 5.14 In the absence of an equal and objective assessment the HA is unable to demonstrate that the present proposal is the optimum highway solution or that there is a compelling case in the public interest for a CPO.
- 5.15 The HA does not say that the proposal is the best scheme; simply a good scheme made the best it can whilst balancing policy criteria⁴⁷. However to meet the statutory tests the burden of proof lies with the HA and that cannot be discharged without an equal and objective assessment of the proposal against alternatives.

Merits of the Objector's Alternatives

- 5.16 Furthermore the limited analyses of the 5 alternatives indicate that they would produce positive BCRs which in some cases would represent an improvement on the published scheme. This improvement would also extend to the sphere of accident prevention.

⁴⁶ OBJ/15/3, Folder 4 Appendices

⁴⁷ Pizzey in cross-examination Day 3

- 5.17 Integration with other transport modes could be addressed as part of a full and detailed scheme appraisal if one of these alternatives were pursued fully.
- 5.18 A by-pass of Clifton would address the issues of separation and accessibility within Clifton more fully and adequately than the published scheme.
- 5.19 Although by-pass options produce some environmental disbenefits, which may be tackled by mitigation, the HA has identified no benefits. However the MMS Final Report⁴⁸ does refer to a small amount of comparison work between Option A1 (a Yellow single carriageway route variant) and Option D (essentially the present proposal). This demonstrated that in a number of key areas the by-pass would perform equal to or better than the preferred scheme; sufficiently to warrant a proper evaluation of the alternatives.

Importance of Achieving the Right Scheme

- 5.20 It is important to get the scheme right at the first attempt rather than rush into a scheme which may need to be supplemented by a by-pass of Clifton in 20 to 30 years⁴⁹. Any such scheme would inevitably have to adopt one of the 5 routes put forward by the objector. This contradicts HA's assertion that none of these alternatives would be suitable.

Absence of Clear Approval

- 5.21 It is further argued that no approval has been given by the Secretary of State to any business case, therefore the funding cannot be said to be in place, notwithstanding the fact that the scheme has been included in the RFA2 process and is listed as a priority. This is underpinned by the ongoing debate regarding funding for NET phase 2 via the workplace parking levy.
- 5.22 This matter, combined with the inherent uncertainties surrounding public sector finance of capital projects, points to the CPO test, as to funding being 'likely to be available in a reasonable timescale', not being met.
- 5.23 This test requires speculation and should take account of economic and political considerations. The test is importantly one of the counterbalances to the detriment of the human rights of those whose land falls under the CPO.

⁴⁸ DD13

⁴⁹ Pizzey in cross-examination on Day 3

Barton in Fabis Parish Council [OBJ 16] (non-statutory objector)

- 5.24 The Parish Council objects to the published scheme for the following reasons. Firstly the vertical alignment would cause increased noise intrusion in the village. Furthermore there are no proposals to screen the existing road and as both the former and new roads would be on separate embankments, the planting between would have little or no effect on reducing traffic noise. Secondly, the planned off-line section would be an intrusion in the landscape within an attractive area of the Green Belt.
- 5.25 In order to go some way towards addressing these issues the Parish Council seeks mounding and planting to help screen the route from the village.
- 5.26 Finally, the community would be more isolated due to the closure of Barton Lane, which acts as a direct link to the settlement of Gotham, with which the village has close links. The post-scheme alternative route via Barton Lane, A453, Crusader Roundabout and Clifton Lane would add some 4 minutes to this journey.
- 5.27 To tackle this matter the Parish Council proposes Objector's Alternative 11, which would replace the proposed farm/NMU underpass at Barton Lane with an all-purpose split level crossing of the proposed A453 realignment to Barton Lane. Variants 11A and 11B would restrict the remaining section of the existing A453, between Manor Road and New Road, to use by NMU and farm vehicles (11A) and NMU use only (11B) respectively⁵⁰.
- 5.28 Alternatives 11A and 11B represent a very favourable BCR⁵¹ and would increase the safety of NMUs when compared with the HA published scheme.
- 5.29 Furthermore Barton in Fabis Parish Council objects to Objector's Alternatives Nos. 1, 3, 4 and 5 submitted by Mr. Phillips; all of which were dismissed after the 1996 Public Inquiry. They would all represent a major threat to the Green Belt.
- 5.30 The western by-pass suggestion (Objector's Alternative No 1) would significantly affect the village environment, would have a detrimental effect on the Trent floodplain and be likely to destroy or adversely affect a SSSI and three SINCs to the west of Clifton.
- 5.31 Objector's Alternatives Nos 3 and 4 were ruled out as part of the MMS and these, together with Objector's Alternative No 5, present a longer route for traffic travelling to the City/North and would therefore be less cost effective.

⁵⁰ For detailed drawings of the 3 variants (Objector's Alternatives 11, 11A and 11B) see HA/23

⁵¹ Alternative 11A BCR is 4.11 compared with scheme BCR of 3.25, see OBJ/16/2.

Mr. D J Shaw [OBJ 09]⁵² (non-statutory objector)

- 5.32 Non-road alternatives have been given insufficient consideration. Historically there has been over-dependence on the private car in the A453 corridor. This should be set against the background of Nottingham being a city which has bucked the trend in terms of managing congestion and reducing traffic levels in the city centre.
- 5.33 Whilst the proposed tram extension would undoubtedly help to encourage modal shift, the continuing increases in traffic levels cause congestion along Queen's Drive and back to Clifton Bridge. The published scheme would exacerbate this situation by bringing additional arterial traffic along this route.
- 5.34 The A453W scheme should not be carried out before the implementation of improvements to complimentary public transport modes. It is notable that there have been no improvements to the Nottingham to Birmingham rail service for some 25 years. Furthermore the recently opened EMP, which provides opportunity for significant park and ride into Nottingham, has not had chance to move into full and effective operation.
- 5.35 Turning to the issue of climate change, the published scheme would appear to be a prime example of 'high carbon infrastructure' alluded to disparagingly in the Stern Report. It would adversely impact on CO₂ emissions.
- 5.36 In terms of value for money it would be more cost effective to dedicate the money to a variety of other transport schemes that would impact on the region. Such schemes could include; Midland Mainline rail enhancement, Nottingham Station enhancement, improved use of EMP and improvements to the Robin Hood Line.
- 5.37 However the overriding consideration has to be the wider economic climate. A scheme for A453 must address the issues of safety and congestion by getting maximum value from existing assets whilst investing in sustainable options for the future.

CPRE⁵³ [OBJ 25] (non-statutory objector)

Policy

- 5.38 CPRE takes issue strongly with the assertions that the scheme is 'generally in line with planning policy' and 'in the main, beneficial or neutral to

⁵² OBJ/09/1

⁵³ OBJ/25/1

achievement of the various planning policy aims'.⁵⁴

- 5.39 Opportunities to promote more sustainable transport choices would be likely to be outweighed by the opportunities for more car travel arising from the additional capacity in the network and the increase in carbon emissions. The scheme would encourage modal shift to cars and heavy commercial vehicles. The scheme would therefore not be consistent with the advice in PPG13.
- 5.40 In considering the sustainability of the scheme it is relevant to consider *Delivering a Sustainable Transport Strategy*⁵⁵ (DaSTS). The A453 is part of the 'Cities and Regional Networks' therefore although it is a trunk road it is not of national significance. Overall the scheme has a very poor policy fit across DaSTS goals and challenges, while alternatives would fit well.
- 5.41 In DaSTS in 2008 the DfT stressed that the need to 'deliver quantified reductions in greenhouse gas emissions within cities and regional networks' should be recognised. Advice and reports this year from the Committee on Climate Change and the Commission for Integrated Transport have highlighted the need for a step change in reducing carbon emissions, much more than at present. For transport a key implication of this is the need to consider an end to increasing traffic each year.
- 5.42 The scheme conflicts substantially with the EMR.P⁵⁶ that was published in March 2009. The scheme would jeopardise the overarching objective of supporting sustainable development, in particular by locking-in unsustainable patterns and trends in transport.
- 5.43 The package of transport schemes in the East Midlands Regional Funding Advice is unsustainable and unbalanced and goes against the DfT's advice on the need to reduce carbon emissions from transport.

Multi-Modal Study and Option Appraisal

- 5.44 The A453 MMS was started a decade ago against a different policy framework. Despite much of the traffic on the urban section being longer distance⁵⁷, the MMS focused narrowly on the short section of the A453 between the M1 and the A52.

⁵⁴ paragraph 13.4.1 of ES Vol1 DD005

⁵⁵ DD61

⁵⁶ DD43

⁵⁷ DD11, paragraph 5.3.9

- 5.45 The MMS did consider a number of other alignments for widening and CPRE considers the on-line option the least damaging and the scheme as the second least damaging of the road expansion options put forward. The A453 widening is not required for other elements of the MMS.
- 5.46 Over the last year the DfT and Network Rail have published documents setting out possible upgrades for the Nottinghamshire area. Electrification in particular would offer much higher value for money than the A453 scheme as well as fitting with policies such as securing quantifiable annual emission reductions in carbon.

Modelling and Value for Money

- 5.47 There are a number of serious problems with the traffic modelling of the scheme. These problems detract from the robustness of the Appraisal Summary Table and the overall case for the scheme.
- 5.48 In particular rail upgrades could make rail much more attractive for passenger and freight trips. Rail schemes in the area have higher value for money than the A453 widening. Besides having a better policy fit, they perform better against likely future scenarios and proposed changes to WebTAG.

Road Safety

- 5.49 This section of the A453 is of low-medium accident risk. A more proportionate way to reduce collisions would be to grade-separate the Barton Lane junction, provide new facilities for NMUs and reduce the speed limit to 50mph between the new EMP junction (which may have dealt with the collision cluster there) and Clifton.
- 5.50 The increase in severance and reduction in pedestrian priority in the urban section could well lead to more, not fewer, collisions.

Physically Active Travel Modes

- 5.51 The scheme neither gives due regard to the infrastructure needs of active travel modes nor is it likely to increase rates of active travel. Areas where cycling has the highest modal share, such as London and Cambridge, have high levels of congestion such that cycling offers significant time benefits over driving. The step-change in conditions for vehicle travellers would increase the comparative advantage of motor travel and make active trips less likely overall.
- 5.52 There is limited potential for more active travel in the rural area and leisure trips would be discouraged by the impact such as noise of the widened road. In the urban area, facilities for walking and cycling would be

inadequate.

Conclusions

- 5.53 The scheme is being advanced primarily to tackle safety and congestion. However, the case on safety has not been made out and there are far more cost effective ways to increase safety. In terms of congestion, the scheme would only make the worst congestion less bad as opposed to improving it. In any event the many unfounded assumptions in the traffic modelling mean that little weight can be placed on the resulting figures.
- 5.54 The scheme has a very poor fit with current, let alone emerging, policy, in particular it has a high-opportunity carbon cost that would make meeting carbon budgets more difficult. The scheme would reduce trips by public transport and active modes and increase car dependency. It performs badly across different likely future scenarios. The A453 MMS did look at some options for shorter-distance trips but is based on policy and appraisal which is now a decade out of date.
- 5.55 Alternatives that should be promoted instead include:
- Lower speed limits on the A453 and surrounding minor roads;
 - Significant improvements to routes and conditions for NMUs;
 - Junction improvements, including signalisation of roundabouts and localised widening in the urban section, to cater better for conflicting movements;
 - Electrification and other rail upgrades for the Nottingham – Birmingham corridor.
- 5.56 Alternatives would help put the region on a low carbon trajectory and provide people and freight with a reliable and fast option to travel on the Nottingham – West Midlands corridor.

Towers^{58 59} [OBJ 29] (statutory objector)

- 5.57 The published scheme would close 4 existing private means of access (PMA) from A453 to Objector's land to the south of the trunk road, including some 166 acres of farmland⁶⁰. These PMAs serve a number of other users including the residential occupiers of Hillside Cottage, a clay pigeon

⁵⁸ Inspector's Note: Objector 29 comprises Mr. John Towers, Mrs. Margaret Towers, Mr. Keith Towers, Church Farm Trust, Manor Farm Trust and Joniroke Enterprises Ltd; at the inquiry I indicated, with the agreement of the parties, that I would refer to the objector as 'Towers'.

⁵⁹ OBJ/29/1

⁶⁰ See plan attached to OBJ/29/1

shooting club and a mobile telecommunications mast in addition to agricultural land owned by third parties.

- 5.58 The published scheme would restrict access to a single point over the Thrumpton Accommodation Bridge and this would give rise to a number of issues.
- 5.59 The proposal would lead to an intensification of use of the Accommodation Bridge by a number of separate users⁶¹. All users would gain access from Barton Road at the same point. Given the mix of uses and vehicle types, including large agricultural vehicles and potentially livestock, this would cause a high likelihood of conflict and danger.
- 5.60 Any maintenance work or blockage of the bridge or accident damage from vehicles on A453 could have serious consequences in the event of an emergency for fire or ambulance.
- 5.61 Objector's Alternative No. 6⁶² 6⁶³ would provide a new PMA on the southern side of the proposed A453 alignment, for a distance of approximately 450m from the southern roundabout at West Leake Junction, eastwards towards the Thrumpton Accommodation Bridge. This would effectively remove the above issues as it would provide a second means of access for all the above users from the public highway network which would not be reliant on a bridge structure.

Mr. M R and Mrs. M E Osborne⁶⁴ [OBJ 10] (statutory objector)

- 5.62 The first point of objection relates to the compulsory acquisition of Plot 2/7A, which would provide access via a PMA to third party land on the north side of A453 in the Cedar Isle area. The objector would not wish to see intensification of use beyond agricultural, fishing and recreational boating access use.
- 5.63 The second outstanding objection relates to the acquisition of Plot 2/7M, a private woodland. The area required is excessive and would result in the loss of trees some 30/40 years old, one of which has a girth of some 76 inches. The trees provide an effective screen to the road, both visual and

⁶¹ Inspector's Note: Towers' agent was unable to estimate the likely level of use of the bridge and indicated that no surveys had been carried out (Inspector's question on Day 6).

⁶² See drawing at HA/23

⁶³ A counter objection by Osbornes [OBJ 10] to Objector's Alternative No 6 is reported in Section 6 of this report.

⁶⁴ OBJ/10/1

acoustic. The noise predictions of the HA are not accepted.

- 5.64 The last outstanding element of objection refers to the proposed footpath which would connect EMP with the cycle track/footpath on the northern side of the A453, which in the published scheme would pass in a straight line through fields.
- 5.65 In order to maximise the agricultural value of this land, which the objectors are purchasing from Network Rail, Objector's Alternative No. 10⁶⁵ is put forward. This would realign the proposed footpath to follow the edge of the field.

Mrs. J M White and Messrs W R & J H White⁶⁶ [OBJ 04] (statutory objector)

- 5.66 The first element of this objection relates to acquisition of Plots 1/3 and 1/3B and associated diversion of footpath L60 and in particular to the impact of the proposed PMA to Dowell's Barn on this objector's land uses.
- 5.67 Following discussions with the HA, Objector's Alternative No. 8 has been put forward. This would realign the proposed PMA from Long Lane along the southern boundary of the A453 to Dowell's Barn. Footpath L60 would continue across fields as existing to the A453 boundary, before using this alternative PMA to Long Lane. The previously proposed PMA to Dowell's Barn would no longer be required. All this would improve the efficient use of land.
- 5.68 The final outstanding objection relates to the acquisition, for temporary purposes (soil storage and bridge construction), of Plot 1/3D. This is a very large area of land which is convenient but not essential and therefore should not be compulsorily acquired.

Dr Ramsden⁶⁷ [OBJ 18] (non-statutory objector)

- 5.69 Additional road space, in the absence of any pricing mechanism, would generate additional traffic. In the longer term this would result in increased congestion, as well as additional environmental problems, including noise and greenhouse gas emissions. All these problems will be channelled into Nottingham.

⁶⁵ See relevant drawing in bundle HA/23

⁶⁶ OBJ/4/1

⁶⁷ Dr Ramsden did not introduce any new documents or Proof of Evidence to the Inquiry. He relied on his previous written objections, see INQ/2, tab OBJ 18

- 5.70 It is not clear that the published scheme would significantly improve congestion and environmental intrusion within Clifton urban area, given the retention of roundabouts and signal-controlled junctions and crossings.
- 5.71 Much of the rural section of the route would constitute an off-line new construction, it would be more cost effective to widen on-line. Furthermore there would not appear to be a strong safety case for the improvement to the rural section of the route as this has an existing accident record that is 'similar to the national average'.
- 5.72 The south side of Nottingham presents a relatively undeveloped landscape, a pleasant and agreeable prospect. Roads and other forms of hard development permanently remove the countryside resources and particularly its agricultural use.
- 5.73 In summary the published scheme, which is wrongly defined as a 'widening', would not solve congestion problems, it would introduce environmental disbenefits and costs and would reduce the amenity value of land close to Nottingham. Low cost safety and congestion reduction measures in Clifton should be introduced rather than the published scheme for the entire route from M1 to Clifton.

Objectors' Alternatives^{68 69}

- 5.74 The details of the following Objectors' Alternatives are set out in the appropriate sections above:
- Nos 1-5 – Mr. Phillips [OBJ 15],
 - No. 6 – Towers [OBJ 29],
 - No. 8 – Messrs White [OBJ 04],
 - No. 10 – Osbornes [OBJ 10],

⁶⁸ Inspector's Note: Seventeen Objector's Alternatives were submitted and formally published. Alternatives 1-12 were submitted and published in line with the programme I set out at the PIM, allowing subsequent counter objections to be submitted in advance of the inquiry. One objector, Mr. J Potter [OBJ 31], submitted Alternatives 13-17 for publication somewhat later than my deadline. However I accepted that these could be published with a closure date for objections of 13 November 2009, during the first week of the inquiry, with an opportunity for any counter objectors to appear the following week. Mr. Potter chose not to present his objections to the inquiry but to rely on his written representations.

⁶⁹ Large scale drawings of the Objector's Alternative Routes are set out in HA/23

- No. 11 – Barton in Fabis Parish Council [OBJ 16]
- 5.75 The main points of the remaining Objectors' Alternatives are set out below.
- 5.76 Objector's Alternative No. 7 (E.ON [OBJ 24]) would provide a new PMA into Ratcliffe Power Station on the northern side of the A453 as part of the Parkway Junction link roads.
- 5.77 Objector's Alternative No. 9 (Curzon Coaker Trust [OBJ 23]) would replace the proposed combined farm access/cycle track with a dedicated cycle track that would commence on the A6 close to M1 J24, and descend to pass through Cattle Creep Underpass before rejoining the existing cycle track on the M1 J24 roundabout, between the M1 southbound off slip and the A453.
- 5.78 Objector's Alternative No. 12 (Angela Plowright & Paul Kaczmarczuk [OBJ 16]) is an on-line option that would have much the same layout between M1 and Barton in Fabis as the published scheme. East of Barton in Fabis the route would rejoin the line of the existing A453 and widen it to dual 2-lane carriageway with a NMU route through to Mill Hill Roundabout, from which point it would match the published scheme through Clifton. A roundabout would be placed to the south of Barton Lodge to link with the local road network.
- 5.79 Objector's Alternative No.13 (Jason Potter [OBJ 31]) is an on-line option that would have much the same layout between M1 and Barton in Fabis as the published scheme. East of Barton in Fabis the route would join the line of the existing A453 and widen it to dual 2-lane carriageway with a NMUs' route through to a new roundabout at Fox Covert Lane, from which point it would match the published scheme to Farnborough Road. Past Barton in Fabis the proposal would be in a cutting and an overbridge would connect Barton Lane to New Road.
- 5.80 Objector's Alternative No.14 (Jason Potter [OBJ 31]) is a split-carriageway option that would have much the same layout between M1 and Barton in Fabis as the published scheme. East of Barton in Fabis the route would be split; the eastbound traffic would continue on the existing A453 alignment, and the westbound traffic would follow the HA's proposed alignment. The carriageways would come together at a new roundabout at Fox Covert Lane, from which point it would match the published scheme. Past Barton in Fabis the proposal would be in a cutting and an overbridge would connect Barton Lane to New Road.
- 5.81 Objector's Alternative No.15 (Jason Potter [OBJ 31]) is a split-carriageway option that would have much the same layout between M1 and Barton in Fabis as the published scheme. East of Barton in Fabis the route would be split; the eastbound traffic would continue on the existing A453 alignment, and the westbound traffic would follow the HA's proposed alignment. The carriageways would come together at Mill Hill Roundabout, from which point

it would match the published scheme to Farnborough Road. Past Barton in Fabis the proposal would be in a cutting and an overbridge would connect Barton Lane to New Road.

- 5.82 Objector's Alternative No.16 (Jason Potter [OBJ 31]) would provide an alteration to Barton Lane adjacent to Canterbury House such that it would stay on the same line as the existing road close to the border of Canterbury House.
- 5.83 Objector's Alternative No.17 (Jason Potter [OBJ 31]) would provide an alteration in the alignment of Barton Lane at its western end on approach to West Leake Junction. The alternative would maintain the existing Barton Lane road line as far as possible and match up with Barton Lane west of Twenty Lands Plantation.

Written Representations of Objection

5.84 An analysis of the written representations of objection before the inquiry is set out in INQ/7 which cross-refers to each objection and sets out the HA's responses to the issues raised by each objector, these include the matters dealt with above; other concerns raised include:

- Local access issues,
- Need for and scale of private land to be acquired,
- Adequacy of flood compensation proposed,
- Future ability to maintain statutory undertakers' plant,
- Traffic management and safety issues regarding proposals in Clifton,
- Potential increases in noise⁷⁰ and emissions,

6 THE CASE FOR THE COUNTER OBJECTORS

Inspector's Note: Some 70 written representations were received in response to the publication of Objector's Alternative routes; these are included in document INQ/5. Barton in Fabis Parish Council presented a counter objection to Objector's Alternatives 1, 3, 4 & 5 and this is reported as part of its case at 5.29-5.31 above. Two of the counter objectors, Councillor Barber [CO 31] and Dr Gear [CO 29], gave evidence to the inquiry. One further objector, Osbornes [OBJ 10], presented a Counter Objection to the Towers' Alternative No. 6 whilst presenting their own objection to the inquiry. The material points are reported below.

⁷⁰ 3 written objections raise noise as an issue [OBJ 06, 07 & 25]

Councillor Barber [CO 31]

- 6.1 This counter objection is in response to Objector's Alternatives Nos. 1 and 2, the suggested western by-passes of Clifton that would impinge significantly on the Trent flood plain between Clifton and Beeston. These options were unequivocally ruled out at the last inquiry because the cost in environmental terms both to the natural and the human environments would far outweigh benefits. Since the 1996 inquiry nothing of significance has changed to alter this conclusion.
- 6.2 The adequacies of the flood compensation proposals for these alternatives are questioned, in an area of high flood risk. Since the last inquiry there has been a severe flood incident in 2000.
- 6.3 These alternatives would have a significant negative impact on a local SSSI in this area of the Trent valley. Furthermore these alternatives would not be compatible with NET Phase 2, the Clifton park and ride site, which would connect with the published scheme. The contract for NET Phase 2 is at a very advanced stage.

Dr Gear [CO 29]

- 6.4 This counter objection is in response to Objector's Alternative No. 5, which would have significant environmental impact on the settlement of Bradmore.
- 6.5 Two detailed points arise out of Objector's Alternative No. 5, the scheme would give rise to pollution impact on the objector's bees and there would be an issue of the impact of increased noise pollution on horses using the nearby bridlepath.

Mr. M R and Mrs. M E Osborne [OBJ 10]

- 6.6 This counter objection is brought forward in response to the Towers' Objector's Alternative No. 6, which would require acquisition of a strip of the Osbornes' land, on the south side of the A453 between the West Leake Junction and the Thrumpton Accommodation Bridge.
- 6.7 The need for a secondary access to serve the Towers' land and other limited uses is questioned. It has been some years since the Thrumpton Accommodation Bridge has been used to move livestock and there is little likelihood of any resumption of dairy farming in the foreseeable future. There would only be very limited potential for conflict of users crossing the bridge.
- 6.8 Furthermore the Towers' argument for a secondary access is negated somewhat by the consideration that some existing A453 private access points have been barricaded and closed in recent times. This is a matter

that can be dealt with by compensation. The Osbornes do not wish to give up land for an unnecessary secondary PMA.

Written Representations of Counter Objection

- 6.9 The various Clifton By-Pass Alternative routes, submitted by Mr. Phillips and advertised as Objector's Alternatives Nos. 1-5, attracted some 43 counter objections. Of these 17 objected to all 5 options, 19 objected to routes 3 and 4 and a further 7 objected to routes 1, 2 or 5.
- 6.10 The main concerns expressed by objectors include delay to scheme implementation that consideration of any of these options would incur, the impact of these options on the Green Belt, the effect on landscape and on agricultural land, negative ecological impact and enhanced flood risk.
- 6.11 Some 7 letters of support were received in respect of one or more of Alternatives 1-5, citing arguments that reflect Mr. Phillips' case for removal of traffic from the urban area of Clifton.
- 6.12 A further 7 respondents objected to all the initial Objector's Alternatives 1-12⁷¹, stressing the need to press ahead with the published scheme without delay.
- 6.13 In response to Mr. Potter's Alternatives 13-17, counter objections have been submitted from both Nottinghamshire County Council and from Nottingham City Council stressing that these alternatives are inferior to the HA's published scheme.

7 REBUTTAL BY THE ORDER MAKING AUTHORITY

The material points are:

Mr. G I Phillips⁷² [OBJ 15]

- 7.1 Mr. Phillips' case is that Clifton should have a bypass. There are three main strands to his case:
- That the MMS was flawed,

⁷¹ These were the first 12 Alternatives that were advertised in advance of the Inquiry, see footnote 68 above.

⁷² The HA rebuttals are set out in HA/3, HA/4 and HA/5

- That the bypass options are preferable, and,
- That the HA's case failed by reason of a lack of certainty of funding.

The MMS

- 7.2 The rehearsal of the history of the MMS is ultimately irrelevant. Plainly, the MMS is an important part of the history of attempts to alleviate the difficulties associated with the A453 in this area. Moreover, it is very important background to informing the inquiry as to the integrated approach which has been sought to be achieved over a period of time. That integrated approach deals with transport infrastructure in a holistic way.
- 7.3 Firstly, it approaches it by seeking to provide alternative modes of travel other than the private car. To that end, the EMP has been promoted and built. Still further, the public transport links between Clifton and Nottingham have been sought to be improved by promotion of orders for the construction of NET 2, with its terminus linkage to A453.
- 7.4 A point which is taken against the NET 2 is that it is not certain that it will in fact come forward. In that regard, reference has been made to challenges to a part of the funding stream for NET 2 in that the Council's ambitions for a workplace parking levy are subject to legal challenge. Be that as it may, the clear fact is that NET 2 is a committed scheme which forms and did form an important part of the integrated transport strategy and infrastructure of this part of the East Midlands.
- 7.5 Necessarily, the decision making processes in respect of these various schemes cannot all reach a conclusion at the same time, nor result in simultaneous implementation. Hence, it has never been foreseen that decisions as to each and every one of the aspects of dealing with the integrated transport solution would be made at the same time and with full knowledge of progress of the other. This is clearly obvious.
- 7.6 What is perfectly clear is that the intention of those who have studied the integrated transport approach, and have made recommendations, is that road, light rail, heavy rail and other demand management measures should work together⁷³. Such an approach is supported by national policy for the reasons which are given above, and has been adopted in regional and local planning policies.
- 7.7 Option C of the MMS was taken forward. It is notable that Options A and B

⁷³ Mr. Shields (HA Traffic) explained, in cross examination by CPRE, that National Express (a bus operator) had stated in a meeting that it did not use the A453 at present because congestion made it unreliable, but that National Express would use the route again if it was improved; evidence of the road scheme assisting in making a modal shift.

included provision for a bypass to Clifton. The bypass options were not taken forward via the MMS.

- 7.8 Mr. Phillips' complaint appears to be that the detailed scheme which has been worked up into the draft Orders is not a scheme which was consulted upon as part of the MMS. The complaint ignores the fact that the 1996 inquiry found that there was a pressing need, even then, for a widening scheme for the A453 through both the rural section and through Clifton. The fact that that scheme was not constructed is neither here nor there.
- 7.9 Moreover, the MMS does not at any point rule out or make any adverse comment in respect of a scheme to widen the A453 along both the rural section and through Clifton.
- 7.10 However, Mr. Phillips' objections on the grounds of failure to assess a range of bypass alternatives against the published scheme, are fully answered by the rebuttal of his case in this inquiry. In effect, he is asking to start the entire options process again in order that thoroughly unsuitable options may be considered and rejected. Mr. Phillips' alternative scheme options are now considered.

Mr. Phillips' Alternatives; (Objector's Alternatives Nos. 1-5)

- 7.11 Mr. Phillips promotes five bypass options. He has been invited to reduce the number of bypass options in the light of the detailed assessment work⁷⁴ which has been undertaken which again demonstrates that amongst those alternatives there are clearly preferable alternatives. That is not to say that any of the alternatives have any merit whatsoever. Unfortunately, Mr. Phillips persists with each and every one of the alternatives and in the result it is necessary to deal with them one by one.
- 7.12 The Green Route (Objector's Alternative 1) and the Purple Route (Objector's Alternative 2) pass to the west of Clifton. The material points in respect of those routes are:
- Such a scheme could not, even on the most optimistic basis, be brought into operation before 2017 - people would continue to die and be seriously injured on the existing route in the interim and the economy would continue to be adversely affected⁷⁵.
 - The bypass scheme would result in no improvement in NMU facilities throughout Clifton because the scheme would not pass through

⁷⁴ See documents HA/3, HA/4 & HA/5; in particular HA/4, 'the Full Assessment'

⁷⁵ These points were expressly acknowledged by Mr. Phillips in cross examination, Day 4

Clifton and that part of the A453 would be detrunked and would no longer be a highway under the care of the HA. Rather, it would pass to Nottingham City Council as local highway authority.

- The cost of the scheme would be staggeringly high at £513m and it is quite impossible to see how such a scheme would attract funding.
- The BCR is inferior to the published scheme.
- The impact upon the Green Belt is clearly adverse since it traverses and bisects the Green Belt between Clifton and Beeston towards West Bridgford, with the need for a viaduct causing particularly adverse impact on openness of the Green Belt.
- The impact upon biodiversity interests would be very large and adverse by reason of the scheme crossing several local wildlife sites, a local nature reserve and being immediately adjacent to and having an effect upon a SSSI at Holme Pit.
- The adverse effect upon the historic environment is also large and adverse because the scheme would traverse a registered park and garden (Clifton Hall), adversely affect the setting of listed buildings and the Clifton Conservation Area.
- There would be an adverse effect in respect of potential for flood risk because the route passes across a floodplain, namely that of the River Trent.
- Up to one million cubic metres of material would have to be moved off site which is itself environmentally damaging.

7.13 When these points, along with those points which are favourable to the scheme, are assessed by way of an AST it is quite plain that the published scheme performs very significantly better. The Green Route attracts two moderate adverse rankings, one large adverse ranking and one very large adverse ranking, compared to one moderate adverse ranking for the published scheme.

7.14 The same situation pertains in respect of the Purple Route, save that it is still more expensive at £536m. It is to be noted, that this estimate is conservative and generous to the alternative in that it assumes that the scheme would be constructed at the same time as the published scheme, which clearly it could not be.

7.15 Alternatives 3 & 4 are the previous Yellow Routes which pass to the east of Clifton and to the west of Ruddington. Alternative 3 is the single carriageway option and Alternative 4 is the dual carriageway option. These

schemes are plainly inferior to the published scheme for the following reasons:

- There would be a significant and unavoidable impact upon the floodplain (Fareham Brook). It is highly unlikely that such a scheme would be acceptable to the EA by reason of the flood risk. Still further, if such a scheme were to be constructed it is inevitable that very significant amounts of land would be required for flood compensation.
- The scheme suffers from the same disadvantage in terms of NMUs as the previous two options in that no improvement would be made to the carriageway through Clifton.
- It would also incur similar delays in commencement of construction as the previous option.
- In terms of traffic considerations, the scheme would give rise to significant over-capacity, queues and delays at M1 J24 because the scheme would result in increased outbound flows.
- Moreover, the traffic through Clifton would reduce by only 1,000 to 3,000 vehicles per day, hence there would still be problems throughout Clifton.
- The scheme is significantly more expensive than the published scheme, by about £30m.
- It has an inferior BCR.
- The number of accidents saved would be less than the published scheme.
- The impact upon the Greenbelt would plainly be adverse and significant because it would impact upon the narrow wedge of Greenbelt which remains between Clifton and Ruddington.
- There would be a significant loss of Grade II and Grade III soils, to a total of about 66 hectares, which is more than the published scheme.
- There would be a significant adverse effect upon biodiversity including passing close to Wilwell Cutting SSSI.

7.16 By way of summary in an AST the Yellow Single route performs poorly and is inferior to the published scheme.

- 7.17 Similar considerations apply to the Yellow Dual route. It would, like the single Yellow route, result in demolition of properties. However, in respect of the dual route, some of the difficulties are rather worse than in respect of the single route, in that the scheme cost would go up to £203m. Along with this, there would be a better BCR than the published scheme, at 5.19, compared to 4.22 (using the point estimate basis of calculating the scheme cost). However, this improved BCR is very much at the expense of transporting increased traffic more quickly to M1 J24 where there would be junction over-capacity which is clearly undesirable at an important trunk road/motorway junction.
- 7.18 Alternative 5 (the Blue route) suffers from many of the difficulties of the other bypass options. It would traverse a significant portion of the countryside and Green Belt with associated adverse impacts in terms of loss of agricultural land. It would traverse a floodplain - the points in respect of the yellow routes are repeated, as is the issue of scheme delay.
- 7.19 Likewise, the benefit to Clifton would be limited in terms of reducing traffic flows. Moreover, there would be increased flows to M1 J24 which might necessitate a dual three lane carriageway between Barton and M1 J24, with all of its associated impacts.
- 7.20 The published scheme is the optimum solution providing the opportunity for integration with other transport options and for modal shift away from the private car.

Funding

- 7.21 Mr. Phillips takes a point in respect of the certainty or otherwise of funding the scheme if the Orders are made. Mr. Phillips has no interest in any land which would be compulsorily purchased. Rather, he confirmed that the reason for taking this point is simply in order to try to halt the published scheme.
- 7.22 The relevant Secretary of State's guidance in Circular 06/2004 provides at paragraph 19:
- "If an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire, and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."*
- 7.23 The Secretary of State's guidance is that the acquiring authority needs to show that the necessary resources are "likely to be available". In the present context there is a wealth of evidence that this scheme is a scheme

for which resources are likely to be available. Firstly, the scheme has been prioritised within the region. Most recently it has been through the RFA2 process⁷⁶. The regional funding advice submission indicates, at Section 4.3 that:

“4.3.1 Introduction

The East Midlands has agreed a package of transport schemes to commence in the five year period 2009/10 to 2013/14. This allows certainty for scheme promoters in the short term to continue scheme development. The schemes will continue to draw on the major scheme budget for virtually the whole period to 2019

4.3.3 Assessment of Scheme Priority and Development of a Preferred Package.

A robust and rigorous process has been followed to identify the preferred package of transport schemes based on an assessment of regional policy fit and risk associated with delivery.

4.3.4 The Preferred Investment Package

The region’s proposed investment package for the major schemes listed in Table 4.3 have been selected as they will deliver regional priorities.

Delivery of the A46 scheme requires over-programming in the early years to facilitate delivery, together with the committed A453 scheme.”

- 7.24 Hence, it can be seen that a rigorous and robust process has been applied to the prioritisation of schemes and those schemes have attracted the certainty of funding to the present and current stage of development. The A453 widening scheme features in Table 4.3 as a preferred RFA 2 scheme.
- 7.25 No evidence has been provided from any quarter which suggests that there is any uncertainty in funding of the widening scheme. No reasonable point has been made which comes close to suggesting that the A453W enjoys anything other than the maximum available support and commitment from both the region and from the DfT.

⁷⁶ See HA/28 and also Tab 3 (page 143) of Mr. Phillips’ “Regional Allocation Documents”

Barton in Fabis Parish Council⁷⁷ [OBJ 16]

- 7.26 In order to address the concerns regarding lack of screening of the road from the village a modified cross-section is proposed⁷⁸ and the HA would seek to provide further planting in the land directly adjacent to the north west side of the existing A453. This would have no land acquisition implications.
- 7.27 It is clear from the noise assessment of the proposed route as described in the ES (DD05) that predicted noise levels are likely to improve at Top Farm Cottage, Barton Lodge and Keepers Cottage.
- 7.28 In the village noise levels are predicted to increase from 54.8 to 57.2 dB(A) in the opening year and to 57.6 dB(A) by 2027. These increases are less than 3 dB(A) which is regarded as the minimum perceptible under normal conditions. The noise values are also lower than the trigger values for noise insulation and mitigation.
- 7.29 Under these conditions there is no justification for specific noise mitigation works in the vicinity of Barton in Fabis.
- 7.30 The principal point made by the Parish Council is the suggestion that an Alternative 11, or variants 11A or 11B, should be adopted to ensure retention of a route with the provision of access for vehicles along Barton Lane, rather than stopping it up as proposed.
- 7.31 The additional scheme cost of the alternative is £2.5m. The alleged benefits which would flow from such expenditure are that some 170 vehicles per day would be able to use Barton Lane to travel between Barton and Gotham. Evidently, that is an expensive exercise which, in itself, has been quantified as a BCR of significantly less than 1⁷⁹.
- 7.32 The scheme BCR would remain in positive territory, however the expenditure of £2.5m on this alternative would have further disadvantages other than simply cost. With Alternative 11 there would be a significant increase in the flow of traffic on the local road passing between Thrumpton and Barton. The increase in flow would be from 170 vehicles per day to 1,500 vehicles per day in 2012 and from 200 vehicles per day to 2,700 vehicles per day in 2027. Evidently, this gives rise to significant concerns in respect of the safety of non-motorised users of the highway.

⁷⁷ HA/11

⁷⁸ HA/31 & HA/31/1

⁷⁹ HA/11, Table 1, page 6 and paragraph 3.14 puts the BCR at about 0.5.

- 7.33 In effect, the alternative would have the adverse consequence of permitting inappropriate use of minor roads which the proposed scheme seeks to avoid. This is a key consideration which weighs heavily against Objector's Alternative No. 11.
- 7.34 Hence, upon inspection of the assessment of the Alternative No. 11 it is clear that the 4 minute extension to the journey time is fully justified. The adverse effects and increased costs of the Alternative or its variants are not justified.

Mr. D Shaw⁸⁰ [OBJ 09]

- 7.35 Daily traffic volumes on Queens Drive in the year 2027 are predicted to have risen by 6%, comparing the situation with and without the A453W. The A453W scheme would reassign traffic from unsuitable local roads (e.g. through Gotham) back onto the A453 and would also reassign traffic from adjacent radial routes into the city (such as the A52 and the A6005) onto the A453. Therefore, the overall increase in traffic flows on Queens Drive would not be significant.
- 7.36 The predicted increase in traffic on Queens Drive would be likely to result in increases of 0.08 µg/m³ in nitrogen dioxide levels at the nearest residential properties along this route and there would be no exceedences of the health-based National Air Quality Objectives as a result of the additional traffic. The Scheme would divert traffic away from some existing parts of the road network which are exceeding these Objectives.
- 7.37 As part of the safety assessment of the scheme, the impact of area-wide changes in traffic volumes on accident numbers has been taken into account and overall the scheme demonstrates a significant accident reduction in the wider area.
- 7.38 A comprehensive monetised value for money assessment has been carried out over an assumed 60 year life of the project. The value for money assessment can be measured by the BCR. A BCR of greater than 2 is considered by the DfT to provide High value for money. For the range of costs indicated in the objection of £141m to £194m the following BCRs were calculated for the scheme:
- Cost = £141m, BCR = 4.04
 - Cost = £194m, BCR = 2.78
- 7.39 An economic assessment of the central cost estimate of £168m gives a BCR

⁸⁰ HA rebuttal document HA/16

of 3.25. The scheme therefore provides High value for money.

7.40 The A453W was originally approved by the Government Office for the East Midlands (GOEM) in the 2002 A453 MMS as part of the Preferred Strategy consisting of an integrated package of transport measures. This preferred strategy consisted of:

- Public transport investment, including heavy rail, light rail and buses,
- Demand management including Workplace Parking Levy, public transport fares,
- Complementary Measures including extension of footpath and cycle networks,
- A453W project to accommodate the residual demand for movements on the A453 corridor.

7.41 The HA moved away from predict and provide some time ago in favour of a more considered approach including Integrated Transport Strategies and Managing the Network.

7.42 The A453W scheme is a high priority in both the Leicestershire and Greater Nottingham Local Transport Plans 2. These are integrated transport strategies and funding bids prepared by the local authorities and submitted to the DfT and GOEM for approval. The scheme ranks very highly in the RFA for the East Midlands approved by the EMR.A which prioritises funding for major transport schemes in the East Midlands Region.

CPRE⁸¹ [OBJ 25]

7.43 The thrust of the CPRE case centres upon the CO² emissions associated with the widening scheme. CPRE's case is that there should be no road widening whatsoever, and indeed little improvement to the A453.

Policy

7.44 In the face of almost universal desire for an improvement to the existing conditions, CPRE's case is both bold and uncompromising. The reasoning which is prayed in aid is as follows; the support which is present within policies and plans does not take account of very recent policy developments

⁸¹ A comprehensive rebuttal to the CPRE case is set out at HA/27, with supporting additional rebuttal evidence in documents HA/32 to HA/36, & HA/42

in the form of, for example, the DaSTS⁸².

- 7.45 CPRE suggest that DaSTS and subsequent reformulations of the DfT's policy are so materially different in their effect as to render the support from development plan and other national policy as out of date. This approach is thoroughly misconceived. In respect of the tension between dealing with climate change and traffic growth DaSTS has this to say⁸³:

"There is no reason why we cannot tackle emissions and achieve continued economic growth. The basic connectivity of the UK transport network is good, but there are acute congestion and growing problems in key urban areas, on inter-urban corridors and at international gateways, for which we pay an economic price. Improving reliability and reducing congestion will be a priority. The worst option of all – stop start traffic and gridlock on our roads – is bad for the economy, climate change and our quality of life."

- 7.46 The resonance of this passage with the circumstances which are relevant to these draft Orders is truly startling. It almost appears that the policy was written to fit the proposal.

Emissions and Value for Money

- 7.47 Of course, emissions are a relevant consideration. However, the significance of the scheme in economic terms is fundamental. It provides for some £168m worth of benefit to business users. It is a congestion problem which is most certainly acute notwithstanding the fact that it has persisted for many years. Unsurprisingly, DaSTS indicates that to improve reliability and to reduce congestion will be a priority. It is quite obvious that stop-start traffic of the sort which is routinely seen during peak hours into and out of Nottingham is the worst option of all and has both a damaging effect in terms of emissions and a damaging effect on economic growth. Hence, in the particular circumstances of the A453, the question of tension between these policy goals does not arise. Rather, the elimination of congestion of such severity that one has extensive stop-start traffic, day in day out, morning and night, is required in order to address both emissions and the local economy.

Option Appraisal

- 7.48 CPRE suggest, without any substantial evidence in support, that improvements to the rail network would alleviate the congestion. Electrification of local lines was canvassed. This fails to appreciate that the

⁸² DD61

⁸³ DD61, paragraph 9, page 8

A453 is a strategic route which provides a link in journeys across the region and nationally. Improving rail travel times for passengers between Nottingham, Birmingham and Derby is not a credible solution to the problem, however worthy it might be on its own merits.

- 7.49 The same difficulties attach to the suggestion that rail freight infrastructure would alleviate congestion on the A453. It is not a topic which has been aired in depth at the inquiry, but real caution is necessary when considering such a bare assertion. The viability or otherwise of rail freight facilities is a specialist and complex topic. No objective analysis was offered in evidence by CPRE.

Safety and NMUs

- 7.50 When pressed, Mr. Smyth (for CPRE) could see some benefits in the published scheme⁸⁴. He conceded that the safety benefits were as described by the HA and that there were economic benefits. He was almost enthusiastic about the NMU benefits, though even that enthusiasm was tainted by detailed criticisms as to widths of NMU routes.

Towers⁸⁵ [OBJ 29]

- 7.51 The scheme proposal is that the existing Thrumpton Accommodation Bridge would be extended to cross the new westbound carriageway of the A453 and upon completion would be of adequate width to provide access for road-going vehicles.
- 7.52 The work informing the ES (DD05) concluded that the proposed scheme would not have a disproportionate effect on Mr. Tower's farm. The accommodation works proposed were designed to mitigate the problems identified and are proportionate to the impact caused by the loss of access. A single point of access to land of this nature is commonplace and when the need arises to close the structure for routine works, alternative access arrangements would be made by the HA prior to any closure. However Mr. Towers does have legitimate concerns regarding emergency access requirements at the same time as a blockage of the bridge, however unlikely this may be.
- 7.53 Mr. Towers has proposed an alternative access (Objector's Alternative No. 6) to his land from the southern roundabout of West Leake junction alongside the southern boundary of the A453 to address this issue.

⁸⁴ Cross examination of Mr. Smyth on Day 6

⁸⁵ HA rebuttal at HA/2

- 7.54 At the time of publication of Draft Orders, the HA felt that taking additional land for this access could not be justified. However, following discussion with Mr. and Mrs. Towers, particularly regarding their concerns for an emergency access, the HA now considers that the additional access would be justified⁸⁶.
- 7.55 The Alternative would not affect the operation of the scheme and the HA considers its adoption to be justified. As such, the HA is prepared to accept this Alternative. The draft Order plans would be amended on making as shown on the revised Order plan in the document 'Amendment to Published Draft Orders'⁸⁷.

Mr. M R and Mrs. M E Osborne⁸⁸ [OBJ 10]

- 7.56 As regards access over Plot 2/7A, the HA would stop up the existing access into Smith's Meadow and would be obliged to provide a replacement access which serves the same purpose as the original access. This is primarily for agricultural use but also provides access for other activities which may include fishing and recreational boating purposes. Any future change of use would require planning permission.
- 7.57 The HA has considered other access options and considers the published proposal to be the safest and most viable solution. The proposals provide a satisfactory access, which would be designed for the appropriate usage and the proposed scheme Orders should be adopted.
- 7.58 Turning to the private woodland in Plot 2/7M, analysis of the noise impacts on the Objectors' property, after widening of the Trunk Road and loss of trees, shows predicted increased noise levels of the order of 1.0 dB(A) in 2012 and 0.9 dB(A) in 2027.
- 7.59 This is assessed as a slight negative impact in 2012 and a neutral impact in 2027. The increase is less than 3 dB(A) which is regarded as the minimum perceptible under normal conditions. Consequently noise effects of the proposed A453W scheme are such that no noise attenuation (i.e. mitigation such as noise fencing) alongside Mr. and Mrs. Osborne's property is proposed.

⁸⁶ Inspector's Note: It became clear that HA had investigated an emergency access direct from A453. However HA confirmed that the secondary access offered by Alternative 6 would be technically superior to and safer than the provision of a potential emergency access direct from the Trunk Road.

⁸⁷ HA/9 & HA/10

⁸⁸ HA Rebuttal HA/1

- 7.60 An option for reduced land take, retention of trees and a steeper embankment has been investigated. However, due to the limited environmental benefits and additional cost, this could not be justified. However, during detailed design, consideration would be given to additional planting to screen the A453 from Riverside Farm.
- 7.61 Objector's Alternative No.10, the re-routing of the proposed cycle track/footpath, would require additional land take, over and above that indicated in the published scheme. The land in question is owned by Network Rail, but the freehold is expected to revert to Mr. and Mrs. Osborne shortly. There have been no responses to the publication of this Alternative from the landowner (Network Rail) or user groups.
- 7.62 The Alternative would not affect the operation of the scheme and the HA has no strong views on its adoption. As such, the HA is prepared to accept this Alternative. The draft Order plans would be amended on making as shown on the revised Order plan in the document 'Amendment to Published Draft Orders'⁸⁹.

Mrs. J M White and Messrs W R & J H White [OBJ 04]

- 7.63 As regards Objector's Alternative No. 8 (plots 1/3 and 1/3B), this would have no material effect on the operation of the scheme. Leicestershire County Council would have no objection to the revised footpath element and the HA is prepared to accept this alternative. The draft Order plans would be amended on making as shown on the revised Order plan in the document 'Amendment to Published Draft Orders'⁹⁰.
- 7.64 However plot 1/3D would be essential for the construction of the road and its uses would include the following;
- The construction of the new embankment on the south side of the existing road,
 - The positioning of a crane for adjacent bridge construction activities,
 - The temporary realignment of Long Lane,
 - The accommodation of a plant crossing site of A453,
 - Storage of related construction plant, equipment, materials and top soil.

⁸⁹ HA9 & HA/10

⁹⁰ Ibid

Dr Ramsden [OBJ 18]

- 7.65 This objector raised similar points to CPRE and the responses to that objector apply equally here.
- 7.66 As regards the issues with respect to the rural section, the decision was taken to promote a scheme which, in part, went off line. There was obvious local interest in the value of the landscape and in particular in relation to the Clifton Pastures area. A specialist historic landscape character assessment was undertaken in order to assess the sensitivity of that landscape⁹¹. Both English Heritage and Nottinghamshire County Council were entirely satisfied as a result of that assessment.
- 7.67 In respect of the off line section, the proposal was deliberately brought down off the ridge line and the road was blended into the landscape in order to preserve and keep the setting of the more valuable historic landscape. So far as Mill Hill roundabout is concerned, that would be in cutting.
- 7.68 There would be mitigation in the form of tree and hedge planting, including hedgerow trees. Evidently this would take some time to mature. However, it would be maintained in order to promote its growth. Notably, the Wildlife Trust is happy with the proposed off site planting.
- 7.69 In the context of that evidence it is submitted that the scheme is appropriately designed to respect the landscape, does not adversely affect it in any degree which is avoidable for a road widening scheme for a trunk road and has an overall effect which is low enough for it properly to be described as not affecting the openness of the Green Belt⁹².

Objectors' Alternatives⁹³

Alternative No. 7

- 7.70 This alternative is accepted by the HA and the draft Order plans would be amended on making as shown on the revised Order plan in the document 'Amendment to Published Draft Orders'.

⁹¹ Brown in evidence in chief, Day 2 and documents DD30, DD15 and DD05

⁹² See the evidence of Mr. Briggs "It just creeps into being not inappropriate"

⁹³ Inspector's Note: This section sets out the HA response to those Alternatives not covered in the preceding paragraphs.

Alternative No. 9

- 7.71 Following discussion with Mr. Coaker, particularly over his concern for the safety of NMUs, the HA considers that the Alternative would be justified. Mr. Coaker has indicated that he is prepared to accept additional loss of land to accommodate his Alternative.
- 7.72 The Alternative would not affect the operation of the scheme and the HA considers its adoption to be justified. The draft Order plans would be amended on making as shown on the revised Order plan in the document 'Amendment to Published Draft Orders'.

Alternative No. 12⁹⁴

- 7.73 Although Alternative No. 12 may possibly have some advantages in terms of traffic capacity and economics over the proposed scheme, the detailed analysis in HA/12 demonstrates that the proposed scheme is better in all the other areas of the assessment criteria (environment, safety, accessibility and integration). In addition the proposed scheme would be significantly easier to build, reducing costs further and causing less disruption during construction.
- 7.74 The HA therefore contends that the Orders for the Proposed Scheme should be made in preference to a re-consideration of Alternative No. 12.

Alternative No. 13^{95 96}

- 7.75 The proposed alignment would introduce additional land requirements, including encroachment onto Barton Green playing fields, as well as buildability issues. The costs would be significantly higher than the published scheme. This Alternative would have some environmental disbenefits over the published scheme. It would not represent an improvement over the published scheme and should be rejected.

Alternatives Nos. 14 and 15⁹⁷

- 7.76 These are a mix of Alternative No. 13 and the published scheme. The costs

⁹⁴ A detailed appraisal of Objector's Alternative No. 12 is set out in document HA/12, the alternative assessed in that document differs somewhat from published Alternative 12, with Mr. Kaczmarczuk's agreement.

⁹⁵ Details of rebuttal to Alternatives 13-17 see HA/17

⁹⁶ Alternative 13 rebuttal; see HA/17, Section 4, pages 7-10

⁹⁷ HA/17, Section 5, pages 10-12

would be significantly higher than the published scheme. THE BCR of each would be much lower than the published scheme. Neither Alternative would present an improvement over the published scheme. Consequently they should both be rejected.

Alternative No. 16⁹⁸

7.77 This Alternative would take more productive land than the published scheme and would bring the route closer to Canterbury House. The Alternative would be likely to have an adverse impact on protected species and should be rejected.

Alternative No. 17⁹⁹

7.78 The Alternative alignment to the south does not meet standards and would be ruled out in a Road Safety Audit. It would be unacceptable to the Local Highway Authority.

7.79 Alternative 17 manages to save some of the existing roadside hedges and young tree and shrub planting. However, this is at the expense of the opportunity to screen the junction from Thrumpton by using earth mounding and extensive new planting realised by the proposed scheme.

7.80 It would not represent an improvement over the published scheme and should be rejected.

Written Representations of Objection¹⁰⁰

7.81 As far as local access issues are concerned the statutory tests have been met and, where necessary, reasonable alternatives would be provided. No more land would be acquired than would be absolutely necessary. Flood compensation proposals have been agreed with the EA. Future maintenance and access requirements for statutory undertakers' plant have been designed into the proposals. Traffic, safety, noise and emissions evidence are all covered fully above in Section 3.

⁹⁸ HA/17, Section 6

⁹⁹ HA/17, Section 7

¹⁰⁰ Inspector's Note: The HA's response to the majority of issues and concerns raised in the written representations are covered in the preceding paragraphs in Section 7 and/or in Section 3 of this report.

8 CONCLUSIONS

- 8.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in brackets to earlier paragraphs where appropriate

The Scheme

The Principle

- 8.2 There is strong support for the principle of a scheme that would address the congestion and safety issues that arise on the A453 between M1 J24 and the edge of the Nottingham conurbation at Clifton and would bring both long term transport and economic benefits [4.1-4.4].
- 8.3 Those opposing the principle of any road improvement scheme adduce no compelling objective evidence that the current problems could be addressed satisfactorily by other means, such as public transport or more restrictive policy options [5.32][5.36-5.37][5.39-5.43][5.55-5.56].

Need

- 8.4 There is evident need for a scheme to address the identified issues on this section of the strategic trunk road network [3.8-3.13][4.1]. Not only would it significantly reduce congestion, improve journey time reliability and safety on this major southern connection into the city from M1 but would also enhance connections with EMA, EMP and NET phase 2, thereby offering significantly improved public transport and modal shift opportunities [3.16][3.25][3.74-3.85][7.3-7.4].

Policy

- 8.5 From a study of the evidence I am satisfied that the proposal complies with a wide raft of adopted policies from national through to local level [3.17-3.42].
- 8.6 In coming to this conclusion I have noted the significant submissions to the contrary by **CPRE** which rely on recent policy developments in DaSTS [5.38-5.43]. However I am satisfied that the apparent tension between tackling emissions and dealing with acute congestion that is raised by **CPRE** is addressed in DaSTS and that in the local circumstances the A453W scheme would not conflict with the principles set out there [7.44-7.46].
- 8.7 Although no objector suggested that the scheme would offend the PPG2 Green Belt policy test I have considered this below in some detail.

- 8.8 The trunk road already passes through the Green Belt. By definition this is what strategic routes must do; they serve major urban areas that are protected by Green Belt. I have some sympathy with the promoter's view that such infrastructure should therefore not be considered as inappropriate development in the Green Belt [3.46][7.69].
- 8.9 In my view the road development would maintain the openness of the Green Belt by the nature of its design, which would be sympathetic to local topography and landscape, and its location directly adjacent or close to the existing road. Furthermore I am satisfied that there would be no conflict with any of the purposes of including land in the Green Belt [3.43-3.44]. Given its existing line this scheme could not be construed as urban encroachment.
- 8.10 Taking all the above considerations into account I conclude therefore that the scheme would not constitute inappropriate development in the Green Belt¹⁰¹.
- 8.11 Furthermore the scheme would not offend the Green Belt objectives set out at paragraph 1.6 of PPG2 and therefore it would accord with paragraph 3.13 of PPG2 which provides for road improvements in these circumstances[3.45-3.46].

Standards

- 8.12 There is compelling evidence that the scheme would adequately and safely accommodate predicted traffic, including induced traffic [3.48-3.78]. In my judgement it would meet its objectives [3.14-3.16] and the delivery of these objectives would amount to a considerable public benefit [3.79-3.85].
- 8.13 Notwithstanding the concerns of **CPRE** I am satisfied that the scheme would significantly improve facilities for those wishing to use physically active transport modes both in the urban and rural areas [3.65-3.67] because of the significant improvements for facilities for cyclists and pedestrians. In the light of these improved and segregated facilities I can see no grounds for **CPRE's** argument that physically active trips would be less likely or that facilities would be inadequate [5.51-5.52].

Funding and Approval

- 8.14 It is quite clear from the evidence that the scheme budget has been agreed with DfT and EMR.A. It has been identified as a regional transport priority

¹⁰¹ Inspector's Note: Should the Decision Maker take a different view on the question of inappropriateness I consider the question of other material considerations and the balance against Green Belt harm below in paragraphs 8.68-8.70.

and funds have been allocated within the RFA. All this is well documented [3.23-3.24][3.103-3.104][7.23-7.25].

- 8.15 I am satisfied that the approvals process and the funding allocation have all been effected in accordance with normal practice for a scheme at this stage of its development [7.23-7.24]. I am not persuaded to the contrary by **Mr. Phillips** who presents no objective compelling evidence to support his contention in this regard [5.21-5.23][7.25].

Economic Assessment

- 8.16 The **CPRE** suggest that there are problems with the modelling of the scheme, which underpins its assessment. However no objective evidence is put forward to support this contention and I therefore attach little weight to it [5.47].
- 8.17 The economic assessment of the A453W scheme has been conducted using current Government guidance. Economic benefits would significantly outweigh the scheme's costs with a projected BCR of approximately 3.25 when the accident benefits are taken into account [3.79-3.86]. In this last regard I am satisfied that the scheme presents a good safety case contrary to the unsubstantiated arguments of **CPRE** and **Dr Ramsden** [3.78][5.49-5.50][5.71][7.37].
- 8.18 I am satisfied that the HA scheme's BCR is robust when compared with the threshold requirement of a positive BCR of 2 [3.86]. I conclude that there is a sound and strongly positive economic case for the A453W scheme.

Environmental Assessment

- 8.19 The promoting authority's ES complies with European and UK directives and it is noted that all statutory and a number of non-statutory bodies have been consulted during the course of the scheme's assessment, their responses having been included within the EIA. No other opinions have been expressed and there are no significant changes to the accuracy or relevance of the ES. The ES and other environmental information, including comments and representations made by statutory consultees and members of the public, have all been taken into account in reaching the conclusions on the proposals [3.87-3.88].

Landscape and Cultural Heritage

- 8.20 I deal firstly with the rural section. Some concerns are expressed particularly about the impact of the proposed off-line section in the rising ground on the approach to the proposed Mill Hill roundabout.
- 8.21 I am satisfied that such visual impact would only be minor, taking into

account the surrounding topography, the level of the new road compared with the surrounding land, existing vegetation, proposed planting and the surrounding landscape character. This conclusion is also informed by the presence of the existing route within this landscape setting [3.89][3.93-3.94]. I am reassured by the commitment of the HA to provide earth mounding and to investigate local landscaping in response to the concerns of **Barton in Fabis Parish Council** [5.24-5.25][7.26].

- 8.22 I was able to confirm these conclusions on my accompanied site inspection with views of the proposed route from the surrounding countryside and particularly from the south and south east from Barton Lane, Clifton Lane/Nottingham Road leading towards Gotham and Clifton Pasture.
- 8.23 I turn now to the urban section and in particular the widening of the existing trunk road through the Clifton Conservation Area which is already significantly and adversely affected by the route [3.91]. No objector took issue with this assertion and with which, following my visit, I would concur.
- 8.24 I note that the scheme would move the main element of the road away from the Village Green part of the Conservation Area, widening on the less critical east side of the carriageway. It would also alleviate the regular queuing, with lines of stationary vehicles traversing the area. I accept that the presence of stationary vehicles from time to time would detract from the character of the Conservation Area [3.91].
- 8.25 In view of all the above I conclude that the scheme would enhance the Conservation Area. Any adverse impact on townscape would be minor and overall there would be no unacceptably harmful residual effects on landscape and townscape.

Noise

- 8.26 **Barton in Fabis Parish Council** and **the Osbornes** raise the issue of potential increased noise intrusion in residential properties adjacent to or near the route [5.24][5.63].
- 8.27 However I am persuaded by the evidence that none of the properties identified would suffer increases in excess of 3dB(A), which is regarded as the minimum perceptible to the human ear under normal circumstances, and in neither area would noise mitigation measures be justified [7.27-7.29][7.58-7.59].
- 8.28 Overall the scheme's noise effect would be 'moderately negative' [3.95], taking into account proposed mitigation and its widening through the Clifton urban area where I note only 3 written objections raise noise as an issue [5.84].
- 8.29 This overall noise impact must be considered in the final balance but in view

of all the above should, in my consideration, attract little weight against the scheme benefits.

Air Quality

- 8.30 Some objectors raise the issue of air quality and emissions [5.35][5.41][5.69][5.84]. I note that there would be a slight increase (0.079%) in carbon emissions over the assessed 60 year life of the scheme. However, given that it would draw traffic from other routes in the region, I observe that it would improve air quality in 5 out of 9 AQMAs [3.101-3.102][7.36].
- 8.31 There would be no exceedances of the health-based National Air Quality Objectives [7.36]. The overall effect of the scheme on local air quality is classified as 'neutral' [3.101].
- 8.32 Clearly the elimination of the current congestion and the attendant stop-start traffic conditions would assist significantly in limiting any increase in emissions whilst supporting economic growth [7.47].
- 8.33 In all these circumstances, and particularly the very limited impact on carbon emissions, I conclude that the scheme would not have an unacceptably harmful effect on air quality.

Overall Environmental Effects

- 8.34 My consideration of the overall environmental effects of the proposal, as set out in paragraphs 3.87-3.103 above, leads me to conclude that taken as a whole they would be neutral to slight adverse. I find nothing to support the arguments of some objectors that the scheme would have an unacceptably harmful effect on air quality or in terms of noise or on landscape.
- 8.35 I consider that the environmental effects of the A453W scheme have been fully and carefully considered by the authority and balanced against the very significant benefits of the scheme; particularly in the matters of the reduction of congestion, improvements in safety, improved provision for NMUs and linkages to EMA, EMP and NET phase 2. On balance I conclude that the scheme's major public benefits significantly outweigh its environmental effects.

Other Issues

Scheme Development

- 8.36 A number of concerns are raised by various objectors under this general heading. I am not persuaded by **Mr. Phillips'** arguments against the validity of the scheme's genesis and the consultation process [5.7-5.11]. It

is clear to me that the development of a scheme for A453 has taken some considerable time. In these 25 years, or so, several options have been analysed, published and even considered at previous inquiry [3.1-3.3]. These included by-pass options of Clifton [5.5].

- 8.37 I am satisfied that the MMS process, which commenced in 1999, took a more integrated approach to the resolution of transport problems in this corridor, as policy required [3.4-3.5][7.2-7.6]. **CPRE** do not acknowledge this in their argument against the MMS process, which CPRE argue does not address the broader transport field [5.44-5.46].
- 8.38 I find little merit in **Mr. Phillips'** argument about whether the preferred option that emerged from MMS should be referred to as a new option – Option D- and not as a variant of Option C [5.7-5.8]. It seems clear that the MMS did not rule out an on-line improvement through Clifton [7.9].
- 8.39 In the subsequent years since MMS reported I consider that HA has fully met its consultation obligations and local residents have had adequate opportunities to engage in debate with the authority [3.6]. I find it telling that scheme development and consultation does not recur as a regular theme with other objectors and I attach little weight to these matters.

Public Transport Considerations

- 8.40 **Mr. Shaw** and **CPRE** include arguments for further and fuller consideration of public transport options, including significant rail alternatives. They stress a desire to promote more sustainable transport choices and to encourage modal shift away from the car, something that they say the published A453W scheme would not achieve [5.32-5.37][5.39][5.46][5.55-5.56].
- 8.41 However I note that the A453W scheme forms part of the integrated transport strategies of both Leicestershire and Nottinghamshire County Councils with very high ranking in the East Midlands RFA [3.26-3.28][3.29-3.33][7.42].
- 8.42 Furthermore the scheme was originally approved by the GOEM as part of a preferred integrated package of transport measures, including public transport investment across a broad spectrum of heavy and light rail and road-based public transport uses, demand management and public transport fares considerations [3.103-3.104][7.40].
- 8.43 The objectors provide no objective analysis to support their contention that rail electrification would offer higher value for money than A453W or that such proposals would fully address the problems on A453 [5.46][5.48][7.48].
- 8.44 Consequently, in view of the above I attach little weight to this element of

Mr. Shaw's and CPRE's objections.

Objectors' Alternatives

Objector's Alternatives Nos. 1 to 5, Mr. Phillips [5.5-5.6]

- 8.45 I am not persuaded by **Mr. Phillips'** complaints about a lack of proper scrutiny or full appraisal of his 5 Alternatives compared with the published scheme [5.12-5.13]. I am satisfied that the HA committed significant effort to carrying out a detailed technical appraisal of these options [7.11].
- 8.46 The results of that work lead me to conclude that there are a number of significant issues that make any of these by-pass Alternatives less acceptable than the published scheme [7.12-7.20], these include;
- Various environmental disbenefits,
 - Floodplain impact,
 - Significant capital cost penalties,
 - Several years' delay in realisation of significant public benefits,
 - NMU disbenefits,
 - Greater impact on the Green Belt,
 - Adverse traffic and safety outcomes.
- 8.47 In my view these issues significantly outweigh **Mr. Phillips'** arguments [5.16-5.19] for his 5 Alternatives. Furthermore, in the case where his Alternative produces an improved BCR over the published scheme it does so at significantly higher cost and with the production of attendant traffic capacity problems at M1 J24 [7.17].
- 8.48 It seems clear to me that the issues of separation and accessibility in Clifton, flagged up by **Mr. Phillips**, would be largely addressed by the improved pedestrian, cyclist and controlled crossing facilities proposed in the scheme [3.60][3.65][3.67][5.18].
- 8.49 I am satisfied that the proposed scheme would offer the opportunity for integration with other transport options, which is one of the planks for this objector's argument for his Alternatives [5.17][7.20][8.40-8.41].

- 8.50 Given all the above I am not convinced by **Mr. Phillips'** view that a by-pass would ever be the "right scheme" [5.19].
- 8.51 Finally I note that these 5 by-pass options have generated a significant number of counter objections in the form of written representations as well as evidence to the inquiry from **Barton in Fabis Parish Council, Councillor Barber** and **Dr Gear** [5.29-5.31][6.1-6.3][6.4-6.5][6.9-6.12].
- 8.52 In view of all the above I conclude that **Mr. Phillips'** Objector's Alternatives Nos. 1 to 5 should not be pursued.

Objector's Alternative No. 6, Towers [5.57-5.61]

- 8.53 My consideration of this matter has not been helped by the lack of objective information regarding the likely level of usage of Thrumpton Accommodation Bridge [5.59, footnote 60].
- 8.54 However the published proposal allows for a single access only to serve a significant area of agricultural land and other separate third party uses [5.57]. On balance, and in the absence of strong evidentially based arguments to the contrary by **Osbornes** [6.6-6.8], I share the HA's concerns regarding potential emergency access difficulties in the event of the Accommodation Bridge being disabled in some way [7.53-7.55]. I therefore conclude that the **Towers'** Objector's Alternative No. 6 should be adopted¹⁰².

Objector's Alternative No. 7, E.ON [5.76]

- 8.55 I accept that Alternative No. 7 is necessary in order to provide an acceptable alternative private means of access into Ratcliffe Power Station, which would be an improvement over that in the published scheme [5.76]. It is therefore my conclusion that Objector's Alternative No. 7 should be adopted¹⁰³.

Objector's Alternative No. 8, Whites

- 8.56 I accept that Alternative No. 8 would provide an improved means of access (Plots 1/3 & 1/3B) and satisfactory re-routing of footpath L60 so as to make better and more efficient use of agricultural land without disbenefits to the scheme [5.66-5.67][7.63]. I therefore conclude that Objector's

¹⁰² HA/9, p4 & HA/10, Appendix O, SRO Plan 4 & Schedule 4

¹⁰³ HA/9, p15 & HA/10, Appendix M, SRO Plan 2 & Schedule 2, CPO REV A 2/6

Alternative No. 8 should be adopted¹⁰⁴.

8.57 However, turning to the matter of the acquisition of Plot 1/3D, I am satisfied from all that I have seen and heard that this area of land would be essential for the construction of the road [5.68][7.64] and consequently I conclude that it should not be removed from the Orders.

Objector's Alternative No. 9, Curzon Coaker Trust

8.58 The adoption of Objector's Alternative No.9 would improve safety of NMUs without compromising the operation of the scheme. The objector has accepted the additional loss of land that this would entail [5.77][7.71-7.72]. It is therefore my conclusion that Objector's Alternative No. 9 should be adopted¹⁰⁵.

Objector's Alternative No. 10, Osbornes (& Associated Objections)

8.59 I accept that the realignment of the proposed cycle track/footpath, as put forward in this Alternative, would present a reasonable alternative route for pedestrians which would maximise the use of the land without affecting the operation of the scheme [5.64-5.65][7.61-7.62]. Consequently I conclude that Objector's Alternative No. 10 should be adopted¹⁰⁶.

8.60 I turn now to the **other matters** raised by the **Osbornes**. Whilst noting the objectors' concerns regarding the acquisition of Plot 2/7A to provide a PMA to third party land, I am satisfied that any proposed change of use of that land, and hence of this PMA, would require planning permission and the objector would have an opportunity to respond in that event [5.62][7.56-7.57].

8.61 As regards the loss of trees and the steeper embankment in Plot 2/7M, I am content that there would not be a perceptible increase in noise levels at the Objectors' property [7.58-7.59]. I am not persuaded otherwise by the **Osbornes'** refusal to accept the HA's noise predictions; the Objectors have adduced no evidence to support this claim [5.63]. In the light of this and in view of the cost implications [7.60] I do not accept the arguments for a reduction in land take with retention of trees and steeper embankment in the Plot 2/7M area.

¹⁰⁴ HA/9, p15 & HA/10, Appendix L, SRO Plan 1 & Schedule 1, CPO REV A 1/2

¹⁰⁵ HA/9, p15 & HA/10, Appendix L, SRO Plan 1 & Schedule 1, CPO REV A 1/1

¹⁰⁶ HA/9, p15 (*NB 4th paragraph, Coaker should read Osborne*) & HA/10, Appendix M, SRO Plan 2 & Schedule 2, CPO REV A 2/6

Objector's Alternative No. 11, Barton in Fabis Parish Council

8.62 Whilst I understand the concerns of **Barton in Fabis Parish Council** regarding the severance of the direct Barton Lane link to the Gotham area, I do not believe that the provision of Objector's Alternative No. 11 can be justified. In drawing this conclusion I am influenced by the limited number of trips that regularly use this link and by the additional costs. In my view the 4 minutes additional time for the journey, whilst regrettable, would not be unacceptable in all the above circumstances [5.26-5.28][7.30-7.34]. Accordingly I conclude that Objector's Alternative No. 11 should not be adopted.

Objector's Alternative No. 12, Angela Plowright & Paul Kaczmarczuk

8.63 On balance, from the evidence before me, I note that the published scheme would out-perform this Alternative, particularly in terms of 4 assessment criteria – environment, safety, accessibility and integration [5.78][7.73-7.74]. Consequently I conclude that Objector's Alternative No. 12 should not be adopted.

Objector's Alternative No. 13, Jason Potter

8.64 I note that this option would have significant disbenefits when compared with the published scheme, notably significantly higher costs and environmental disbenefits [5.79][7.75]. I conclude therefore that Objector's Alternative No. 13 should not be adopted.

Objector's Alternatives Nos. 14 & 15, Jason Potter

8.65 I consider these 2 Alternatives together as they present similar split-carriageway schemes, but with differing northern roundabout locations. Each scheme would induce significantly higher costs and lower BCRs than the published scheme [5.80-5.81][7.76]. Accordingly I conclude that Objector's Alternatives Nos. 14 & 15 should not be adopted.

Objector's Alternative No. 16, Jason Potter

8.66 This proposed Alternative would have negative implications for residential amenity at Canterbury House, would require additional land and would be likely to have an adverse impact on protected species [5.82][7.77]. I conclude therefore that Objector's Alternative No. 16 should not be adopted.

Objector's Alternative No. 17, Jason Potter

8.67 I note that Alternative No. 17 would not meet highway standards and safety audit test [5.83][7.78-7.80]. Consequently I conclude that Objector's

Alternative No. 17 should not be adopted.

Further Green Belt Considerations

- 8.68 In case the Decision Maker does not share my conclusion with respect to the scheme not being considered as inappropriate development in the Green Belt, I have weighed any harm to the Green Belt against other considerations.
- 8.69 In my view the significant and substantial public benefits that are identified [8.2-8.4][8.12][8.17] would clearly outweigh any harm to the Green Belt and other limited harm that has been noted [8.20][8.24][8.27-8.28][8.32][8.34].
- 8.70 In all these circumstances I conclude that the very special circumstances to justify inappropriate development would exist and consequently the scheme would not conflict with Green Belt policy.

Overall Conclusions on the Scheme

- 8.71 For the reasons set out above I conclude that Objector's Alternatives 1 to 5, and 11 to 17 should not be pursued further.
- 8.72 I conclude that Objector's Alternatives 6 to 10 inclusive, which deal with local access issues and which would not detract from the scheme objectives, should be adopted. I conclude that their adoption would not prejudice any party and would not contradict the evidence supporting the original scheme.

The Orders

Conclusions with regard to the Improvement and Slip Roads and Detrunking Orders

- 8.73 I am satisfied that the proposed changes to the trunk road network would, bearing in mind the requirements of local and national planning, including the requirements of agriculture, be expedient for the purpose of improving the national system of routes for through traffic in England¹⁰⁷.

Conclusions with regard to the Side Roads Order

- 8.74 I am satisfied that the proposals for improving or stopping up the highways in question and for the stopping up of private means of access in this Order

¹⁰⁷ Highways Act 1980, Section 10(2)

are necessary to meet the scheme's objectives.

- 8.75 With regard to the highways, other reasonably convenient routes would be available before the highways are stopped up¹⁰⁸, and with regard to the private means of access, those replacement means of access still required would become available before each stopping up takes place¹⁰⁹.
- 8.76 I can see no reason why the Side Roads Order should not be made, subject to the modifications set out in Document HA/9 & HA/10. These modifications would not prejudice any party.

Conclusions with regard to the Compulsory Purchase Order

- 8.77 I have closely studied the schedule and plans accompanying the Compulsory Purchase Order, as modified, and can find no evidence of any proposal to purchase land or rights other than those necessary to implement the scheme, and furthermore there have been no assertions to the contrary other than those that I have considered and reported above.
- 8.78 I am therefore satisfied that the Order addresses no more land than is necessary, and that the authority has a clear idea of how it intends to use the land. Budgetary provision has been announced by the Government, and if the Orders are made work would start in 2010, for which reason I am also satisfied that no land is proposed to be acquired ahead of time.
- 8.79 From all the evidence before me I am satisfied that the scheme is unlikely to be blocked by any impediment to implementation.
- 8.80 In my view there is a compelling case for the scheme to be implemented in order to overcome congestion on the A453 Trunk Road between M1 J24 and Nottingham (Clifton), to improve safety and to improve provision for cyclists and pedestrians. Therefore, having regard to ODPM Circular 06/2004, I am persuaded that there is a compelling case for the land's compulsory purchase in the public interest which justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation.

¹⁰⁸ Highways Act 1980, Section 14(6)

¹⁰⁹ Highways Act 1980, Section 125(3)

9 RECOMMENDATIONS

I recommend that:

The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement and Slip Roads) Order 20.. be made.

The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) (Detrunking) Order 20.. be made.

The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Side Roads Order 20.. be modified as set out in inquiry documents HA/9 and HA/10 and that the Order so modified be made.

The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Compulsory Purchase Order 20.. be modified as set out in inquiry documents HA/9 and HA/10 and that the Order so modified be made.

R M Barker

INSPECTOR

APPENDICES

A APPEARANCES

THE PROMOTER

The Highways Agency

Represented by:

Mr. Richard Kimblin of Counsel

Instructed by:

**The Treasury Solicitor's
Department**

He called:

Mr. Jonathan Pizzey, BEng (Hons), CEng, MICE

(Government Policy and Scheme Overview)

Projects Manager

Highways Agency

Mr. Colin Shields, BA (Hons), MSc, CEng, CEnv, MICE

(Traffic and Economic Aspects)

Director

WYG

Mr. C William Howarth, BSc. (Hons), CEng, MICE, MIHT

(Highway Design)

Associate

WYG

Mr. Ian Briggs, BSc (Hons), MR.ICS

(Policy and Plans)

Director of Planning

WYG

Mr. Matthew Holford, BSc, MSc, Chartered EHP

(Air Quality and Noise)

Regional Director

WYG

Mr. Anthony Brown, BA (Hons) TP, MALD, CMLI

(Environment)

Associate

David Tyldesley and

Associates

Ms Christina Orsola Mittenshaw-Hodge,

HNC Civil Engineering, AMIHE

(Statutory Orders)

Mr. Phil Nokes, HND Civil Engineering

(Construction)

Principal Engineer

WYG

Project Leader

Laing O'Rourke

THE OBJECTORS

REPRESENTED OBJECTORS

Mr. Gary I Phillips

Represented by:

Mr. Simon Buss of Counsel

He called:

Mr. Gary I Phillips

Instructed by:

**Sills & Betteridge
Solicitors**

**Sills & Betteridge
Solicitors**

OTHER OBJECTORS

Mr. Paul Kazmarczuk on behalf of

Mr. David J Shaw

**Barton in Fabis Parish
Council**

2 The Limes

Barton in Fabis

Nottingham

NG11 0AF

16 St George's Drive

Nottingham

Mr. Ralph Smyth on behalf of

NG2 1NX

CPRE

Church End

61 Main Street

Kinoulton

Nottingham

NG12 3EL

Mr. John Ikin on behalf of

**The Towers &
Associated Partners**

Fisher German LLP

The Grange

80 Tamworth Road

Ashby De La Zouch

Leicestershire

LE65 2BW

Dr. Stephen Ramsden

5a Fuller Street

Ruddington

Nottingham

NG11 6HU

COUNTER OBJECTORS

Mr. David Bennett on behalf of

Mr. & Mrs. M R Osborne

**And Messrs WR & JH
White**

Fox Bennett

6 Lewis Court

Dr Annabel Gear

Grove Park

Enderby

Leicester

LE19 1SD

21 Main Street

Bradmore

Nottingham

NG11 6PB

Cllr Steve Barber (Beeston Rylands)

Broxtowe Borough Council

Town Hall

Foster Avenue

Beeston

Nottingham

NG9 1AE

B DOCUMENT LIST

HIGHWAYS AGENCY – DEPOSITED DOCUMENTS (DD/...)

DD Ref No	Document Title
DD01	Draft Order - The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement and Slip Roads) Order 20
DD02	Draft Order - The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Detrunking Order 20
DD03	Draft Order - The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Side Road Order 20
DD04	Draft Order - The A453 Birmingham to Nottingham Trunk Road (M1 Junction 24 to A52 Nottingham Improvement) Compulsory Purchase Order 20
DD05	Environmental Statement (ES)
DD06	Scheme Layout
DD07	Appraisal Summary Table
DD08	Stage 3 Scheme Assessment Report
DD09	Construction Environment Management Plan
DD10	Local Model Validation Report
DD11	Transport Forecasting Report
DD12	Economic Assessment Report
DD13	A453 Multi Modal Transport Study Report August 2002
DD14	A453 Outline Statement of Case
DD15	Environmental Impact Assessments (CD)
DD16	A453 Statement of Case
DD17	Proof of Evidence - Government Policy & Scheme Overview - Jonathan Pizzey
DD18	Summary Proof of Evidence - Government Policy & Scheme Overview
DD19	Proof of Evidence - Traffic & Economic Aspects - Colin Shields
DD20	Summary Proof of Evidence - Traffic & Economic Aspects

DD21	Proof of Evidence - Highway Design - C. William Howarth
DD22	Appendices to Proof of Evidence - Highway Design
DD23	Summary Proof of Evidence - Highway Design
DD24	Proof of Evidence - Policy & Plans - Ian Briggs
DD25	Appendices to Proof of Evidence - Policy & Plans
DD26	Summary Proof of Evidence - Policy & Plans
DD27	Proof of Evidence - Air Quality - Matthew Holford
DD28	Summary Proof of Evidence - Air Quality
DD29	Proof of Evidence - Noise - Matthew Holford
DD30	Proof of Evidence - Environment - Anthony Brown
DD31	Summary Proof of Evidence - Environment
DD32	Report of Transport Surveys
DD33	Report of Transport Surveys Accident Addendum
DD34	Non Motorised User Context Report
DD35	Transport Forecasting and Economics WebTAG update report
DD36	4 lane Single Carriageway Accident Rates Technical Note
DD37	DfT guidance on Value for Money (15th December 2004)
DD38	DfT Paper Britain's Transport Infrastructure Motorways and Major Trunk Roads (January 2009)
DD39	Non Motorised User Audit Report
DD40	Highway Alignment Departures from Standards Report
DD41	Flood Compensation Options Report
DD42	Town and Country (Green Belt) Direction 2005
DD43	East Midlands Region Plan (March 2009)
DD44	Nottingham-Derby Green Belt Review - August 2006
DD45	Leicestershire Local Transport Plan

DD46	Transport Plan for Greater Nottingham 2006/07 to 2010/11
DD47	Northwest Leicestershire District Local Plan (2002)
DD48	Rushcliffe Local Plan (1996)
DD49	Rushcliffe Borough non-statutory replacement Local Plan (2006)
DD50	Rushcliffe Borough Council Interim Planning Statement Dec 2007
DD51	Nottingham Local Plan (November 2005)
DD52	Clifton Village Conservation Area Policy (1997)
DD53	Department of Transport Calculation of Road Traffic Noise
DD54	Advisory leaflet No. 72 : Noise Control on Building Sites
DD55	Local Air Quality Management Technical Guidance TG (03) (out of print)
DD56	The Air Quality Limit Value Regulations 2001
DD57	National Air Quality Strategy for England, Scotland, Northern Ireland and Wales 2007
DD58	Leicestershire Local Transport Plan Chapter 7 2006 - 2011 - Improving Air Quality of the Leicestershire LTP
DD59	Local Transport Plan for Greater Nottingham Final Plan Chapter 8 2005/6 - 2010/2011 Air Quality
DD60	Rushcliffe Borough Councils AQAP November 2006
DD61	Delivering a Sustainable Transport System DfT 2008
DD62	Leicester, Leicestershire and Rutland Landscape and Woodland Strategy 2001
DD63	Nottinghamshire County Council Countryside Appraisal and Landscape Guidelines 1997
DD64	Historic Landscape Character Assessment of the Proposed Offline Route September 2008
DD65	Guidelines for Landscape and Visual Impact Assessment (Second Edition, 2002) published by the Landscape Institute and the Institute of Environmental Management and Assessment
DD66	Highways Agency's Interim Advice Note (IAN) 84/07, July 2007
DD67	Natural Environment and Rural Communities Act 2006
DD68	webTAG unit 3.5.6 Value of Time and Operating Cost

DD69	webTAG unit 3.1.15 The Treatment of Uncertainty in Model Forecasting
DD70	webTAG units 3.3.3 The Local Air Quality Sub Objective
DD71	webTAG units 3.3.4 Regional Air Pollution
DD72	webTAG units 3.3.5 The Greenhouse Gases Sub Objective
DD73	webTAG unit 3.3.1 The Environment Objective
DD74	webTAG unit 3.3.7 The Landscape Objective
DD75	webTAG unit 3.3.8 The Townscape Objective
DD76	Not used
DD77	Not used
DD78	Not used
DD79	Not used
DD80 TO DD99	Not used
	Acts of Parliament
DD100	Ancient Monuments and Archaeological Areas Act 1979
DD101	Acquisition of Land Act 1981
DD102	Countryside Act 1968
DD103	Countryside and Rights of Way Act 2000
DD104	Control of Pollution Act 1974
DD105	Compulsory Purchase Act 1965
DD106	Environmental Protection Act 1990
DD107	Environment Act 1995
DD108	Highways Act 1980
DD109	Land Compensation Act 1973
DD110	Planning and Compensation Act 1991
DD111	Planning (Listed Buildings and Conservation Areas) Act 1990

DD112	Planning & Compulsory Purchase Act 2004
DD113	Road Traffic Regulation Act 1984
	Town and Country Planning (Listed Buildings & Conservation Area) Act 1990 See DD111 and DD114
DD114	Town & Country Planning Act 1990
	Statutory Instruments
DD115	Highways (Inquiries Procedure) Rules 1994 (S.I 3263)
DD116	Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994 (S.I 3264)
DD117	Secretary of State Traffic Orders (Procedure) England & Wales 1990 (S.I 1656)
DD118	Highways (Assessment of Environmental Effects) 1988 (S.I 1241)
DD119	Highways (Assessment of Environmental Effects) 1994 (S.I 1002)
DD120	Highways (Assessment of Environmental Effects) 1999 (S.I 369)
DD121	Noise Insulation Regulations 1975 (S.I 1763)
DD122	Noise Insulation (Amendment Regulation) 1988 (S.I 2000)
DD123	Groundwater Regulations 1998 (S.I 2746)
DD124	The Conservation (Natural Habitats) Regulations 1994 (S.I 2716)
DD125	The Conservation (Natural Habitats) 1994 Amended England Regs 2000 (S.I 192)
DD126	Air Quality Standards Regulations 1989 (S.I 317)
	Optional Legislation (Acts & Statutory Instruments)
DD127	Land Drainage Act 1991
DD128	Land Drainage Act 1994
DD129	Noise and Statutory Nuisance Act 1993
DD130	Protection of Badgers Act 1992
DD131	Water Resources Act 1991
DD132	Water Act 2003
DD133	Wildlife & Countryside Act 1981

DD134	Wild Mammals Protection Act 1996
DD135	Surface Waters (River Ecosystem Regulations) 1994 (S.I 1057)
DD136	Water Supply (Water Quality) Regulations 2000 (S.I 3184)
DD137	Air Quality Regulations England 2000 (S.I 928)
DD138	Air Quality Limit Values Regulations 2003 (S.I 2121)
DD139	Air Quality Limit Values (Amendment Regulations) England 2004 (S.I 2888)
DD140	Hedgerow Regulations 1997 (S.I 1160)
	Government White Papers
DD141	A New Deal for Trunk Roads in England - July 1998
DD142	A New Deal for Transport: Better For Everyone 1998
DD143	Transport 2010 - The 10 Year Plan
DD144	The Future of Transport: A Network for 2030
DD145	A New Deal for Trunk Roads in England: Guidance on the New Approach to Appraisal
DD146	A New Deal for Trunk Roads in England: Understanding the New Approach to Appraisal
DD147	Delivering Better Transport: Progress Report- (DfT 2002)
DD148	A Better Quality of Life-Strategy for Sustainable Development for the UK (DETR 1999)
DD149	Our Countryside the Future: A Fair Deal for Rural England (DETR 2000)
DD150	Biodiversity Impact: A Good Practice Guide for Road Schemes (July 2000)
DD151	Landscape Character Assessment- Guidance for England & Scotland (2002)
DD152	Air Quality Strategy for England, Scotland, Wales & Northern Ireland (DETR 2000)
DD153	Air Quality Strategy for England, Scotland, Wales & Northern Ireland (Addendum)
	Planning
DD156	Planning Policy Statement 1: Delivering Sustainable Development
DD157	Planning Policy Guidance 2: Green Belts

DD158	Planning Policy Statement 3: Housing
DD159	Planning Policy Guidance 4: Industrial & Commercial Development & Small Firms
DD160	Planning Policy Statement 6: Planning for Town Centres
DD161	Planning Policy Statement 7: Sustainable Development in Rural Areas
DD162	Planning Policy Statement 9: Biodiversity & Geological Conservation
DD163	Planning Policy Statement 11: Regional Spatial Strategies
DD164	Planning Policy Statement 12: Local Development Frameworks
DD165	Planning Policy Guidance 14: Development on Unstable Land
DD166	Planning Policy Guidance 15: Planning and the Historic Environment
DD167	Planning Policy Guidance 16: Archaeology and Planning
DD168	Planning Policy Guidance 17: Sports and Recreation
DD169	Planning Policy Guidance 21: Tourism
	Optional Additional Documents
DD170	Guidance on the Methodology for Multi Modal Studies- Volume 1, March 2000
DD171	Guidance on the Methodology for Multi Modal Studies- Volume 2, March 2000
DD172	Biodiversity: The UK Action Plan 1994
DD173	Biodiversity: The UK Steering Group Report, Volume 2 Action Plan 1995
DD174	Trunk Roads and the Generation of Traffic (The Standing Advisory Committee on Trunk Road Assessment 1994)
DD175	Transport and the Economy (The Standing Advisory Committee on Trunk Road Assessment 1999)
DD176	Design Manual for Roads and Bridges May 2009 (CD)
	European Union Directives
DD177	75/440 EEC Council Directive of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States
DD178	76/160 EEC Council Directive of 8 December 1975 concerning the quality of Bathing water

DD179	78/659 EEC Council Directive of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life
DD180	79/409 EEC: Council Directive on the Conservation of Wild Birds
DD181	80/68 EEC Council Directive of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances
DD182	85/337 EEC Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment
DD183	91/441 EEC Council Directive of 26 June 1991 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles
DD184	91/692 EEC Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment
DD185	92/43 EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora
DD186	97/11 EC Council Directive of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment
DD187	2000/60 EC Directive of 23 October 2000 establishing a framework for community action in the field of water policy

OTHER DOCUMENTS SUBMITTED BY HIGHWAYS AGENCY (HA/...)

HA/1	Highways Agency Rebuttal to Mr. and Mrs. Osborne (OBJ 10)
HA/2	Highways Agency Rebuttal to Mr. Towers (OBJ 29)
HA/3	Highways Agency Rebuttal to Mr. G Phillips (OBJ 15) Vol 1 Key Issues and Summary
HA/4	Highways Agency Rebuttal to Mr. G Phillips (OBJ 15) Vol 2 Full Assessment
HA/5	Highways Agency Rebuttal to Mr. G Phillips (OBJ 15) Vol 3
HA/6	Not used
HA/7	Highways Agency Rebuttal to CHC Coaker (OBJ 23)
HA/8	Highways Agency Rebuttal to Curzon Coaker Trust(OBJ 23)
HA/9	Highways Agency Amendments to Draft Orders Vol 1
HA/10	Highways Agency Amendments to Draft Orders Vol 2

HA/11	Highways Agency Rebuttal to Barton in Fabis Parish Council (OBJ 17)
HA/12	Highways Agency Rebuttal to Angela Plowright and Paul Kaczmarczuk (OBJ 16)
HA/13	Highways Agency Response to Questions raised by CPRE
HA/14	Opening Statement Mr. Kimblin on behalf of Highways Agency
HA/15	Minor Corrections to Evidence of Mr. Shields
HA/16	Highways Agency Rebuttal to Mr. Shaw (OBJ 9)
HA/17	Highways Agency Rebuttal to Mr. Potter (OBJ 31)
HA/18	Note on Regional Funding Advice
HA/19	Updated Policy and Plans Matrix
HA/20	Part Response To Inspectors Questions (INQ/6)
HA/21	Note regarding concerns of Mr. and Mrs. Laslett related to siting of Urban Compound
HA/22	Statutory Compliance folder
HA/23	Large Scale Drawings of Alternative Routes
HA/24	Note to Inspector regarding 'wider land-use considerations'
HA/25	Environment Assessment: Impact on the Nottingham – Derby Green Belt
HA/26	Fig 5A Landscape Character Areas
HA/27	Highways Agency Rebuttal to CPRE (OBJ 25)
HA/28	Email from Secretary of State's Office confirming funding
HA/29	Note to Inspector regarding Lighting
HA/30	Note to Inspector on purple route
HA/31	Cross section submitted in response to Barton in Fabis evidence
HA/31/1	Cross section – with mound - submitted in response to Barton in Fabis evidence
HA/32	Further Response to CPRE's Questions of Clarification – dealing with Carbon Emissions
HA/33	Copy of email from DfT regarding ' Updates to WEBTag '– July 2008
HA/34	Annex B –DaSTS Challenges Matrix
HA/35	Note on Consultation with Bus Operators

HA/36	Summary Note on WebTAG release and DaSTS
HA/37	Note on Unknown Owner Plots
HA/38	Confirmation of withdrawal of Objection from Cable and Wireless
HA/39	Confirmation of withdrawal of Objection from Central Networks
HA/40	Note on current situation with the Objection from National Grid
HA/41	Response to Mr. Potter's note of 19 th November
HA/42	HA's Response to CPRE's note on Urban Transport
HA/43	Closing Submission of Mr. Kimblin on behalf of the Highway's Agency

DOCUMENTS SUBMITTED BY OBJECTORS (OBJ/...)

	Mrs. J M White and Messrs W R & J H White (OBJ 4)
OBJ/4/1	Statement made by David Bennett on behalf of Mrs. J M White and Messrs W R & J H White
	Mr. M R and Mrs. M E Osborne (OBJ 10)
OBJ/10/1	Statement made by David Bennett on behalf of Mr. M R and Mrs. M E Osborne
	Mr. David Shaw (OBJ 9)
OBJ/9/1	Statement Submitted by Mr. Shaw
	Mr. G Phillips (OBJ 15)
OBJ/15/1	Proof of Evidence / Witness Statement of Mr. G I Phillips
OBJ/15/2	Summary Statement of Mr. G I Phillips
OBJ/15/3	Bundle of four lever arch folders of Supporting Documents
OBJ/15/4	Mr. Phillips Statement of Case
OBJ/15/5	Opening Statement by Simon Buss of Counsel
OBJ/15/6	A copy of Proof of Evidence by C Deas for the NET Inquiry
OBJ/15/7	Regional Allocation Documents
OBJ/15/8	Copies of HA letters dealing with FOI request for copies of historical documents

OBJ/15/9	Supplementary Statement from Mr. Phillips
OBJ/15/10	Email dated 9/9/09 from Mr. Phillips to WYG
OBJ/15/11	Proof of Evidence from 1996 Inquiry
OBJ/15/12	Closing Submission by Mr. Buss on behalf of Mr. Phillips
	Barton in Fabis Parish Council (OBJ 16)
OBJ/16/1	Proof of Evidence of Paul Kaczmarczuk, Chairman, Barton in Fabis Parish Council
OBJ/16/2	Closing Submission by Paul Kaczmarczuk, Chairman, Barton in Fabis Parish Council
	CPRE (OBJ 25)
OBJ/25/1	Proof of Evidence / Witness Statement of Mr. R Smyth
OBJ/25/1A	Letter to the East Midlands Regional Assembly and Regional Development Agency responding to their advice on priorities for major transport schemes, DfT 2009
OBJ/25/1B	Meeting Carbon Budgets – The Need for a Step Change, Committee on Climate Change 2009
OBJ/25/1C	Climate Change and Transport: Meeting the Challenge of Ambitious Carbon Reduction Targets, Commission for Integrated Transport 2009
OBJ/25/1D	PSA Delivery Agreement 5: Deliver reliable and efficient transport networks that support economic growth, HM Treasury 2007
OBJ/25/1E	East Midlands Regional Development Agency and East Midlands Regional Assembly Regional Funding Advice Submission 2009
OBJ/25/1F	East Midlands Regional Planning Assessment for the Railway, DfT 2007
OBJ/25/1G	Strategic Rail Freight Network, DfT 2009
OBJ/25/1H	Draft East Midlands Route Utilisation Strategy, Network Rail 2009
OBJ/25/1J	Network RUS: Electrification Strategy, Network Rail 2009
OBJ/25/1K	Towards a Sustainable Transport Strategy: Updating our Analytical Tools, DfT 2008
OBJ/25/1L	A Safer Way: Consultation on Making Britain's Roads the Safest in the World, DfT 2009
OBJ/25/2	Summary Proof of Evidence Mr. R Smyth
OBJ/25/3	Supplementary Note from CPRE
	Towers (OBJ 29)

OBJ/29/1	Proof of Evidence/Witness Statement of John Ikin
-----------------	--

DOCUMENTS SUBMITTED BY COUNTER OBJECTORS (CO/...)

CO/29	Statement submitted by Dr Annabel Gear objecting to Alternative Route 5
CO/31	Statement and documents submitted by Cllr Barber objecting to Alternative Route 5

INQUIRY DOCUMENTS

INQ/1	PIM Notes
INQ/2	Folder of Objection Letters
INQ/3	Folder of Representation Letters
INQ/4	Folder of Supporter Letters
INQ/5	Folder of Counter Objection Letters
INQ/6/1	Inspectors Questions and HA Responses
INQ/7	Highways Agency Summary Tables of Objections, Supporters and Representations
INQ/8	Schedule of Outstanding Objections

C GLOSSARY

AADT	Annual Average Daily Traffic
AQMA	Air Quality Management Area
AST	Appraisal Summary Table
BCR	Benefit to Cost Ratio
CEMP	Outline Construction Environmental Management Plan
COBA	Cost Benefit Analysis – DfT software
CPO	Compulsory Purchase Order
DaSTS	Delivering a Sustainable Transport Strategy
DfT	Department for Transport
DIADEM	Traffic Modelling Software
DMR.B	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EMA	East Midlands Airport
EMP	East Midlands Parkway Station
EMR.A	East Midlands Regional Assembly
EMR.P	The East Midlands Regional Plan (RSS8)
ES	The Environmental Statement
FCA	Flood Compensation Area
HA	The Highways Agency
KSI	Killed or Seriously Injured
LDF	Local Development Framework
LMVR	Local Model Validation Report
LTP	Local Transport Plan
MMS	Multi Modal Study
M1 J24	Junction 24 of Motorway M1

NATA	New Approach to Appraisal
NET	Nottingham Express Transit
NMU	Non-Motorised User
NTU	Nottingham Trent University
PIA	Personal Injury Accident
PIM	Pre-Inquiry Meeting
PMA	Private Means of Access
PO	Programme Officer
PROW	Public Right of Way
RFA	Regional Funding Allocation
RTS	Regional Transport Strategy
SSSI	Site of Special Scientific Interest
TPI	Targeted Programme of Improvements
VCB	Vertical Concrete Barrier
WebTAG	Web-based Transport Appraisal Guidance