
Report to the Secretary of State for Transport

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Transport

Date: 17 July 2015

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE STAFFORDSHIRE COUNTY COUNCIL (A50 GROWTH CORRIDOR-
A522 WESTERN GRADE SEPARATED JUNCTION, UTTOXETER) SIDE
ROADS ORDER 2014.**

**THE A50 TRUNK ROAD (UTTOXETER GROWTH CORRIDOR SLIP
ROADS) ORDER 20..**

**THE STAFFORDSHIRE COUNTY COUNCIL (A50 GROWTH CORRIDOR-
WESTERN GRADE SEPARATED JUNCTION, UTTOXETER)
COMPULSORY PURCHASE ORDER 2014.**

**THE STAFFORDSHIRE COUNTY COUNCIL (A50 GROWTH CORRIDOR-
REALIGNMENT OF A522, UTTOXETER ROAD, UTTOXETER)
COMPULSORY PURCHASE ORDER 2014.**

Inquiries: Opened on 14 April 2015.

Ref: DPI/D3450/14/34

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1 CASE DETAILS

- **The Staffordshire County Council (A50 Growth Corridor-A522 Western Grade Separated Junction, Uttoxeter) Side Roads Order 2014** was made under sections 14 and 125 of the Highways Act 1980 (as amended). The Order was published on 18 August 2014, and there were 3 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation: I recommend that, subject to identified modifications, the Order be confirmed.

- **The A50 Trunk Road (Uttoxeter Growth Corridor Slip Roads) Order 20..** would be made under sections 10 and 41 of the Highways Act 1980 (as amended). The draft Order was published on 18 August 2014, and there were no duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation: I recommend that the Order be made.

- **The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Compulsory Purchase Order 2014** was made under sections 239, 240, 246 and 250 of the Highways Act 1980 (as amended). The Order was first published on 25 June 2014, and there were 5 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation: I recommend that, subject to identified modifications, the Order be confirmed.

- **The Staffordshire County Council (A50 Growth Corridor-Realignment of A522, Uttoxeter Road, Uttoxeter) Compulsory Purchase Order 2014** was made under section 239, 240 and 246 of the Highways Act 1980 (as amended). The Order was first published on 26 November 2014, and there were 2 duly made objections outstanding to it at the commencement of the local Inquiries.

Summary of Recommendation: I recommend that, subject to identified modifications, the Order be confirmed.

2 PREAMBLE

2.1 *The Inquiries and site visits*

- 2.1.1 I have been appointed by the Secretary of State for Transport (SoS) to conduct concurrent Inquiries for the purpose of hearing representations and objections concerning the Orders. I held those Inquiries on the 14-17 and 21-22 April 2015 and 18, 20 and 21 May 2015. The Inquiries were held at Uttoxeter Racecourse, except on 22 April when they were held at the offices of Staffordshire County Council (SCC) in Stafford. I carried out an accompanied site visit on 22 April 2015 and a number of unaccompanied site visits before and during the Inquiries.
- 2.1.2 On the fourth day of the Inquiries, having heard evidence from SCC, I decided that in order to inform my consideration as to whether there is a compelling case in the public interest for the compulsory purchase orders to be confirmed, I would need a clearer explanation of the transport appraisal process that had been followed. To that end, SCC asked Highways England (HE), on my behalf, to appear to provide that explanation and HE agreed to do so on 18 May 2015. Therefore, I proceeded to hear from the other parties appearing at the Inquiries and adjourned on 22 April 2015 until 18 May 2015.
- 2.1.3 Although Mr B Thacker (BT), an objector, attended the Inquiries on the 21 May 2015, he confirmed that it was not his intention to give evidence. Following some discussions with SCC, he indicated that whilst he understood that SCC may have sent him correspondence which indicates that his outstanding issues have been addressed, he had not received it. Furthermore, if his issues are resolved he would withdraw his objections. In response, SCC requested that the Inquiries be adjourned for 2 weeks, in order to allow any remaining objectors, who wished to do so, to have a final opportunity to withdraw their objections before the close of the Inquiries. SCC anticipated that all remaining objections may then be withdrawn. Given the likelihood of a significant change in circumstances, I agreed to SCC's request.
- 2.1.4 Having dealt with all other matters, including hearing closing submissions, I adjourned the Inquiries on the 21 May 2015. It was agreed that if the remaining objectors wished to withdraw their objections, they should do so in writing by 1 June 2015. Thereafter, unless I considered that matters raised necessitated the resumption of the Inquiries on 9 June 2015, I would close the Inquiries in writing. During this adjournment 2 of the remaining objectors withdrew their objections, leaving 1 party who confirmed to SCC that it maintains its objection. Having received confirmation from SCC that it did not wish to raise any other matters, I closed the Inquiries in writing on 5 June 2015.

2.2 **Description of the locality**

2.2.1 The land the subject of the proposed scheme is shown on drawing no. CDX8609/P/02 rev B¹. The existing junctions between the A50 Trunk Road (A50) and the A522 comprise 2 at grade junctions; one serving eastbound traffic and the other westbound. The junctions are linked by a section of the A522 which crosses over the A50. North of the A50 the site the subject of the proposed scheme comprises existing A522 highway land together with small areas of residential and agricultural land. To the northwest of the site, between the A50 and the A522, are the JCB World Parts and Heavy Products buildings. South of the trunk road the site comprises agricultural land and part of the curtilage of The Parks restaurant, in addition to existing A522 highway land.

2.3 **Purpose of the Orders**

2.3.1 The Orders have been published to facilitate the provision of a new grade separated junction between the A50 and the A522 northwest of Uttoxeter, a scheme known as 'Project A'. The scheme layout is shown on drawing no. CDX8609/P/01². The project relates to both the A50, for which the SoS is the Highway Authority, and county roads, for which SCC is the Highway Authority. The SoS has delegated his functions under section 6 of the *Highways Act 1980 (as amended)* to enable SCC to progress the Orders and deliver Project A.

2.3.2 The following is a brief description of the Orders and what they seek to achieve:

- a) *The Staffordshire County Council (A50 Growth Corridor-A522 Western Grade Separated Junction, Uttoxeter) Side Roads Order 2014³ (SRO)*

This Order would provide for the construction of the new grade separated junction between the A50 and the A522 northwest of Uttoxeter. The works would include the construction of a roundabout to the north and south of the A50 linked by a bridge across the A50. New eastbound and westbound slip roads would link those roundabouts with the A50. The northern roundabout would be linked to the section of the A522 running northwest. The southern roundabout would be linked to the A522 running southeast via a third roundabout. This third roundabout would also provide access to land on the southern side of the A50 allocated for residential and business development in the East Staffordshire Local Plan for which planning permissions have been sought.

The Order would also authorise SCC to make changes to highways and private means of access to premises made necessary by the new

¹ ID3.

² ID3.

³ SoC D.

junction arrangement, including the stopping up of highways and private means of access and the creation of new private means of access.

- b) *The A50 Trunk Road (Uttoxeter Growth Corridor Slip Roads) Order 20..⁴ (SLRO)*

This Order would provide for the proposed A50 slip roads to become Trunk Roads when the Order is made and comes into force.

- c) *The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Compulsory Purchase Order 2014⁵ (CPOA) and The Staffordshire County Council (A50 Growth Corridor-Realignment of A522, Uttoxeter Road, Uttoxeter) Compulsory Purchase Order 2014⁶ (CPOB)*

The land the subject of the Orders is currently owned and occupied by a number of different parties. There is also some land which has no registered freehold title and ownership is unknown. SCC has commenced negotiations to acquire the interests in the land subject of the Orders where ownership is known. However, it has not been able to reach agreement to acquire all of the identified land and interests necessary to facilitate the proposed junction works. CPOA and CPOB would secure the necessary interests.

2.4 **Objections to the Orders**

2.4.1 Objections duly made on behalf of South Staffordshire Water plc, Wallington Square Management Ltd, the Allen family and Trust Inns Ltd were withdrawn before the Inquiries opened.

2.4.2 At the start of the Inquiries objections had been duly made and not withdrawn on behalf of 5 parties. The details are as follows:

- 1) Western Power Distribution (West Midlands) plc (WPD).

WPD objected to CPOA and CPOB.

- 2) Mr & Mrs McKechnie (MMM).

MMM objected to CPOA;

- 3) St Modwen Properties PLC/Uttoxeter Estates Ltd (SMUE).

The objections made on behalf of St Modwen Developments Ltd and its subsidiary company Uttoxeter Estates Ltd related to CPOA, CPOB and the SRO;

- 4) R Thacker & BJL Thacker (RBT).

Whilst the RBT letter of objection does not explicitly identify the Orders to which it relates, SCC has interpreted it as relating to CPOA and the SRO. Based on the contents of the letter, this appears

⁴ SoC E.

⁵ SoC B.

⁶ SoC C.

reasonable to me and I have considered the objection on that basis;
and,

- 5) Shell UK Ltd, Shell Ventures UK Limited, Woodlea Ltd and Shell UK Ltd (SUL).

SUL objected to CPOA and the SRO.

2.4.3 Prior to giving evidence at the Inquiries WPD confirmed, by letter dated 17 April 2015, the withdrawal of its objections⁷. On the 21 May 2015, having given their evidence, MMM confirmed, by letter dated 21 May 2015, the withdrawal of their objections⁸. The withdrawal of the objections of MMM resulted from an agreement between them and SCC. At the Inquiries, the advocates for both parties confirmed that a consequence of that agreement is that earlier submissions made by MMM in relation to Human Rights are no longer relevant. I agree. SMUE confirmed the withdrawal of their objections by letter dated 22 May 2015⁹. SUL, who did not appear at the Inquiries, confirmed the withdrawal of their objections by letter dated 2 June 2015¹⁰.

2.4.4 When the Inquiries were closed on the 5 June 2015 the only duly made objections not withdrawn were those of RBT.

2.4.5 Insofar as the evidence given at the Inquiries by parties who subsequently withdrew their objections is relevant to matters in dispute or central to consideration of the tests to be applied to the Orders I have reported it.

2.5 ***Alternatives to Project A***

2.5.1 The SoS issued a Direction, dated 11 February 2015, which indicated that any person who intends to submit at the Inquiries an alternative route or that in place of the proposed works a new highway should be constructed on a particular route, they shall, by 25 March 2015, send to the SoS sufficient information about the alternative route or highway to enable it to be identified. Furthermore, failure to comply with the Direction would entitle the SoS and the person holding the Inquiries to disregard so much of any objection as consists of a suggested alternative.

2.5.2 In their letter of objection RBT suggested an alternative to the scheme promoted by SCC, which comprised an upgrade of the existing slip roads, by around 100 metres, going from the A522 onto the A50 east and west bound. Whilst no further information was submitted by RBT following the SoS's Direction, given the simple nature of what was proposed and that the location was clear, I consider that the information contained in the objection letter of RBT was sufficient to satisfy *Schedule 1 of the Highways*

⁷ ID46.

⁸ ID74.

⁹ ID75.

¹⁰ ID78.

Act 1980 (as amended), insofar as it requires sufficient details to be provided in order to enable any suggested alternative route to be identified. Furthermore, whilst no further details were provided by RBT, Mr S Tucker (ST) gave evidence on behalf of MMM at the Inquiries as to what may be required, including a drawing showing extended on-slip roads from the A522 to the A50¹¹. I confirmed at the Inquiries that, under the circumstances, I would take account of the suggested alternative.

2.6 ***Scope of this Report***

2.6.1 This report contains a brief description of the locality, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances, documents and abbreviations used are attached as appendices. Proofs of evidence were added to at the Inquiries through oral evidence.

3 **LEGAL/PROCEDURAL SUBMISSIONS**

3.1 ***Statutory formalities***

3.1.1 At the Inquiries, SCC confirmed that all of the statutory formalities had been complied with and this was not disputed by any of the other parties present.

3.2 ***Modifications***

3.2.1 At the Inquiries, SCC submitted a number of suggested modifications to CPOA, CPOB and the SRO for consideration, supported by the reasons for the changes. I understand that the modifications to the SRO have been agreed with the Department for Transport's (DfT) National Transport Casework Team. I will refer to the amended SRO as SRO1. The changes to CPOA include: a change of address, following notification by the landowner; removal of plots now acquired by, or identified within the ownership of, SCC; and, removal of the term 'approximately' from the schedule. I will refer to the amended CPOA as CPOA1. The changes to CPOB include: a change of address, following notification by the landowner; and, removal of plots now acquired by, or identified within the ownership of, SCC. The changes also include a correction of the area of plot 2 given in the schedule, deleting 144 m² and inserting 626 m², in order to ensure that it is consistent with the area shown on the published Order plan. I will refer to the amended CPOB as CPOB1.

3.2.2 SCC has provided drafts of the modified Orders¹². It has indicated that the proposed modifications to SRO would not materially alter anyone's understanding of the Order and no further consultation is necessary.

¹¹ ID40.

¹² ID54.

They are needed to aid clarity and accuracy. They can be made in accordance with *paragraph 8 of Schedule 1 to the Highways Act 1980 (as amended)*. Furthermore, SCC has confirmed that the proposed modifications to the CPOs would not require additional land outside that shown on the published Order plans. None would materially alter anyone's understanding of the Order. No further consultation is necessary on the modifications. They can be made in accordance with paragraphs 4 and 5 of Schedule 1 to the *Acquisition of Land Act 1981*. I agree. No objections were raised to the suggested modifications, which I consider add to the clarity and accuracy of the Orders, and would be unlikely to prejudice the interests of anyone.

4 THE CASE FOR STAFFORDSHIRE COUNTY COUNCIL (SCC)

The gist of the material points made by SCC in its written and oral submissions were:

4.1 Background and need for Project A

- 4.1.1 *The National Infrastructure Plan 2013, December 2013*¹³ announced that 'the government will provide funding to support improvements to the A50 around Uttoxeter starting no later than 2015-16 (subject to statutory procedures) to support local growth, jobs and housing;'. This investment was confirmed in the Chancellor of the Exchequer's Autumn Statement in December 2013.
- 4.1.2 The Orders, if confirmed/made, would enable the first of two highways projects on the A50 Growth Corridor at Uttoxeter to be delivered; that is the project known as Project A, which would replace the existing A50/A522 junctions with a grade separated roundabout. Project B, which would follow later, would replace 2 roundabouts further to the east, at the junctions of the A50/B5030 and B5030/A518, with the second grade separated roundabout. Together both projects would deliver the Government's clear commitment to the improvement of the A50 at Uttoxeter.
- 4.1.3 The DfT's *Road Investment Strategy: Overview (December 2014)*¹⁴ confirmed that 'The Midlands is expecting substantial growth, in terms of housing and industry. We will support this by adding capacity with new schemes funded by developers, local growth deals and central Government funding.' One such scheme was listed as improvements to the A50 at Uttoxeter. The accompanying Investment Plan¹⁵ confirmed as a committed scheme: 'A50 Uttoxeter – replacement of two roundabouts on the A50 in Staffordshire with grade-separated junctions'. The plural

¹³ AD11.

¹⁴ AD12.

¹⁵ AD13.

'junctions' is plainly a reference to Projects A and B. The document indicates that in the case of committed schemes, providing the necessary statutory approvals are granted and the scheme continues to demonstrate value for public money, it will enter construction during this roads period.

- 4.1.4 That commitment is carried forward into the HE Delivery Plan (March 2015)¹⁶, which Mr A Slack (AS) confirmed had ministerial approval. Furthermore, the Highways Agency explicitly expressed its support for Project A in its letter to SCC dated 20 March 2015¹⁷.
- 4.1.5 A planning application for Project A, supported by an Environmental Statement (ES)¹⁸, was granted planning permission on 14 November 2014¹⁹. The associated committee report confirmed that the Project accords with the relevant Development Plan policies as well as the provisions of the National Planning Policy Framework.²⁰
- 4.1.6 The objectors at these Inquiries have striven to make opaque what SCC is trying to achieve through these Orders. In fact the objectives of SCC and the SoS in bringing forward these Orders could not be clearer. They are set out in the Statement of Reasons, the Statement of Case (SoC) and in the Strategic Outline Business Case (SOBC)²¹ that HE²², on behalf of the SoS, has already seen and approved as part of the funding agreement²³, which itself was signed on behalf of the SoS.
- 4.1.7 Before the Inquiries opened objections by Wallington Square Management Ltd, South Staffordshire Water plc, the Allen family and Trust Inns Ltd were withdrawn. Further objections have been withdrawn since the Inquiries opened. WPD objected to both CPOA and CPOB, having concerns over its ability to fulfill its statutory functions for the distribution of electricity. SCC has now reached an agreement with WPD which contains all the assurances reasonably required to ensure the supply of electricity in the area. The WPD objections have been withdrawn²⁴. The objection to CPOA from MMM was withdrawn just before closing submissions on the last sitting day of the Inquiries²⁵. The objections made by SMUE and SUL were withdrawn before the Inquiries were closed.
- 4.1.8 The remaining objectors are RBT. The position in relation to RBT is that SCC had hoped that their objections would be withdrawn following negotiation. However, before this could be appropriately confirmed in writing, a further issue arose in relation to a potential site for a works

¹⁶ ID41 page 28 para 3.1.9.

¹⁷ P1 Appendix Q.

¹⁸ SoC H.

¹⁹ SoC F.

²⁰ SoC appendix S para 73.

²¹ P7 Appendix A.

²² Formerly the Highways Agency.

²³ SoC A.

²⁴ ID46.

²⁵ ID74

compound for the construction phase of Project A close to RBT's house, which caused them not to complete the formalities of withdrawal. SCC has now agreed that the compound would not be sited as RBT feared. Nonetheless, their objections remain and raise issues as to: the need for the project, as opposed to simple upgrading of the A50 on sliproads; the need for the Scheme to support the SMUE planning permission; the need for the Scheme to support economic/jobs growth at JCB; the costs of maintaining a new access to their land; and, the effect on the value of their house. These last two points are plainly matters which go to compensation.

4.2 **CPOA and CPOB** (the CPOs)

4.2.1 The CPOs are made under the *Highways Act 1980 (as amended)* and the *Acquisition of Land Act 1981* for the purpose of constructing/improving/carrying out works to the A50 and A522, which are highways maintainable at public expense. They would also authorise acquisition of rights over land and land to enable landscape and flood/drainage mitigation measures to be implemented as an integral part of Project A.

4.2.2 SCC has had regard to the SoS's extant guidance entitled *The Office of the Deputy Prime Minister Circular 06/2004 Compulsory Purchase and the Crichton Down Rules* (ODPM Circular 06/2004) in justifying the use of CPO powers and submits that: (a) there is a compelling case for acquisition in the public interest; (b) this justifies interfering with the human rights of those with an interest in the land affected; (c) it has a clear idea of how it is intending to use the land it seeks to acquire; (d) it can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and, (e) the scheme is unlikely to be blocked by any impediment to implementation.

4.2.3 SCC has sought to acquire the land needed for Project A by agreement; in some instances it has been successful in doing so. SCC's approach has been to use CPO powers as a last resort. It has set out in some detail the nature of the contact with objectors, which included involvement of the District Valuer²⁶. ODPM Circular 06/2004 advises that negotiating for acquisition by agreement concurrently with the use of CPO powers is acceptable. In this case there is no evidence that any agreement could have been achieved if the use of CPO powers had been delayed.

Public interest

4.2.4 SCC believes that the public benefits of Project A would be considerable. These are fully described in the material before the inquiry, but in summary Project A would: provide a significant benefit to the performance of the transport network, helping to improve the capacity and resilience of the network as a whole; improve safety on the A50; provide additional operational capacity to support local existing and future development

²⁶ p1.

proposals and opportunities; and, provide enhanced cyclist and pedestrian routes with efficient and safe crossings. All this would help to deliver wider economic benefits to the area and to the nation in a way that is wholly consistent with SCC's own vision and strategies for growth, those of the Local Enterprise Partnership²⁷ (LEP) and the Government's National Policy Statement for National Networks²⁸. Furthermore, the A50 Growth Corridor is part of a European Union (EU) Assisted Area²⁹ in which economic and infrastructure investment is urgently needed.

Funding position

- 4.2.5 SCC is confident that all the necessary resources are likely to be available within a reasonable timescale. It has in place a funding agreement for Project A with the SoS dated 19 November 2014, with the Highways Agency, now HE, acting on his behalf³⁰. This agreement governs all aspects of highway design, procurement and construction based on initial estimated project expenditure. Full approval of the costs of project design and all land acquisition and compensation has now been granted. SCC is working with its appointed contractor and it is anticipated that the construction costs of the project would be finally approved by the HE Investment Control Framework Group (ICFG), now expected to be in mid-July 2015. None of the objectors have suggested that HE would not continue to support Project A by release of sufficient funds either as a matter of principle or on the basis that the estimates are not realistic.
- 4.2.6 The SoS would know that HE's ICFG has the power to 'sign-off' the final release of funds. While the final papers are still being prepared for the July Board, AS of the HE has confirmed that he knows of no 'show stopper' which might cause the Board to refuse to release the funds. The objector's case has not been run on the basis that it would be unlawful to do so because of some defect in process. However, if the SoS requires to know whether or not final HE ICFG approval has been given for the release of the funds to cover the construction costs in advance of confirming the CPOs then it is within his power to seek such information.

Use of the land

- 4.2.7 It is clear that none of the objections are put forward on the basis that SCC does not have a clear idea of how it intends to use the land it seeks to acquire. The Project A junction works are fully described in the material before the Inquiries. In summary, it would deliver significant improvements to the A50/A522 junctions north west of Uttoxeter by constructing a new bridge over the A50 and demolishing the current over bridge, two new roundabouts north and south of the A50 with links to improved westbound and eastbound merge and diverge sliproads.

²⁷ SoC Appendix X.

²⁸ AD19.

²⁹ AD20.

³⁰ SoC A.

The A522 would be improved and realigned in the vicinity of the junction including the provision of a further roundabout to serve future development of land in the vicinity and the provision of footway/cycleway facilities. Private tracks and accesses, and a network of public footpaths would be maintained. Tree planting, landscaping and other mitigation would be carried out. Subject to confirmation of the Orders, SCC intends to complete a two year build project in the late summer of 2017.

Impediments

- 4.2.8 SCC believes that there is a reasonable prospect of the scheme going ahead and that there are unlikely to be any impediments to implementation. Planning permission has been granted³¹ subject to conditions. SCC has no reason to suppose, and no one has suggested that, there would be any difficulty in discharging those conditions³². To the extent that there might be a need for planning permission for accommodation works, the local planning authority, East Staffordshire Borough Council, has confirmed that there is no obvious reason why any such planning permissions would be withheld³³.

*Environmental impact assessment (EIA)*³⁴

- 4.2.9 Project A has been the subject of an EIA, the main findings of the ES are as follows:
- a) Traffic and transport - It is demonstrated through the Transport Assessment (TA) that Project A would provide a significant benefit in performance of the transport network within the study area, improving the resilience of the network and providing additional operational capacity to support local development proposals.
 - b) Landscape and visual impact - The landscape effects of Project A would fall within the range minor to neutral. None of the likely effects are considered significant either during construction or operation. Although visual effects during construction would be of moderate significance at one location, given the anticipated short duration of the works, the effect would not be significant. All other visual effects at all stages are assessed as non-significant.
 - c) Ecology and nature conservation - Overall, while Project A may result in some slight adverse impacts at the local level, most can be fully mitigated. Where SCC has control of landscape areas they would be managed long-term for the benefit of biodiversity, providing compensation for the unavoidable minor residual adverse impacts.

³¹ SoC F.

³² ID30.

³³ P1 Appendix C.

³⁴ SoC H.

- d) Archaeology and cultural heritage - The assessment has identified only one moderate adverse impact, which relates to the potential impact on pre-historic deposits which may be present within the footprint of the scheme and the extent of which is unknown. There is a low risk that pre-historic archaeology would be found, with any being appropriately recorded and archived. Consequently, there would be no significant residual effect on archaeological deposits. It is concluded that although a moderate effect has been identified on one heritage asset, the overall level of effect would not be significant and the scheme would cause less than substantial harm to the heritage assets within the study area.
- e) Water environment - The completed works would have an impact on the water environment; key potential impacts would be associated with the loss of flood plain volume, flooding from surface water, increased flows being discharged into the local drainage system and pollution of watercourses. However, the planned mitigation measures would reduce the residual risk to minimal. For example, the proposed surface water drainage system would incorporate flow control and storage to enable the flow rate discharged into the local river via small watercourses to be limited to the existing, pre-works rate.
- f) Noise and vibration - Based on the results of construction vibration assessment it is recommended that rotary bored piling be used for the overbridge and under those circumstances the effect of construction vibration would be of neutral significance. As a result of the scheme, whilst noise levels would be expected to increase very marginally at some dwellings, they would decrease by a similar level at a substantially higher number. The significance of effect would range from negligible adverse to negligible benefit.
- g) Air quality - The assessment indicates that the impact on air quality, in terms of the magnitude of change in annual mean concentrations of nitrogen dioxide at locations close to the A50, would be slight adverse. Such an effect is not considered to be significant.
- h) Ground conditions and contaminated land - When proposed mitigation measures are taken into account, the residual significance of identified impacts is expected to be negligible.

Conclusion

- 4.2.10 SCC submits that it has demonstrated a compelling case in the public interest.

Human Rights

- 4.2.11 SCC has properly considered its obligations with regard to Human Rights legislation and in discharging these obligations it has sought to strike a

balance between the rights of individuals and the interests of the public. SCC has had particular regard to the rights in respect of property (Article 1 to the 1st Protocol to the European Convention on Human Rights) and family life (Article 8). In relation to the latter, SCC has had regard to the case of *AZ v SSCLG* [2012] EWHC 3660 (Admin)³⁵ which provides guidance on proportionality.

- 4.2.12 The only remaining objectors are RBT. SCC does not accept that RBT's Article 8 rights are engaged and they have not alleged that they are. However, rights under Article 1 to the 1st Protocol are engaged as RBT would be deprived of some of their property. However, only a relatively small area of land would be acquired and the rights sought would be limited³⁶. SCC considers that the public interest in securing the delivery of Project A clearly and demonstrably outweighs the loss of that property given that the statutory compensation scheme would apply. The decision to confirm the CPOs would be proportionate.

Conclusions

- 4.2.13 There is a compelling case in the public interest for the CPOs to be confirmed. Interference with the human rights of those with an interest in the land affected is justified and proportionate in all the circumstances, including the availability of compensation through the statutory code.

4.3 SRO1³⁷

- 4.3.1 The Schedules to this Order show that in all cases where stopping up of highways would take place, another reasonably convenient route would exist. The RBT objections to the SRO are on the basis that what is now a publicly maintained access road would become a private access; SCC has confirmed at the Inquiries that the service road will now remain part of the public highway³⁸. Further RBT, as would have been seen on the site visit, would in fact be provided with a suitable, reasonably convenient alternative access.
- 4.3.2 In relation to private means of access to be stopped up, a reasonably convenient alternative would be provided where necessary. Access to Parks Farm, shown as 2s on the schedule, would be replaced by an access off an arm of the proposed southern roundabout, shown as new access 3 on the schedule. This new access would be linked to the existing farm entrance by a new farm track³⁹. SUL has indicated that the alternative access to their premises off the A522 is in principle acceptable but that it would be necessary to modify the site internally. Although no final

³⁵ ID63.

³⁶ CPOA plots 10, 13 and 14.

³⁷ SoC D and ID54.

³⁸ P1 para 6.3.

³⁹ ID39.

conclusions have yet been reached, SUL have acknowledged that this might be achievable using the non-operational land in its ownership and they have withdrawn their objections to the Orders.

4.3.3 It can therefore be concluded that the requirements of section 18(6) and 125(3) of the *Highways Act 1980 (as amended)* would be met if the Order were confirmed.

4.4 **SLRO**⁴⁰

4.4.1 There are no remaining objections to the draft Order, the purpose of which is to improve part of the Trunk Road system. Furthermore, the SoC and the ES, which supported the planning permission for Project A, establish that consideration has been given to the requirements of local and national planning⁴¹. The effects of the scheme upon agricultural land have been taken into account, as set out in the '*Ground conditions & contaminated land*' assessment in section 10 of the associated ES, which indicates that the Project would be likely to have a negligible effect on agricultural soils. SCC considers that it would be expedient to make the Order, in order to achieve the full scheme of Trunk Road improvements before these Inquiries.

4.4.2 The relevant requirements of section 10(2) of the *Highways Act 1980 (as amended)* would be satisfied.

4.5 **Conclusions**

4.5.1 There is a very strong case to proceed with the Orders. SCC invites the Inspector to recommend, and the SoS to decide, that the SRO, CPOA and CPOB should be confirmed, with the suggested SRO1, CPOA1 and CPOB1 modifications, and SLRO should be made.

5 **THE CASE FOR THE SUPPORTERS**

The gist of the material points made by those supporters who did not appear at the Inquiries in their written submissions were:

5.1 **JCB**

5.1.1 In 2013 JCB announced a £150 million investment programme, which included plans to build a new factory to assemble cabs at Beamhurst, adjacent to the existing JCB Heavy Products and JCB World Parts Centre facilities. These existing facilities are sited to the north of the A50, close

⁴⁰ SoC Appendix E.

⁴¹ SoC section 5 and Appendix 8.

to its eastbound junction with the A522. The proposed cab factory forms part of JCB's wider expansion plans, which it anticipates would create a further 2,500 direct jobs across its facilities, almost all within Staffordshire.

- 5.1.2 The A50 is a vital artery for JCB's operations both for inbound parts supply and for outbound machinery despatch. JCB's investment is predicated on the welcome news from the Chancellor of the Exchequer in the 2013 Autumn Statement, that the A50 would be upgraded to include a new junction at Beamhurst, now known as Project A. This new junction would make it possible for JCB to add 913 new jobs in Beamhurst over the next 5 years. If the existing sub-standard slip roads to and from the A50 at its junctions with the A522 remain as they are, no significant expansion would be possible. The new facility would certainly not be built there. Project A, together with the other proposed development to remove 2 roundabouts to the north of Uttoxeter and construct a new junction in their place, known as Project B, would help to unlock wider investment elsewhere within JCB's Staffordshire operations.
- 5.1.3 Recent challenges in global demand for JCB products have been well documented and it is for this reason that the timing of construction of the new factory at Beamhurst remains under review. However, JCB's strategic growth plan remains unchanged and it is still very much its intention to proceed with the construction of the new factory. The timing is very much a short term 'tactical' issue in response to market dynamics. However, for the avoidance of doubt, JCB would not commission the construction of the new cab factory at Beamhurst without confirmation that Project A would proceed. Ideally, JCB would also like firm confirmation that Project B would also go ahead, but it appreciates that is some time away and it would not be able to wait that long before beginning construction of the new factory.
- 5.1.4 The job creation figures referred to above have been calculated very carefully, based on JCB's experience of manufacturing operations, taking into account the range and types of products manufactured as well as the nature of plants and shift patterns. JCB is confident that they are as accurate as they can be at this stage in its growth plans.
- 5.1.5 JCB has completed the purchase of land previously owned by Wallington Square Management Ltd. and this land would be transferred, along with 3 other parcels of land needed for Project A, to SCC as JCB's developer contribution towards the A50 improvement works.
- 5.1.6 Project A would benefit everyone who lives and works in the local area and it would drive further investment along the A50 Growth Corridor.

6 THE CASE FOR THE OBJECTORS

Those who submitted duly made objections which have not been withdrawn did not give evidence at the Inquiries. The gist of the material points made by those remaining objectors in their written submissions were:

6.1 R Thacker and BJL Thacker (RBT)

6.1.1 In February 2014 we were contacted about the scheme by SCC, who advised us to appoint a land agent and solicitor. We refused permission for SCC to drill bore holes for ground investigation. Our reasons included that: the area requested, around 25 metres by 650 metres, was so much larger than the area identified by SCC as being needed for the widening of the A50, around 1 metre by 160 metres; and, the plans they sent to us were inconsistent. In April 2013 SMUE publicised their proposed 120 acre development on land to the south of the A50. Whilst we support their plan in principle, we have some concerns regarding the drainage of surface water from that proposed development, much of which is likely to be routed under the A50 and across our land. We have explained to the Local Planning Authority that this would necessitate improvements to the existing surface water drainage infrastructure, which is in need of maintenance and repair.

6.1.2 We have the following objections:

- The scheme would be for the benefit of JCB and SMUE and so should be funded by private finance and not by the taxpayer.
- There is no need for this project to start. SMUE already has planning permission for its Land to the West of Uttoxeter (LWU) site and so the scheme is not needed for that.
- All that is required is an upgrade of the existing slip roads, by around 100 metres, going from the A522 onto the A50 east and west bound. This would reduce the scheme costs by around 60%.
- The flow of traffic at the existing A50/B5030 roundabout, to the north of Uttoxeter, could be eased by works such as the provision of a slip road for eastbound A50 traffic turning north at the roundabout towards Rocester and Alton.
- JCB says that the proposed development would help create 2,500 jobs. That is not the case, as the jobs would be relocated from its Rugely site 12 miles away. Since the proposed scheme was first mentioned, JCB has steadily laid-off agency workers, as it is not as busy as the company had hoped.
- The scheme includes the provision of a private access road to serve our property and that of our neighbours. It would be roughly 700 metres long and we have been told that it would be turned over to us to

maintain. We have refused this, as it would be too expensive. If the scheme goes ahead, the proposed layout would involve us in travelling around a mile extra to the public highway each time we travel to and from our property. At an average of 8 times per day or 56 miles per week. This would take up our time and we would incur additional expenses in terms of fuel and vehicle maintenance.

- Our house would be visible from the proposed road. This would reduce our privacy and the value of our house.
- Our land agent has received no information from SCC.

7 RELEVANT EVIDENCE FROM OBJECTORS WHO WITHDREW THEIR OBJECTIONS BEFORE THE CLOSE OF THE INQUIRIES

The gist of the material points given in evidence at the Inquiries in written and oral submissions by objectors who subsequently withdrew their objections were:

7.1 EVIDENCE GIVEN ON BEHALF OF ST MODWEN DEVELOPMENTS LTD AND UTTOXETER ESTATES (SMUE) by Mr M Timmins (MT)⁴²

- 7.1.1 St. Modwen Properties PLC is a group company, which includes St Modwen Developments Ltd and its subsidiary company Uttoxeter Estates Ltd, which is a partnership between St Modwen Developments Ltd and East Staffordshire Borough Council. The group has a legal interest in land that is directly affected by the CPOs and the SCC proposals for the A50 improvements.
- 7.1.2 SMUE is promoting development of the LWU site, with an area of around 51 hectares, to the south of the A50. This mixed-use scheme is allocated in the East Staffordshire Local Plan and is the subject of planning application Ref. P/2013/00882 which the local planning authority resolved to approve on 17 March 2014. It comprises some 700 dwellings, 10 hectares of employment, a local centre, a first school, playing fields and open space.
- 7.1.3 Plan 2 attached to the proof of evidence of MT⁴³ shows SMUE scheme's original submitted Masterplan with the A50 junctions overlaid. It will be noted that land designated for residential, employment, balancing ponds and landscaping would be affected by Project A. Plan 1 shows some of the relevant company ownerships and options in the area to the west of Uttoxeter and south of the A50. In particular the land proposed to be acquired by CPOA, shaded dark blue, is owned by Uttoxeter Estates Limited. This land was acquired on 31 October 2014.

⁴² P6 and ID72.

⁴³ P5.

- 7.1.4 We recognise the benefits that the proposed Project A to the north of our site would bring. We want SCC to construct that A50 junction as soon as reasonably practical. We have confirmed in writing our support for this.
- 7.1.5 However, we also acknowledge that the design of the junction requires around 4 hectares of our land to be acquired by CPOA, reducing the site area by approximately 8%. What is also self-evident is that the loss of the 'CPO land' means that our scheme must be re-designed, and that would mean either increasing the density or expanding the boundaries of the scheme, or most likely reducing the capacity of the scheme. The appended Plan 3 shows that the area of the balancing ponds now required would 'eat into' the existing scheme's development area. For that reason the viability and delivery of the scheme would need to be reviewed, and the Masterplan and scheme contents re-configured. We would have less development land than our submitted planning application had envisaged and a new planning application may be required.
- 7.1.6 In addition, there would be an impact on farming activity at Parks Farm and access would be required to ensure that it can continue to operate.
- 7.1.7 The full LWU scheme does not rely on the A50 junction; it could proceed without it. It would simply need to acquire additional land to provide a wider road to feed the employment areas in the northern section of the site. The required land, which is part of CPOA plot 18, has recently been acquired by SCC. The A50 improvement scheme would prevent our approved scheme from gaining access to: the highway network of the A522 at the location originally proposed; and, local infrastructure and services. However, Project A has the potential to provide alternative access to the new A50 junction and to local infrastructure and services.
- 7.1.8 In answer to questions from the Inspector to Mr A Mason regarding SCC's ownership of CPOA plot 18 that adjoins our site, SMUE noted his replies that if CPOA was not confirmed, then SCC would treat the land as a ransom strip and that we could proceed without any problem. He also acknowledged that the impact of the junction scheme would be to reduce the extent of our development area.

7.2 ***EVIDENCE GIVEN ON BEHALF OF MR D MCKECHNIE AND MRS S MCKECHNIE*** by Mr S Tucker (ST)

Public Interest

Transport appraisal process

- 7.2.1 In order to provide a consistent basis for decisions on funding and implementation of major highway projects, the DfT has published guidance on how an appropriate assessment of transport interventions should be prepared known as Transport Analysis Guidance or WebTag.

The Overview of Transport Appraisal⁴⁴ confirms at paragraph 1.3.5 that:

‘Development of analysis using WebTAG guidance is a requirement for all interventions that require Government approval. For interventions that do not require Government approval this guidance would serve as a best practice guide’

- 7.2.2 Having identified the need for a scheme, the process requires an applicant to identify its objectives, then to identify potential options to meet them, and then finally to confirm whether it would meet the scheme objectives. The purpose of the output is that the process should be transparent and allow proper consideration of alternatives in terms of the benefits and dis-benefits of each option. The process is clearly set out on Figures 1 and 2 of Appendix 1 of P3. SCC has failed to undertake such a process.
- 7.2.3 The clearest indication of the intervention objectives can be found at Para 3.2.14 of the SoC, which states that:
- a) To improve traffic flows on the A50 and local network and to remove congestion;
 - b) To secure highway and access improvements to facilitate safe and satisfactory access for vehicles and pedestrians to and from the A50 to the A522;
 - c) To provide cyclists and pedestrians with efficient and safe crossings;
 - d) Reduce congestion and reduce journey times on both the Trunk and Local Networks;
 - e) To mitigate access and highway safety issues arising from the adjacent residential and business developments;
 - f) Open up development land for housing and businesses;
 - g) To facilitate the creation of jobs and bring economic benefits to the area;
 - h) Provide a junction which is capable of sustaining future development proposals.
- 7.2.4 SCC has provided details of 6 options, A-F, which it considered and a brief summary of the relative impacts and costs. SCC should have undertaken a formal assessment of the project based on WebTag Guidance. Such option assessment should have considered the wider options available, including do nothing and the alternative option of progressing with Project B first. Whilst Mr S Burrows (SB) indicated that SCC had undertaken a detailed assessment of initial options in a WebTag compliant way, that information was not in front of the Inquiries.
- 7.2.5 In terms of the alternatives that have been considered, the level of information provided on them is inadequate to allow a proper

⁴⁴ P3 Appendix 1.

consideration of the alternative options. In particular, there is no published assessment of the relative traffic benefits of each scheme. Reference to costs being prohibitive for Options D and E are not appropriate reasons for discounting an option. Option B has a lower scheme cost than the option F, selected by SCC. The absence of such an assessment means that SCC has not demonstrated a compelling case for the Scheme. In contrast, there would likely be significant public interest in promoting Project B and the Project appraisal is flawed in that this is not assessed as an alternative.

- 7.2.6 In relation to appropriate WebTag project assessment and appraisal, the guidance indicates that the output from the option development stage should include an Options Appraisal Report (OAR), documenting the process followed and its result, as well as an Appraisal Specification Report (ASR). The purpose of the ASR is to clarify the methodology and scope for further appraisal. AS has confirmed that neither an OAR nor an ASR has been produced by SCC⁴⁵. He has indicated that elements which would form part of an ASR have been agreed between HE and SCC. However, no details have been provided at the Inquiries.
- 7.2.7 A Project Appraisal Report (PAR) provides the basis of the economic case for the project. It assesses the costs and benefits of a scheme and provides a Benefit to Cost Ratio (BCR). This forms part of the evidence base that is required for scheme approval. The HE's PAR guidelines indicate that at the early stages of a project a foundation PAR is normally used, which only provides detailed appraisal results for accident savings, reliability and journey times. Further development of a project case beyond the Conception stage requires a 'standard PAR' to be conducted, which would incorporate wider project impacts, including some that cannot be monetised. In this case, preparation of a foundation PAR commenced in March 2014. By the time it was signed off on 1 July 2014 the Project had developed well beyond the Conception stage, to a point when a standard PAR would normally be required. However, it was not produced.
- 7.2.8 To explain the approach taken AS relies on an apparent 'urgency of the scheme to progress'. With respect, there is no evidence before the Inquiries to begin to explain why it is 'urgent', other than the 2013 Ministerial statement, and conspicuously, there is no explanation as to why it was decided not to follow the proper process.

Value for money- assessment output

- 7.2.9 A BCR for Project A has been calculated as part of the PAR process using inputs relating to costs and monetised benefits relating to journey time savings and accident savings.
- 7.2.10 Dealing first with accident savings. It is agreed that the accident records do not identify any pedestrian accidents the cause of which would be

⁴⁵ P7 para 19.

addressed by Project A. The only recorded pedestrian accident involved a pedestrian impaired by drink/drugs, which would not be addressed by the scheme. There are no other pedestrian accidents on the network affected by Project A. The present crossing of the A50 for non-motorised users (NMUs) is completely segregated by virtue of the A522 overbridge and there is no existing conflict to be addressed in terms of crossing the A50 for pedestrians and cyclists. Whilst the separation of cyclists and vehicles, which would result from the provision by Project A of a segregated pedestrian/cycle route, may encourage cycling, it follows from the lack of historic accidents that dealing with NMU safety cannot be a key scheme objective.

- 7.2.11 Turning now to vehicular accidents. Whilst it is noted that the existing A50/A522 junctions comprise sub-standard junction arrangements, there is no evidence that this arrangement has caused significant harm. In his proof of evidence Mr P Grosvenor (PG) set out the accident assessment that was undertaken to inform the PAR. He indicated that of the 16 injury collisions he had identified in the vicinity of the scheme location in the most recent 5 year period, 15 had a causation which would be addressed by Project A⁴⁶. This would be equivalent to a rate of 3 accidents per annum, as set out in the PAR⁴⁷.
- 7.2.12 Examining the record of 15 accidents that PG originally indicated were relevant in his proof of evidence, ST says that only 5 of the 15 (09002572, 10003013, 13002953, 12004656 and 10005376) can in fact be related directly to the on-slip layout. 2 related to westbound movements and 3 to eastbound movements. The other 10 should have been discounted from the assessment. If the wider network affected by Project A, beyond simply the trunk road and its slip roads, is taken into account, ST considers that 8 accidents would be relevant.
- 7.2.13 PG has assumed a 44% reduction in the accident rate as a result of the proposed scheme, reducing the 3 accidents per annum by 1.3. This saving is monetised in the PAR. However, the version of the document he has referenced in support of that assumption, the Royal Society for the Prevention of Accidents' *RoSPA Road Safety Engineering Manual*, is out of date and is based on generic reductions arising from what is described as 'junction improvements'. The reduction of 44% in that case is based on a case study of 34 junction improvements schemes, with an assessment of before and after accident rates. It can be seen from the table that those improvements had an average cost of just £18,513⁴⁸. This implies that they were localised and targeted accident improvement schemes rather than major strategic junction alterations comparable to Project A. PG has not provided the full copy of Section 5 of the *RoSPA Road Safety Engineering Manual* upon which he seeks to place reliance, which is essential to understand the context of the RoSPA

⁴⁶ P6 section 4.

⁴⁷ ID10 page 3.

⁴⁸ P6 Appendix 4.

- approach. It is not therefore credible or appropriate to directly compare savings that might be attributable to localised improvements to Project A.
- 7.2.14 The latest version of the RoSPA *Road Safety Engineering Manual, 2007* (RoSPA07)⁴⁹ does not include the same guidance on accident reduction rates. Instead it requires detailed consideration of the existing accidents and how they might be reduced by the scheme, either by comparison with locally validated control data (RoSPA1) or by individual consideration of the accidents (RoSPA2). It should specifically be noted that it is also necessary to add in any collisions that might be generated by the scheme⁵⁰. No account of this is taken in the accident assessment that was undertaken to inform the PAR.
- 7.2.15 In comparison with the accident rate of 3 per annum used in the PAR, the 8 accidents over 5 years, identified by ST, would be equivalent to a rate of 1.6 per annum. Furthermore, with reference to *Design Manual for Roads and Bridges TD16/07*⁵¹ accidents associated with the proposed 3 new 4 arm roundabouts may amount to 3.24 per annum⁵². Therefore, the scheme could well generate a higher number of accidents than it is suggested it might save; an increase of around 1.64 (3.2-1.6) accidents per year. On this basis it is clear that no weight should be given to the purported 'accident benefits' of the scheme set out in the PAR. If the number of accidents per annum is around 3 before and after the scheme, there would be no accident savings to account for and this would reduce the BCR set out in the PAR from 1.33 to 1.21. If the number of accidents actually increases by say 1.7 per annum, this would reduce the BCR set out in the PAR from 1.33 to 1.02⁵³.
- 7.2.16 On the basis of the submitted information therefore the scheme has not been demonstrated to meet intervention objectives b), c) or e), set out in paragraph 7.2.3.
- 7.2.17 Turning to journey time savings; the submitted Project A TA⁵⁴ clearly demonstrates that with future growth to 2030 traffic conditions on the network would deteriorate. It is however clear from the two TAs⁵⁵ submitted with applications for the JCB cab factory and SMUE LWU development that the main capacity, as opposed to safety, constraints on the A50 are the two roundabouts on the A50⁵⁶. For example Table 6.31 of the SMUE TA shows the A50/B5030 junction running significantly over capacity in 2028. Those existing roundabouts are further confirmed as a

⁴⁹ ID59 Appendix ST1.

⁵⁰ ID59 Appendix ST1 page 82.

⁵¹ ID61.

⁵² TD16/07 table 2/1 – 1.08 x 3 roundabouts = 3.24 accidents per annum.

⁵³ ID10 page 10 re-calculated = $-1.7 \times 101,241 \times 36.952 = -£6,359,798$ (instead of 4,094,842). Page 13 re-calculated = $(19,177,562 + 21,332,708 - 6,359,798) / 33,440,347 = 1.02$.

⁵⁴ SoC Appendix L.

⁵⁵ ID20 and ID32.

⁵⁶ A50/B5030 and the A50/A518 roundabouts.

key constraint on the network in the SOBC⁵⁷. The Vissim model used to identify journey time savings appears to retain the capacity constraints of these two roundabouts, which would be addressed by Project B rather than Project A. Therefore, the model does not provide any indication of the impact of Project B on the claimed Project A journey time savings.

- 7.2.18 In any event, it is not clear whether or not Project A actually creates sufficient capacity to accommodate the growth it is supposed to cater for. Paragraph 4.67 and Table 4.14 of the Project A TA relates to the 2030 AM peak assessment and confirms that even with Project A 'network capacity is still insufficient for the level of demand with 220 unassigned vehicles'. For the PM Peak Table 4.15 shows a latent demand of 380 vehicles and confirms that 'the JCB development proposal has a significant impact on the performance of the junction particularly in 2030'. The most likely reason for such capacity issues is not the slip roads which are subject to improvements, nor indeed is it the junctions at the top of those slip roads, which are found in other assessments to be adequate in terms of capacity⁵⁸. In reality it is clear that the retention of the roundabout A50/B5030 junction in the network is the most likely cause of ongoing congestion.
- 7.2.19 Whilst SCC claim that the scheme is required to accommodate the growth created by local developments, its own assessment appears to confirm that the scheme does not do so. On this basis it must fail intervention objectives a), d), e), f), g) and h), set out in paragraph 7.2.3.
- 7.2.20 The journey time savings figures in the PAR, which have been derived from the Vissim model, indicate a saving of 0.77 minutes in the AM peak, 0.31 minutes in the PM peak and 0.11 minutes in the inter-peak period. However, HE's *A50 Uttoxeter Project Appraisal-Vissim model Project A Traffic flow inputs*⁵⁹ note, which explains the derivation of those figures, does not explain how the journey time changes relate specifically to Project A. In particular, having confirmed that the journey time assessments include the A50/B5030 roundabout, SCC has failed to explain how the scheme alone could result in such significant improvements in journey times. Furthermore, the evidence, with reference to the St Modwens TA⁶⁰, JCB TA⁶¹ and SoC Appendix O, clearly shows that there is no congestion on the Project A network. On this basis, the journey time saving figures should be viewed with significant caution.
- 7.2.21 It is clear that changes to the assessment of journey time savings and accident rates would have a material impact on PAR assessment. A reduction in the accident saving and journey time benefits would reduce the BCR even further. However regardless of this, and even if HE decides

⁵⁷ P7 Appendix A page 5 para 4.

⁵⁸ ID32 Tables 6.1 [sic should be 6.2] and 6.33 of the St Modwens TA.

⁵⁹ P6 Appendix 2.

⁶⁰ ID32.

⁶¹ ID20.

it is willing to fund a scheme with a very low or poor BCR, it does not support the conclusion that there is a 'compelling case in the public interest'.

Wider economic benefits

- 7.2.22 The Statement of Reasons published with CPOA sets out the purpose of the Order and the need to use CPO powers at Section 6. It is noted principally at Paragraph 6.1 that:

'The Order Land is needed to secure highway and access improvements to facilitate safe and satisfactory access for vehicles and pedestrians to and from the A50 to the A522 and to mitigate access and highway safety issues arising from the adjacent residential and business developments.

It makes reference to:

- a) A50 – Waterloo Farm (Planning Ref: P/2013/01530) – JCB development; and,
- b) Land West of Uttoxeter – (Planning Ref: P/2013/00882) – SMUE's LWU development.

- 7.2.23 There is no existing highway safety issue arising from the existing use of the network and therefore any improvement scheme must be solely to accommodate the 2 developments identified.
- 7.2.24 The suggestion in the SoC⁶² that these developments are to provide funding towards the scheme is noted but this requirement does not appear to have been documented in any Section 106 agreement.
- 7.2.25 In terms of the planning permission for the JCB development Ref. P/2013/01530, granted 11 July 2014, Condition 19⁶³ confirms that the factory could operate, albeit in a constrained way, before the A50 scheme is complete:

'In the event that the A50 Uttoxeter Improvement Scheme, broadly in accordance with drawing E2-1250-A (Exhibition), has not been fully implemented at the point of first occupation of the development hereby approved, then a Transport Strategy shall be submitted to the Local Planning Authority for their written approval following consultation with the Highways Agency. The factory shall thereafter be operated in accordance with the approved Transport Strategy until the A50 Uttoxeter Improvement Scheme has been completed.

Reason: As directed by the Highways Agency to ensure that the A50

⁶² SoC paras 3.1.2 and 7.1.5.

⁶³ AD16.

Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980.'

- 7.2.26 The planning permission for the JCB development Ref. P/2013/01530 could be implemented and operated, albeit in a constrained way, without Project A. Furthermore, whilst the SoC indicates that the Project would support the development of a further 4,638 jobs through the development of other mixed use development sites around Uttoxeter⁶⁴, SCC acknowledged that there is no evidence to show that those developments would not proceed without Project A or to show that it would benefit other businesses.
- 7.2.27 The LWU proposal has not yet been granted planning consent, but has been to committee⁶⁵ in March 2014, which resulted in a resolution to approve. The TA for the LWU development confirms the developer's view that the development would not have a wider impact on the network. It does not include a future year assessment with Project A in place, but assumes the Project would be promoted by others. The LWU scheme is dependant for the northern commercial element of development, as noted in the committee report⁶⁶, on improvements to the existing access prior to commencement:

'Whilst it has been demonstrated that the existing highway network has the capacity to accommodate traffic generated by the development without severe effects, the proposed improvements to the A50 corridor would reduce the impact of the proposals on existing highway infrastructure in the town. Since access is a reserved matter the proposals could be accessed from the improved A50 without the need for a further outline application, provided that the wording of the conditions recommended by the Highway Authority are sufficiently flexible whilst still maintaining the necessary degree of control.'

- 7.2.28 SCC says in its Planning Statement accompanying the application for planning permission for Project A that the proposed junction is necessary to accommodate a mixed use development on the west side of Uttoxeter. This has not been demonstrated. Indeed the evidence provided to the Inquiry confirms that SMUE consider they can proceed without the scheme. In the absence of Project A, provision of the required access improvements proposed as part of the LWU scheme would be dependent on SMUE acquiring some of the land which has recently been purchased by SCC in pursuance of Project A.

⁶⁴ SoC para 3.3.9.

⁶⁵ ID22.

⁶⁶ ID22 para 10.4.8.

Conclusion

- 7.2.29 In conclusion therefore, it is clear that there is no compelling need in the public interest to provide Project A. The scheme clearly meets none of the objectives as set out above.

Alternative-Upgrade merge tapers

- 7.2.30 Whilst they are sub-standard, it is not admitted that some improvement to the accesses at the A50/A522 junctions are required, given the relatively low accident rates associated with them. Furthermore, even if some improvements are required, then there would still be no justification for the CPOs. Instead, in such circumstances the existing merge slip roads should be brought up to current standards. One of the stated features of Project A is to improve existing sub-standard merge tapers onto the A50. Both of the merges onto the A50 are currently broadly in the form of Figure 7.18 of TD 42/95⁶⁷ and for a dual carriageway of 120 kph design speed this should have a merge taper as indicated on Figure 7.19. The traffic flows reported at Appendix A of the TA⁶⁸ suggest mainline flows in 2030 Do minimum scenario of around 1,600-2,000 vehicles on the A50 mainline and 300-400 vehicles on the merges. Based on the requirements of TD22/06, this implies the need for simple merge tapers (Type A), of 150m⁶⁹. They could be provided with significantly less land take than Project A and this would be limited to land within CPOA plot 11 for the eastbound slip. For the westbound slip, the land in question is not part of the current CPO but is required for the works, so it is assumed it is already highway land. This would clearly overcome the existing sub-standard characteristics of the merge tapers. Based on ST's recent experience with a new Motorway Service Area on the M5, the costs of the new slip roads would be in the order of £1m each and this localised improvement would fully meet objective A.

Conclusion

- 7.2.31 The principal conclusions drawn are as follows:
- a) SCC and HE have not followed the WebTag guidance in an appropriate way. There has been substantial non-compliance. No reasons have been advanced for this. The purported 'urgency' for delivery of the scheme is far from proven. Rather, this remains an unsubstantiated assertion, at best.
 - b) It remains the case that there is no explanation given for the use of the foundation PAR. This again gives rise to non-compliance with HE guidance. In terms of the detail of the PAR assessment, it remains

⁶⁷ ID24.

⁶⁸ SoC Appendix L.

⁶⁹ AD1.

clear that the inputs to the assessment in terms of potential monetary benefits are wholly unsound and unreliable.

- c) HE has apparently made a decision to promote the scheme, whether or not in knowledge of a notably low / poor value for money ratio. The only potentially 'mitigating' circumstances mooted in the ICFG Approval Form⁷⁰, on which that decision was apparently based, relates to access to the JCB and SMUE developments. Neither are dependent on the scheme.
- d) It therefore follows that, even if HE were content, for reasons unknown, to fund Project A with a very low, or negative, BCR, there is nevertheless no robust evidence before the Inquiries that begins to support the conclusion that there is a 'compelling case in the public interest'.

8 REBUTTAL BY STAFFORDSHIRE COUNTY COUNCIL

8.1 *Public interest*

- 8.1.1 One might be forgiven for thinking, given the way the objection case was run on behalf of MMM, that the Inquiries have been into the probity or validity of the decisions of the SoS and HE to invest in the project. This is not the case. The only possible way that these matters could be relevant is if they cast real doubt on continuing investment support from the Government. Insofar as doubt has been cast on the public benefits taken into account/assumed in the investment decisions, these are capable of being material to the decision to confirm the Orders in so far as the weight to be given to public benefits are concerned.

Transport appraisal process

- 8.1.2 These Inquiries are concerned with whether or not there is a compelling case in the public interest to confirm the CPOs. The case put on behalf of MMM was that the weight to be given to the public benefits in the balance is reduced because the benefits are uncertain because they have not been assessed strictly in accordance with published guidance. Both SCC and HE witnesses have explained why this is the case.
- 8.1.3 Both SCC and HE have taken the Chancellor of the Exchequer and the SoS at their word; they assume both were and are 'serious' that their support of and investment in the A50 Utttoxeter project as a whole was on the basis that work was to start in 2015/16. To bring forward such a project in such a timescale has been challenging, but thus far has proved possible.

⁷⁰ P7 Appendix E.

- 8.1.4 The criticisms of SCC and HE in respect of adherence to WebTag guidance are, in the circumstances, unfair. The *Transport Analysis Guidance: The Transport Appraisal Process*⁷¹ includes the following:
- ‘This TAG Unit provides guidance on identifying the need for intervention and developing options through an objective-led and evidenced-based approach. A key part of this is to undertake appraisal in a proportionate manner and enabling a **lighter touch** approach where appropriate. This will enable Sponsoring Organisations to ensure interventions have been developed in a robust manner, supported by fit for purpose and proportionate analysis, providing a sound basis for identifying problems and developing solutions.’ (original emphasis)
- 8.1.5 Having initially identified a range of alternative interventions which might address the Project A objectives, SCC carried out an initial sifting process disregarding those that did not meet sifting criteria such as fitting the objectives and programme constraints. As a result 6 potentially feasible options were identified, options A-F. They were the subject of preliminary design work, which included working up scheme layouts as well as an assessment of costs and the extent to which they met the Project A objectives, set out in an Options Appraisal Matrix (OAM). SCC identified Option F as providing the best fit⁷². Options D and E, referred to by ST, are ranked 3rd and 5th, not just due to the scheme costs being significantly more expensive than option F. As set out in the matrix, they have a number of other disadvantages. Whilst the estimate of scheme cost for option B is slightly lower than that of option F, other aspects of that option led to its second place ranking. The options appraisal matrix refers to a severe visual impact on adjacent housing and the ES indicates that it may have an adverse impact on the amenity of neighbouring dwellings, with particular reference to air quality and noise. In contrast, option F would result in the A522 being moved further away from the same group of houses.
- 8.1.6 Much of the options appraisal work is not recorded in an OAR and SCC acknowledges that this is contrary to the normal approach advocated by WebTag guidance⁷³. However, the OAM is documented and represents the ‘proportionate’, ‘lighter touch’ approach adopted in order to comply with the relatively short period for implementation resulting from the Ministerial announcement. The sponsoring organisation, HE, has confirmed at the Inquiries that it was kept informed of the process followed, its ICFG has approved the Project at approval stages 1 and 2, and funding has been agreed for design and land acquisition costs.
- 8.1.7 Keeping to the date set by the Chancellor and SoS also necessitated rapid investment decision-taking by HE. As AS explained, in order to deliver the ministerial instruction on time a ‘unusual delivery mechanism’ was adopted in this case. It was judged that although a project of this size

⁷¹ P3 Appendix 1 para 1.1.3.

⁷² SoC Appendix V.

⁷³ Cross-examination of Mr Mason with reference to P3 Appendix 2 para 2.11.2.

would normally be delivered as a 'major project' by HE, in this case it made good sense to appoint SCC to deliver it in the same way it had successfully done in the recent i54 project⁷⁴. As part of this approach HE has an oversight and governance role for the project. The DfT are content with this and expect HE to act as budget holder. Thus far SCC has been successful in keeping to timetable. Given timely confirmation of these Orders, HE and SCC are confident that the 2013 announcement can be delivered on time and on budget.

8.1.8 The objectors in both their evidence and cross examination have been reduced to suggesting to SCC and HE that the timetable set by the SoS was not a strict 'requirement' but rather was merely an aspiration or target that never had any prospect of being met. Effectively they suggest that the SoS should have been told at the start that his ambitious programme was not deliverable. SCC believes that this would not have carried much weight with the SoS then and submits that it should carry no weight now.

8.1.9 It is certainly the case that the process adopted in bringing this project forward might well, to a connoisseur of convention and strict process, appear to be breaking new ground. For example, the initial investment decision by the Chancellor and SoS in December 2013, should, had they been slaves to process, been preceded, according to DfT guidance *The Transport Business Cases January 2013*, by a 'phase 1' Strategic Outline Business Case. Of 'Phase 1' the guidance intones⁷⁵:

'Once the need for intervention has been established and a range of options developed, proposals enter Phase One, which culminates in a Strategic Outline Case. This sets out the need for intervention (the case for change) and how this will further ministers' aims and objectives (the strategic fit). It provides suggested or preferred ways forward and presents evidence for decision. An investment committee will make recommendations to ministers who will then decide whether to provide the initial agreement to proceed with the scheme.'

8.1.10 Nonetheless, whilst the letter of such guidance could not be followed, if a start on site was to be made by 2015/16, HE has ensured that the spirit, or what AS called the 'principles' of such guidance, has been followed. As a result, in this case SCC compiled a SOBC, in line with the DfT's Transport Business Cases guidance in May 2014⁷⁶, following the Government's announcement of support for the scheme. The SOBC was more detailed than would normally be the case, in order to satisfy the requirement for a more detailed Outline Business Case at the 'phase 2' investment decision point⁷⁷. Further governance of Project A has been provided by the scheme being considered at a value management meeting

⁷⁴ AD21.

⁷⁵ P7 Appendix C para 1.16.

⁷⁶ P7 Appendix A.

⁷⁷ Mr Slack's response to Inspector's question.

- with the subsequent completion of a PAR in July 2014⁷⁸.
- 8.1.11 The PAR provides the basis of the economic case for the project and was commissioned for SCC by the then Highways Agency. It assesses the costs and benefits of a scheme and provides a BCR. This forms part of the evidence base that is required for scheme approval. At the early stages of a project a 'foundation PAR' is normally used, which only provides detailed appraisal results for accident savings, reliability and journey times. The guidelines for PARs indicates that further development of a project case beyond the Conception stage requires a 'standard PAR' to be conducted, which would incorporate wider project impacts, including some that cannot be monetised.
- 8.1.12 In this case, preparation of a foundation PAR commenced in March 2014. At that time insufficient information was available to instigate a standard PAR. By the time it was signed off on 1 July 2014 the Project had developed well beyond the Conception stage, to a point when a standard PAR would normally be required. However, given that Project A is not complex and the need to progress the scheme quickly, HE determined that the foundation PAR, supplemented by separate papers concerning likely wider economic impacts of the Project, would be sufficient to support the submission to the HE ICFG for approval of the release of stage 1 and 2 funding in August 2014. The Investment Control Framework process involves 3 approval stages for costs. Stages 1 and 2 are associated with initial concept and then design costs, including land costs, and stage 3 relates to the release of funding for construction. Project A subsequently gained ICFG stage 1 and 2 approval in September 2014.
- 8.1.13 However, the need for 'action now' and adopting a hitherto unconventional approach does not mean that at stage 3, the final sign off by the HE ICFG of the 'phase 3' would not be rigorous. HE confirmed at the Inquiries that the submission to its ICFG will include a Full Business Case informed by a 'standard PAR'. *The Transport Business Cases January 2013* provides that⁷⁹:
- 'The culmination of the final phase is the Full Business Case. An investment committee will consider the Full Business Case then make a recommendation to ministers. Ministers will decide whether a proposal will proceed to implementation.'
- 8.1.14 That would happen in this case. The effect is that stages 1⁸⁰ and 2⁸¹ have been accelerated, but by the close of stage 3 the spirit and principles of the guidance would have been followed. What this approach means is that if stage 3 sign-off is given, the project would be delivered in accordance with the timetable in the initial announcement. Rather than condemn SCC and HE for failing to follow the letter of any guidance, it is expected that the SoS would wholly approve of the approach taken in the furtherance of his clear expectation for urgent infrastructure delivery.

⁷⁸ ID18.

⁷⁹ P7 Appendix C para 1.20.

⁸⁰ Preparing the Strategic Outline Business Case.

⁸¹ Preparing the Outline Business Case.

Value for money – assessment output

- 8.1.15 The BCR is one part of the 'value for money' (VfM) case to be placed in the 'public benefit' balance. It is obvious, and the objectors cannot say otherwise, that in making investment decisions thus far, the HE on behalf of the SoS has been content with the BCR assessment advanced by SCC. Nevertheless, ST has sought to criticise the BCR; until his rebuttal oral evidence he did not offer any positive case of his own as to what the appropriate BCR is or should be taken to be. Nor has he even now suggested that it is inevitably less than 1.0.
- 8.1.16 The BCR is calculated as part of the Project Appraisal Report (PAR) process using inputs relating to costs, which the objectors have not criticised, and monetised benefits relating to journey time savings and accident savings.
- 8.1.17 Accident savings are considered here first. It is common ground between ST and PG that there are at least 5 accidents in the last 5 years on the A50 which can be attributed in part to the current alignment of the A50 slip roads⁸². PG orally confirmed that in his view only 2⁸³ of the 16 accidents reported in his P6 Appendix 3 were not attributable to the configuration of the existing trunk road configuration at the A50/A522 junctions. There is thus a 'safety case'; the question becomes what weight should be attributed to it. PG explained, by reference to the accident report records submitted at the Inquiries⁸⁴, why it was that he considered the remaining disputed 9 accidents should also be considered. PG has a great deal of experience and expertise in making such assessments⁸⁵, being qualified in the fields of accident investigation and prevention and Road Safety Auditing and having undertaken collision investigation and reduction work for 29 years. It is submitted that PG's analysis should be preferred to that of ST.
- 8.1.18 The accident savings accounted for in the PAR assessment is also robust because PG confined his assessment to those accidents on the A50 main carriageway and its slip roads. He did not take account of accidents that may be saved at the priority junctions of the slip roads and the A522 nor at the wider local network in the vicinity of project A. There is evidence of further accidents on the wider network in the TA supporting the planning application for the Scheme, as referred to in the SoC⁸⁶ and in the JCB application TA⁸⁷. He confirmed at the Inquiries that if the wider network affected by Project A is taken into account the associated number of accidents would increase from 14 to 16 over the 5 year period⁸⁸. This is equivalent to an annual rate of 3.2 (16/5), which is comparable to the rate

⁸² P6 Appendix 3 and ID59-Rebuttal Tucker para 2.7.

⁸³ P6 Appendix 3 accident nos. 09008084 and 09006286.

⁸⁴ ID65.

⁸⁵ P6 para 1.2.

⁸⁶ SoC 4.2.2

⁸⁷ ID20 Apepndix B.

⁸⁸ ID20 Appendix B- 2 no. additional accidents are nos. 08013218 and 09008084.

of 3.0⁸⁹ included in the PAR as the basis for calculating accidents savings.

- 8.1.19 ST then criticises the approach adopted in the PAR assessment of what reduction might be expected if the road improvement scheme proceeds. Both experts rely, in part at least, on guidance published by the RoSPA. The RoSPA guidance *Road Safety Engineering Manual* confirms that 'Collision savings can be estimated in one of two ways'⁹⁰. There is no preference or priority given to one way over the other. The first way is by the use of 'control data'. That is information from other sites where a similar treatment has taken place. The control data used by PG was that published by RoSPA in a previous version of the guidance, which was related to the reduction in vehicle accidents at junctions resulting from junction improvements. Simply because that particular document has been superseded does not make the 44% reduction drawn from it invalid⁹¹. Its application indicates an accident reduction rate of 1.3 accidents per annum (3.0x44%). In any event, the second way to calculate collision savings is through 'analysis of the collision record'⁹² and PG has done this as well. He considers that the assessment that 1.3 accidents would be saved in the opening year and 69 accidents⁹³ would be saved over the PAR assessment period is robust.
- 8.1.20 ST then seeks to establish the 'net' benefit by taking into account a projected accident rate for the replacement road layout. PG accepted that, based on the average rates for accidents at roundabouts referred to in the *Design Manual for Roads and Bridges TD16/07*⁹⁴, the accident savings associated with the existing network addressed by Project A may be more than offset by accidents associated with the proposed 3 new 4 arm roundabouts, with a potential accident frequency of 3.24 accidents per annum⁹⁵. However, PG considered that it would be unlikely in this case. He explained that based on his experience, the replacement of priority junctions with roundabouts to current standards would generally lead to a net reduction in accidents. However, he accepted that the savings may be balanced out, which would suggest that Project A would not give rise to any economic benefit as a result of accident savings. PG confirmed that under those circumstances the calculated BCR would reduce from 1.33 to 1.21⁹⁶.
- 8.1.21 Nonetheless, Project A would improve the local network so far as use by NMUs is concerned by improving the separation of motor vehicle traffic and cyclists, who currently use the A522 carriageway, as shown on

⁸⁹ ID10 page 3.

⁹⁰ ID59 Appendix ST1 para 5.2.1.

⁹¹ P6 Appendix 4. Inspector's note: Mr Grosvenor acknowledged that the Inspector could not know whether that element of the guidance was applicable without other sections of the RoSPA document, which has not been provided in evidence.

⁹² ID59 Appendix ST1 para 5.2.1.2.

⁹³ ID10 page 10.

⁹⁴ ID61.

⁹⁵ TD16/07 table 2/1 - 1.08 x 3 roundabouts = 3.24 accidents per annum.

⁹⁶ ID10 page 13.

drawing no. CDX8609/P/03B⁹⁷. It indicates that a segregated footway/cycleway would be provided. Although ST disputes any such improvement on the basis of a lack of a significant accident record, he misses the essential point. As SCC explained, north and south of the A50/A522 junction there are due to be many more job opportunities at JCB and the West of Uttoxeter business park to the south of the A50. South of the A50 there are also planned to be many more houses. The SoS and SCC wish to see more workers travelling to and from work on foot and by bicycle. Separating them from motorised traffic, by providing shared pedestrian/cycle routes, would not only make these future journeys safer, it would also make such sustainable trips more likely. There is therefore a 'safety' case to put into the balance, which is not monetised in the PAR.

- 8.1.22 Turning now to journey time savings. The objectors seem to conclude that the claimed journey time savings for Project A cannot intuitively be correct because the obvious causes of delay on the A50 at Uttoxeter are queuing at the two at-grade roundabouts which would be the subject of Project B in due course⁹⁸. Mr A Bain (AB) was cross-examined on the basis that the Vissim model outputs given to PG by his team must have been 'wrong'⁹⁹. However, AB was quite clear that the model has been validated and the outputs were Project A related. Whilst the model includes part of the wider network, it has been modified only to reflect the Project A works and not those associated with Project B. Furthermore, the analysis of journey time savings relates only to those junctions directly affected by Project A and not Project B.
- 8.1.23 The TA for the planning application¹⁰⁰ at tables 4.8 to 4.11, as well as by reference to Figure 4.5, shows clearly that there are significant journey time savings for traffic using the A50 east and westbound to and from the JCB premises off the A522N and on the majority of other trips on this part of the network. For example, traffic emerging from the JCB and LWU sites and wishing to travel west along the A50 would have a shorter distance to travel as a result of Project A. Further both AB and PG gave evidence that traffic merging and diverging at the A50/A522 junctions are likely to do so relatively slowly due to the sub-standard nature of the existing slip roads and this is likely to cause through traffic on the main carriageway to slow. The A50 is a busy and important road; incrementally even if single vehicles slow to a small degree, the cumulative effect can be substantial. Whilst Project A would not solve the congestion problems completely, such as those at the A50/B5030 roundabout which Project B is expected to resolve, the modeling indicates that Project A would significantly reduce the latent demand of vehicles, for example from 781 vehicles in the do minimum scenario down to the 380 vehicles in the 2030 PM peak, referred to by ST.

⁹⁷ ID3.

⁹⁸ Junctions of A50/B5030 and B5030/A518.

⁹⁹ P6 Appendix 2.

¹⁰⁰ SoC L.

- 8.1.24 The expected journey time savings would be a real benefit to JCB which is no doubt one reason why it supports Project A with such evident enthusiasm. SB has explained that what is good for JCB is good for the local economy; it is also very good news for the national economy.
- 8.1.25 ST's 'negative' case on this issue was not underpinned by any 'positive' evidence based on modelling. He places some reliance on a lack of evidence of congestion within LWU's TA¹⁰¹ and JCB's TA¹⁰². However, unlike the TA submitted in support of the Project A planning application, which takes account of the cumulative impact of those developments, those submitted in support of the JCB and LWU development proposals did not take account of the traffic likely to be generated by each others schemes. Furthermore, in the case of the JCB scheme, the effects on the highway network were only considered up to 2018, as it was assumed that the proposed A50 improvements would be in place after that.¹⁰³ The Vissim screen shots included in SoC Appendix O show only a snap shot in time and cannot be taken as representative of a full AM or PM peak period. On that basis those screen shots cannot be reliably used to support ST's contention that there is no congestion on the project network. SCC therefore submits that the journey time savings in the PAR ought to be considered to be sufficiently robust.
- 8.1.26 Guidance set out in the DfT's *Value for Money Assessment: Advice note for Local Transport Decision Makers, December 2013* indicates that an initial BCR score of between 1.0 and 1.5 is viewed as being 'low value for money'¹⁰⁴. The PAR underpinning investment decisions to date¹⁰⁵ shows a BCR of 1.33, based on journey time savings and accident savings. Yet the Highways Agency was persuaded to confirm its initial investment decision¹⁰⁶, no doubt because it thought that the initial BCR score was not determinative of its decision to invest and it is not determinative of value for money in a public interest balance when considering the CPOs.
- 8.1.27 PG explained, and ST agreed, that if the accident savings are 'neutral', because those saved are matched by a theoretical risk of accidents on the new network, then the BCR would drop from 1.33 to 1.21. However, ST went further than that. His case is that there would be more theoretical accidents after the development than those actually observed before it. However, even if his evidence is accepted in its entirety and entered in the PAR sheet, he explained the BCR remains above 1.0, at 1.02.
- 8.1.28 AS said that although the BCR work would be confirmed, based on a standard PAR to inform the Full Business Case, any 'positive' BCR, even if less than 1.33, would be unlikely to be a significant obstacle to approval

¹⁰¹ ID32.

¹⁰² ID20.

¹⁰³ SoC para 3.2.11.

¹⁰⁴ ID25 para 2.4.

¹⁰⁵ ID18 page 13.

¹⁰⁶ SoC Appendix A.

when the HE takes the decision, on behalf of the SoS, whether to 'sign off' the third and final investment decision in due course. He added that the SoS has recently approved a scheme on the A47 with a 'negative' BCR because of wider economic benefits. The importance of wider economic benefits in the SoS's assessment of where the public interest lies and in making investment decisions have plainly attracted greater weight more recently. So much is clear from recent Government policy and the investment decisions in this case.

Wider economic benefits

- 8.1.29 The wider economic benefits relied on at these Inquiries, as in the case already made for public investment, are illustrated by demonstrating 'Gross Value Added' (GVA) and the increase in tax-take (TT) to central Government likely to be achieved as a result of the investment in Project A.
- 8.1.30 The GVA analysis¹⁰⁷ calculates the benefit to the economy of the creation of jobs. The cumulative direct benefits as at 2030 are estimated to be a cumulative £1.35 billion¹⁰⁸ 'unlocked' to the local and national economy. The TT analysis¹⁰⁹ estimates that by 2025 the value to the UK Exchequer would be additional revenue from employment-related taxes and business rates of around £20.9 million per annum¹¹⁰. This does not include other tax types or the tax revenue generated from the project's indirect outputs¹¹¹. In effect the SoS was and is being asked to invest in a scheme that would, when the full benefits are realized, see TT recoup his full investment in about 2 years. SB's evidence is that even if SCC has overestimated the TT by 50%, recouping the investment over 4 years would represent a good investment for the SoS. On this basis alone the VfM benefits speak for themselves.
- 8.1.31 The objectors have sought to criticise the assumptions and therefore the outputs of these two analyses. In particular they have sought to show that Project A would not 'unlock' the JCB cab factory and other investment, or the West of Uttoxeter business park development promoted by SMUE.
- 8.1.32 Dealing first with JCB related development, the SoS would doubtless be aware that immediately following the December 2013 announcement of public investment in A50 improvements at Uttoxeter, JCB announced its plans for a new cab factory in the vicinity of the Project A A50/A522 junctions and other expansion plans in the Uttoxeter area. Whilst this would involve the relocation of JCB's existing cab operations from Rugby

¹⁰⁷ ID17 superseded by ID67. Inspector's note: although the document is marked up as strictly confidential, SCC confirmed at the Inquiries that it need no longer to be treated as confidential.

¹⁰⁸ ID 67 GVA paper page 7-St Modwen approximately £0.29 billion & JCB approximately £1.06 billion.

¹⁰⁹ ID17 superseded by ID67.

¹¹⁰ ID67 Tax Take paper page 7-JCB £11,694,326 per annum & St Modwen £9,277,290.

¹¹¹ ID67 Tax Take paper page 9.

and a number of other locations, JCB anticipates that it would lead to a net increase of around 900 new jobs¹¹² across its Beamhurst facilities¹¹³, contrary to RBT's view that there would be no new jobs. Although SCC has not tested the predicted jobs figures provided by JCB, it has no reason to doubt them.

- 8.1.33 Planning permission was granted for JCB's new cab factory in July 2014 subject to a condition, which indicated that while JCB was permitted to build and operate its new factory before Project A was completed, it would have to comply with a transport strategy approved by the local planning authority. Therefore, whilst the permission could theoretically be implemented without Project A, JCB would not be able to operate in an unconstrained way until Project A was delivered. It is on this basis that the objectors now say that delivery of the Project A junction would not 'unlock' the JCB development, as there is no planning condition that absolutely prevents the factory coming forward without the junction. However, this ignores the commercial reality of the position.
- 8.1.34 JCB are keen supporters of Project A. They have supported it since it was conceived. The committee report for JCB's planning application noted¹¹⁴ that JCB themselves advised that the cab factory development would not proceed for operational reasons without assurance that the A50 improvements would go ahead. JCB's letter of 30 May 2014¹¹⁵ makes it clear that its planned investment of £150m is made possible by the upgrade to the A50: *'if the existing sub-standard slip road access routes to and from the A50 remained as they are, no significant expansion would be possible in Beamhurst. A new factory would certainly not be built there. The A50 is a vital artery for JCB ...'*. JCB's letter of 26 January 2015¹¹⁶ provides a brief update in that recent challenges in global markets have caused a delay in its timetable for constructing a new factory, but the intent to proceed is confirmed. JCB's letter of 7 May 2015¹¹⁷ re-states the importance of JCB to the local and national economy, of which no doubt the SoS is well aware, and re-confirms its position that without Project A no factory would be built at Beamhurst. JCB also states that the 'tactical' delay caused by global market conditions is judged to be 'very much short term'.
- 8.1.35 In effect, the objector's case to the SoS must be that JCB are 'bluffing', and that if Project A is not confirmed JCB would go ahead and build the factory for which it has a conditional planning permission. There is no evidence for this at all. Indeed, JCB remain so committed to the need for Project A that they have, as the letter of 7 May 2015 confirms, completed the purchase of land needed for Project A from a former objector to CPOA

¹¹² ID16 indicates 862 jobs (2052-1190) when assessed in February 2015. ID67 updated indication of 913 jobs when assessed in May 2015 and P7 Appendix F confirms.

¹¹³ Cab systems, world parts and heavy products.

¹¹⁴ ID29 para 10.4.11.

¹¹⁵ P1 appendix I.

¹¹⁶ P1 Appendix E.

¹¹⁷ P7 Appendix F.

and would transfer the land to SCC as its developer contribution to the project, as foreshadowed by the SoS's initial investment announcement. If JCB had no intention of ever building the new factory, or wished to do so on the basis of the condition attached to the 2014 planning permission there would be no reason at all for JCB to have so recently invested in the Project A scheme.

- 8.1.36 The only evidenced-based conclusion that the SoS should reach is that without Project A JCB would not invest in its new factory to the very great detriment of the local and potentially national economy. Whether that means that Project A 'unlocks' the JCB investment or 'facilitates' it is a moot point; the practical reality is that the new jobs, the GVA and the TT all depend on it.
- 8.1.37 Turning then to the SMUE related development. SMUE propose to deliver a mixed use development comprising essentially 700 houses and a 10ha business park on a site known as LWU, which is to the south of the Project A junction wholly in accordance with local planning and economic policy. It has made an outline planning application which has the benefit of a resolution to grant¹¹⁸, although as yet no planning permission has been issued. SMUE acknowledge that it is likely that the reserved matters application for access to its site would have to be accompanied by an updated TA which takes account of the traffic likely to be associated with the recently approved JCB development. If a revised application is required, the same requirement is likely to apply. SCC does not know whether those circumstances would reduce the likelihood of consent being given by the local planning authority for the originally proposed northern site access off the A522.
- 8.1.38 Without Project A, if planning permission is granted and the access reserved matters are approved by the local planning authority, SMUE could deliver its scheme on the basis of current sub-optimal proposals for an access off the A522, if it can secure a northern access to the site involving land that it is presently controlled by SCC. However, without that northern access, no more than 300 houses could be delivered and SMUE could not deliver the 10 hectare business park, based on the conditions attached to the Council's resolution to grant planning permission¹¹⁹. By comparison Project A would deliver a 'third' roundabout which would be directly accessible from the LWU site and would enable SMUE to fully realise its plans for the LWU site and 'future proof' access to other development planned for and expected in the area and which SCC and the Stoke-on-Trent and Staffordshire LEP¹²⁰ want to encourage in the future. SCC considers Project A would provide a safer vehicular access and would provide a better access for pedestrians and cyclists than the northern access proposed as part of the LWU scheme. Although Project A would necessitate an amendment to the current LWU planning application,

¹¹⁸ ID22 and ID23.

¹¹⁹ ID22.

¹²⁰ SoC Appendix X.

as some of the land required for the Project is within the current LWU application site, SMUE support Project A in principle.

- 8.1.39 Appropriate contributions towards the costs of Project A are being sought from those associated with the JCB and LWU developments¹²¹ as part of the land negotiations, rather than through the 'section 106 agreement' type of approach referred to by MMM.
- 8.1.40 The position is therefore that Project A would 'unlock' jobs on the proposed LWU business park. It would unlock the full quota of housing on the basis that 450 of them are 'locked' because SMUE do not control the land necessary for access to 'unlock' them. But once again, whether the appropriate word to use is 'unlock' or 'facilitate' is semantics. Project A, to which again SMUE would make a developer contribution, would enable the development to proceed to the considerable advantage of the local and national economy as the GVA and TT indicate.
- 8.1.41 One final word on SCC's analysis of the GVA and TT. If the objectors are right, and some of the assumptions in the analysis are not robust, there would remain considerable benefits. It would simply not be rational for the SoS to totally ignore GVA and TT. He might conclude that it would be robust only to weigh a percentage of that claimed in the balance; but it is submitted that he should not ignore it altogether.

Phasing

- 8.1.42 The suggestion that promoting Project B should have preceded Project A is not compelling for a number of reasons. First, SCC assessed, and there has been no evidence to gainsay this assessment, that Project B is likely to be a more complex and require a longer lead time than Project A. Starting with Project B would not therefore have met the SoS's requirement for 'urgency' with a start in 2015/16. Second, Project A was judged to be the key to the delivery of the known and pressing development requirements of SMUE at the LWU site and at JCB. Third, the fact that Project B may have a greater impact on reducing journey times for through traffic on the A50 is not a compelling argument for effectively delaying the Project A element of the overall A50 Uttoxeter improvements package, which would provide journey time savings in its own right. Given the opportunity to split the overall scheme into two projects, the early delivery of Project A was compelling. There is no evidence that proceeding with Project A has caused a material delay to project B.

¹²¹ P7 Appendix A Appendix 5 page 3.

Alternative schemes

- 8.1.43 The objectors have only identified one option which they say is preferable, which comprises up-grading of the merge slip roads. RBT effectively identified the same alternative in their letter of objection as that advanced by MMM before withdrawal. ST produced 'a not to scale drawing'¹²² of the option advanced by the objectors. He asserts that 'this would clearly overcome the existing shortcomings relative to slip road standards and accommodate the nearby developments'¹²³. He is wrong on both counts. Further it would not meet the brief given to SCC.
- 8.1.44 SCC acknowledges that it would be possible to upgrade the merge slip roads such that they would themselves meet current geometric standards, as shown on the plan provided by ST. However, the forward visibility required to meet the required standards on both the on-slip and off-slip associated with the eastbound A50/A522 junction would not be met¹²⁴. For example, in the case of the on-slip forward visibility beyond the back of the merge nose would be limited by the northern bridge abutment of the A522 crossing over the A50. Therefore, the modification would potentially increase the risk of accidents, as the extended slip road would allow vehicles to join the A50 at higher speeds than at present without the appropriate stopping sight distance ahead, where vehicles may be stationary. Therefore, for the reasons given by SCC, and no doubt observed on the site visit, such a scheme would remain sub-standard.
- 8.1.45 The A50 overbridge would be removed as part of Project A. Furthermore, it is SCC's intention that the east bound on-slip in Project A would form an effective third lane when joined to the east bound off-slip at the A50/B5030 roundabout, which would be provided as part of Project B. This would enable local traffic, such as that from JCB, to remain separate from strategic through traffic on the A50, thereby reducing congestion. ST acknowledged that the suggested alternative would not make provision for that benefit, as the northern abutment of the existing A522 bridge over the A50 would prevent an extension of his alternative slip road further to the east.
- 8.1.46 With regard to SMUE's LWU proposals, the scheme which is the subject of a resolution to grant planning permission would introduce traffic lights onto the A522 at its junction with SMUE's northern site access road. This would be likely to cause additional journey delays, associated with the red light cycle. Those delays would not be a feature of Project A where access from the SMUE development to the A522 would be via a roundabout. Furthermore, there is no evidence from ST that the suggested alternative to Project A would be suitable to take traffic from

¹²² ID40.

¹²³ P3 para 4.5.3.

¹²⁴ AD1 TD 22/06 (paras 4.17 & 4.18) the stopping sight distance must be that related to the main line design speed, which is 70 mph (120Kph). ID45 TD9/93 (page 1/3 table 3) the desirable minimum stopping sight distance is 295 metres.

both 750 houses and a 10 ha business park. However, even if it could, the ambitions of SCC lie considerably beyond these two developments. The objectives of the A50 upgrade include 'future proofing' the A50 intersections so as to allow much more growth than JCB and LWU to come forward. This area is part of a Growth Corridor and a EU Assisted Area. The proposed infrastructure improvements here would enable and lever growth. SCC is not in the business of requiring growth to bring forward infrastructure, quite the reverse. SCC and HE have embraced the Government's call for infrastructure to lead and enable growth. SCC believes that ST's antediluvian approach has long been abandoned by the SoS. Additionally, there is no evidence at all that the SoS, SCC or anyone else would invest in such a modest scheme. ST does not explain where the money is to come from for his alternative. Finally, ST's 'solution' does not meet the brief for a grade separated junction set out in the DfT's *Road Investment Strategy*¹²⁵ and HE Delivery Plan¹²⁶.

- 8.1.47 SCC believes and submits that it has demonstrated that the public benefits of the project are considerable: Project A produces a positive transport benefits case, clear advantages to the local and national economy by supporting currently identified growth opportunities and encourages and enables further such growth in the future in a growth corridor. In contrast the suggested alternative would not even fully address the sub-standard features of the A50/A522 junctions and would potentially add, rather than resolve, highway safety concerns. Under these circumstances, little weight can be afforded to the cost saving suggested by RBT and MMM.

8.2 **Conclusion**

- 8.2.1 In respect of the CPOs, the essential question is whether SCC has shown a compelling case in the public interest. The public benefits comprise:
- a) Accident savings and the provision of safer north and south moving NMUs across the new bridge over the A50. Together these comprise the 'safety case'.
 - b) Journey time savings on the revised A50/A522 network. This comprises a 'highways/transportation' case.
 - c) Very significant GVA benefits to the local economy. Considerable TT benefits to the UK Exchequer. Together with the journey time savings, these comprise the 'economic case'.
 - d) The provision of infrastructure that would enable the delivery of planned and further housing and jobs in a growth corridor wholly in accordance with local authority and LEP strategies and plans. This amount to a 'socio-economic case'.

¹²⁵ AD12.

¹²⁶ ID41.

- e) The lack of any significant environmental harm as demonstrated by the ES which accompanied the planning application.
- 8.2.2 As a result of the history of investment decisions to date, Ministerial and HE, the priority afforded to the project by the Government, the likelihood of the final release of funds by the ICFG, and the developer contributions from JCB and SMUE all necessary resources are likely to be available within a reasonable timescale. This is so whether the BCR in the PAR was correctly identified as being 1.33 or whether it was materially less than that. This is a case that is plainly driven by wider economic benefits, made 'urgent' by the need to speed the delivery of planned investment by JCB and SMUE.
- 8.2.3 SCC has a clear idea of how it is intending to use the land it is intending to acquire. There is no evidence that implementation of the scheme is likely to be blocked by the need for further consents or other impediment.
- 8.2.4 Interference with the human rights of those with an interest in the land affected is justified and proportionate in all the circumstances including the availability of compensation through the statutory code.
- 8.2.5 In December 2013 the SoS and the Chancellor called for 'action now' and SCC and HE have rallied to that call. These benefits have been demonstrated in an appropriately transparent manner so as to give the SoS sufficient confidence in the decision he is being asked to make in confirming the CPOs.

9 INSPECTOR'S CONCLUSIONS

Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [] to earlier paragraphs where appropriate.

9.1 **The Staffordshire County Council (A50 Growth Corridor-A522 Western Grade Separated Junction, Uttoxeter) Side Roads Order 2014 (SRO1)**

9.1.1 If I am to recommend that this SRO1 be confirmed, I need to be satisfied in the following respects:

- In relation to the stopping up of highways, that another reasonably convenient route is available or will be provided before the highway is stopped up¹²⁷.
- In relation to the stopping up of private access to premises, that: no means of access to the premises is reasonably required; or, that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of section 125(1)(b) or otherwise¹²⁸.

9.1.2 As a result of the Project A works it would no longer be possible to turn left out of the entrance to RBT's property, Anfield House Farm, to travel along the A522 in an easterly direction. Instead it would be necessary to turn west along the proposed access road to reach the A522. Consequently, the route between Anfield House Farm and the A522 eastbound would be longer. However, in my judgement, the routes to the eastbound A50 and westbound A522 would not be significantly different in length and the route from Anfield House Farm to the A50 westbound would be shorter than at present. In the absence of any detailed evidence from RBT concerning the routes most commonly used by traffic associated with Anfield House Farm, it appears to me that overall, the proposed new access arrangements would be unlikely to materially increase either their travelling expenses or inconvenience.^[6.1.2] I consider that the proposed arrangements would provide a reasonable convenient alternative. Furthermore, there is no dispute that where stopping up of other sections of highways would take place, another reasonably convenient route would exist.^[4.3.1]

9.1.3 In relation to private means of access to be stopped up, the SRO1 schedule indicates that in all but 3 cases, 4s, 5s and 7s, an alternative would be provided. There is no dispute that those alternatives would be reasonably convenient. At Parks Farm the alternative would be an access off an arm of the proposed southern roundabout, shown as access 3 on

¹²⁷ Section 18(6) of the Highways Act 1980.

¹²⁸ Section 125(3) of the Highways Act 1980.

the schedule, which would be linked to the existing farm entrance by a new farm track.^[7.1.6]

- 9.1.4 Private means of access 4s is the access to the Shell garage off the A50. SCC takes the view that another existing means of access to the premises, off the A522, would provide a reasonably convenient alternative. Whilst I understand that it is likely to be necessary to modify the site internally in order to accommodate fuel delivery vehicles, there is no evidence before me to show that this would not be possible. Furthermore, SUL has withdrawn its duly made objections to the Order.^[4.3.2] Under the circumstances, I consider that another reasonably convenient means of access to the land is available from the A522.
- 9.1.5 Private means of access 5s, which provides access to an area of grassland off the A522 would no longer be required, as the land would be the site of the proposed northern roundabout with associated roads and landscaping. Private means of access 7s, which provides access to an area of grassland between the A522 and the A50, would no longer be required as the land would be the site of part of the westbound on slip road to the A50, with associated landscaping.¹²⁹
- 9.1.6 I conclude that the requirements of section 18(6) and 125(3) of the *Highways Act 1980 (as amended)* would be met and that SRO1 should be confirmed.^[4.3.3]
- 9.2 **The A50 Trunk Road (Uttoxeter Growth Corridor Slip Roads) Order 20.. (SLRO)**
- 9.2.1 If I am to recommend that this SLRO be made, I need to be satisfied in the following respects¹³⁰:
- The purpose for which the Order is promoted is extending, improving and/or reorganising the Trunk Road system; and,
 - Having taken into consideration the requirements of local and national planning, including agriculture, that the proposal is expedient for the purposes intended.
- 9.2.2 Having had regard to the requirements of local and national planning, SCC granted planning permission for the proposed scheme on 14 November 2014¹³¹. The planning application was supported by an ES, which indicates that the scheme would be likely to have a negligible effect on agricultural soils¹³². There are no outstanding objections to the draft Order. Furthermore, I consider that it would be expedient to make the Order, in order to achieve the full scheme of Trunk Road improvements

¹²⁹ ID3 CDX8609/P/12.

¹³⁰ Section 10(2) of the Highways Act 1980 (as amended).

¹³¹ SoC F.

¹³² SoC H page 189.

- before these Inquiries.^[4.4.1]
- 9.2.3 In my judgement, the requirements of section 10(2) of the *Highways Act 1980 (as amended)* would be satisfied and the SLRO should be made.^[4.4.2]
- 9.3 **The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Compulsory Purchase Order 2014¹³³ (CPOA1) and The Staffordshire County Council (A50 Growth Corridor-Realignment of A522, Uttoxeter Road, Uttoxeter) Compulsory Purchase Order 2014¹³⁴ (CPOB1)**
- 9.3.1 ODPM Circular 06/2004 confirms that a compulsory purchase order should only be made where there is a compelling case in the public interest and the purposes for which the compulsory purchase order is being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.
- The public interest - need for Project A**
- Aim and intervention objectives***
- 9.3.2 *The National Infrastructure Plan 2013*, December 2013¹³⁵ announced that 'the government will provide funding to support improvements to the A50 around Uttoxeter starting no later than 2015-16 (subject to statutory procedures) to support local growth, jobs and housing;'. This investment was confirmed in the Chancellor of the Exchequer's Autumn Statement in December 2013.^[4.1.1]
- 9.3.3 The DfT's *Road Investment Strategy: Investment Plan, December 2014* confirmed as a committed scheme: 'A50 Uttoxeter – replacement of two roundabouts on the A50 in Staffordshire with grade-separated junctions'. The document indicates that in the case of committed schemes, providing the necessary statutory approvals are granted and the schemes continue to demonstrate value for public money, they will enter construction during this roads period.^[4.1.3]
- 9.3.4 The Orders subject of these Inquiries, if confirmed/made, would enable the first of two highways projects on the A50 Growth Corridor at Uttoxeter to be delivered; that is the project known as Project A, which would replace the existing A50/A522 junctions with a grade separated roundabout. Project B, which would follow later, would replace 2 roundabouts further to the east, at the junctions of the A50/B5030 and B5030/A518, with the second grade separated roundabout.^[4.1.2]

¹³³ SoC B.

¹³⁴ SoC C.

¹³⁵ AD11.

The adoption of this 2 project strategy as a means of meeting the Government's commitment to the improvement of the A50 at Uttoxeter has been approved by the HE ICFG when it ratified SCC's SOBC.^[4.1.6]

- 9.3.5 The intervention objectives identified for Project A are as follows:
- a) To improve traffic flows on the A50 and local network and to remove congestion;
 - b) To secure highway and access improvements to facilitate safe and satisfactory access for vehicles and pedestrians to and from the A50 to the A522;
 - c) To provide cyclists and pedestrians with efficient and safe crossings;
 - d) Reduce congestion and reduce journey times on both the Trunk and Local Networks;
 - e) To mitigate access and highway safety issues arising from the adjacent residential and business developments;
 - f) Open up development land for housing and businesses;
 - g) To facilitate the creation of jobs and bring economic benefits to the area; and,
 - h) Provide a junction which is capable of sustaining future development proposals.^[7.2.3]
- 9.3.6 In my judgement, these intervention objectives appear to be a reasonable interpretation of the Government's aim and address the issues identified in SCC's ratified SOBC.

The transport appraisal process

- 9.3.7 The transport appraisal process is about options generation, development and evaluation of intervention impacts, which is used to support business case development to inform the decision making process. In contrast, decision making involves a separate governance process concerned with identifying and implementing interventions that deliver the needs of the sponsoring organisation and fit best with its funding objectives. The DfT's WebTag provides transport intervention appraisal guidance and development of analysis using WebTag guidance is a requirement for all interventions that require Government approval.¹³⁶
- 9.3.8 In this particular case SCC has been appointed to deliver the Project. HE is the sponsor with an oversight and governance role and its ICFG is responsible for authorising expenditure at key phases of the Project.^[8.1.7, 4.2.6]
- 9.3.9 If the transport appraisal process followed has departed significantly from

¹³⁶ P3 Appendix 1 section 1.2.

that set out in relevant guidance, I consider that this would have the potential to cast doubt over the outcome of the appraisal and the reliance that can be placed on the benefits that are claimed to arise from the preferred scheme.^[7.2.2, 8.1.1] These factors are capable of being material to the decision as to whether there is a compelling case in the public interest and the purposes for which the compulsory purchase orders are being made sufficiently justify interfering with the Human Rights of those with an interest in the land affected.

- 9.3.10 Whilst SCC has confirmed that it has not produced an OAR or an ASR, it states that it has followed the principles of the appraisal process set out in the WebTag guidance.^[7.2.6] HE has confirmed that it oversaw SCC's appraisal work and it was content that sufficient option development work had been done to ensure that the most appropriate option was taken forward.^[8.1.6] Furthermore, it had agreed with SCC the methodology and scope for further appraisal of the better performing options, the output of which is a document, OAM, that provides a summary assessment of options A-F and identification of the preferred option F.^[7.2.6]
- 9.3.11 Nonetheless, I have had regard to representations made at the Inquiries suggesting that in addition to options A-F, consideration should have been given to the following options: do nothing; Project B in advance of Project A; and, upgrading of the merge slip roads onto the A50.^[6.1.2, 7.2.4-5, 7.2.30, 8.1.43]
- 9.3.12 There is no dispute that, under a do minimum scenario, as a result of future traffic growth to 2030, traffic conditions on the network would deteriorate, which would be contrary to the identified objectives of improving traffic flows, reducing congestion and journey times.^[7.2.17] Furthermore, the TA for the Project clearly indicates that in comparison with the do minimum scenario, Project A would result in significant journey time savings.^[8.1.23] As regards Project B, SCC determined that, due to the complexity of the scheme it would require a longer lead time than Project A and could not meet the start date specified by the Government of 2015/16. There is no evidence to the contrary.^[8.1.42] I am satisfied therefore, that in comparison with Project A, these options are not to be preferred.
- 9.3.13 It would be possible to upgrade the existing A50 merge slip roads at the A50/A522 junctions to meet the current geometric standards. However, the forward visibility associated with the upgraded eastbound merge slip road would be restricted by the northern abutment of the A522 overbridge, such that it would fall short of the required standard. Consequently, in comparison with the existing situation, this suggested alternative would be likely to increase the risk of accidents. This arises as vehicles would be likely to merge with the A50 at higher speeds and their drivers would have a sub-standard stopping sight distance ahead towards possible obstructions, such as queues on the eastbound approach to the A50/B5030 roundabout, evidence of which I saw at one of my site visits.^[8.1.44] The same deficiency would not be associated with Project A,

which includes demolition of the existing overbridge.^[8.1.45] In my judgement, the suggested alternative to Project A of upgrading the merge slip roads would not contribute to the achievement of the identified safety related intervention objectives or any of the others. Contrary to the view of RBT and others, I consider that it is not worthy of further investigation and I am content that, in comparison with the proposal the subject of the published Orders, it is not to be preferred.

9.3.14 The selection of option F, as opposed to others amongst options A-E, has also been criticised.^[7.2.5] The OAM sets out, albeit in summary form, the potential impacts of each of the options A-F, the required mitigation, costs and likely viability, it ranks them from 1 to 6 and gives an explanation for the selection of option F¹³⁷. The cost estimates for options D and E are significantly higher than the estimate for option F. This is undoubtedly a material consideration. The OAM does not provide details of the traffic benefits of each option in terms of time or accident savings, as has been undertaken for option F to give a broader indication of economic performance. However, nor is there any evidence before me to show that in relation to those matters the benefits of options D and E, or any other discounted option, would be any greater than those associated with option F. Furthermore, it is clear from the OAM that scheme cost is not the only disadvantage of options D and E, which would be likely, for example, to have a more significant impact on land within the LWU site than option F. Although the cost estimate for option B is slightly lower than that for option F, it again has other disadvantages. The southern roundabout of that scheme would be positioned close to a housing estate and the OAM identifies a potentially severe visual impact on adjacent housing.^[8.1.5] I am content that option F is the best performing option of those identified.

9.3.15 There is no dispute that WebTag appraisal guidance has not been strictly adhered to in this case. However, WebTag advocates that appraisal should be undertaken in a proportionate manner, enabling a lighter touch approach where appropriate. Given the onerous target of 2015/16 for the start of work on the A50 improvements, the sponsoring organisation, HE, who has overseen the process, is content that key WebTag principles have been followed and the process can be regarded as sound.^[8.1.6, 8.1.9-10] Based on what I have read and heard, I consider that the appraisal process, although not well documented, has been undertaken in a proportionate manner and the process that has resulted in the selection of the preferred option can be regarded as reasonably robust.

Value for money-assessment output

9.3.16 The PAR provides the basis of the economic case for the Project; it assesses the costs and benefits of a scheme and provides a BCR. In this case a 'foundation PAR' has been used, which only provides detailed

¹³⁷ SoC Appendix V.

- appraisal results for accident savings, reliability and journey times. The latest formal PAR estimates the BCR of Project A to be 1.33, which falls within the DfT's low value for money range between 1.0 and 1.5.^[8.1.1, 8.1.26]
- 9.3.17 Dealing first with journey time savings. I reject the suggestion that the LWU TA¹³⁸, JCB TA¹³⁹ and Vissim screen shots included in SoC Appendix O give a reliable indication that the network is unlikely to suffer from congestion in the future.^[7.2.20] The 2 TAs did not take account of the traffic flows associated with each others proposals and so do not fully reflect potential increases in traffic on the local network. Furthermore, the Vissim screen shots show only a snapshot in time and cannot be taken as representative of a full AM or PM peak period.^[8.1.25]
- 9.3.18 The claimed journey time savings have been identified using a validated Vissim model. Whilst it includes part of the wider network, it has only been modified to reflect the Project A works and not those potentially associated with Project B. Furthermore, the claimed journey time savings relate only to those junctions directly affected by Project A. Whilst Project A would not solve congestion problems completely, such as those at the A50/B5030 roundabout which Project B is expected to address, the modeling results indicate that it would significantly reduce the numbers of queuing vehicles in comparison with the do minimum scenario, and would give rise to notable savings in journey time, the likely origins of which have been satisfactorily explained by SCC. Project B would not directly affect the same junctions as Project A and I have no reason to believe that it would diminish the journey time savings claimed for Project A.^[7.2.18, 8.1.22-23] In my judgement, the journey time savings accounted for in the PAR appear to be robust. Furthermore, the savings indicate that Project A intervention objectives a), d) and h) would be addressed by the scheme.
- 9.3.19 I turn now to accident savings. Due to the limited information contained within the formal records of past accidents, interpretation of the likely causes is not straight forward and so determining whether those causes would be addressed by Project A is a matter of judgement. Based on what I have been told, it appears to me that ST is less well qualified to make that assessment than PG, given his years of experience in collision investigation and prevention, and so I give PG's assessment greater weight.^[7.2.11-12, 8.1.17] PG has identified that, in relation to the network affected by Project A, 16 accidents have occurred over a 5 year period, which is equivalent to 3.2 per annum.^[8.1.18]
- 9.3.20 The RoSPA *Road Safety Engineering Manual* confirms that 'Collision savings can be estimated in one of two ways'; the first (RoSPA1) is by the use of control data; and, the second (RoSPA2) is by consideration of individual accidents.^[7.2.14] The accident savings accounted for within the PAR of 1.3 accidents per annum are based on a RoSPA1 approach using an

¹³⁸ ID32.

¹³⁹ ID20.

assumed reduction in accident rates, 44%, drawn from guidance contained within a superseded version of the RoSPA *Road Safety Engineering Manual*.^[8.1.19] However, that saving rate relates to junction improvement works with an average value less than £20,000. It is not self-evident that this rate is applicable in the context of a Project which involves the replacement, rather than improvement, of junctions with a scheme value over £30 million.^[7.2.13] Nonetheless, at the Inquiries, PG has indicated that using the RoSPA2 approach the assumed saving remains robust.^[8.1.19]

- 9.3.21 However, RoSPA07 indicates that account should also be taken of any collisions that might be generated by the scheme.^[7.2.14] Based on guidance concerning average accident rates at roundabouts in *Design Manual for Roads and Bridges TD16/07*¹⁴⁰, ST estimates that a total of 3.24 accidents per annum may be associated with the proposed 3 new 4 arm roundabouts. Those average rates suggest it is possible that accident savings would be more than offset by additional accidents associated with the proposed roundabouts.^[7.2.15, 8.1.27] However, PG's assessment of this particular scheme is that that would be unlikely. His view is based on his experience that the replacement of priority junctions with roundabouts designed to current standards would generally lead to a net reduction in accidents. Nonetheless, he accepts that in practice accident savings in this particular case may be balanced out by collisions associated with the new layout.^[8.1.20]
- 9.3.22 In my judgement, the proposed junction would address the sub-standard aspects of the existing junctions between the A50 and A522, thereby reducing the risk of accidents at those locations in accordance with objective b), insofar as it seeks safe and satisfactory access for vehicles between the A50 and A522.^[7.2.30, 8.1.17] However, it appears likely that any savings would be offset by additional accidents associated with the proposed roundabouts. Based on the evidence presented, I consider on balance that it would be reasonable to take the effect of Project A on accident rates as neutral, giving rise to no economic benefit in terms of accident savings. Consequently, the BCR would reduce from 1.33 to 1.21, still representing low value for money.^[8.1.20] Although the impact on vehicular accident numbers is likely to be neutral, the Project would be designed to current standards and so, to my mind, would provide reasonably safe and satisfactory access for vehicles, in keeping with objective b). There are no pedestrian routes along the A50 or between it and the A522 and none would be provided as part of Project A.^[7.2.10] Therefore, to my mind, the associated element of intervention objective b) is redundant.

¹⁴⁰ ID61.

Wider economic benefits

- 9.3.23 Whilst the BCR indicates that the Project would provide low value for money, that is not the end of the matter. SCC has indicated that the Project would unlock wider non-transport benefits in the form of increased GVA to the economy and increased TT as a consequence of facilitating the SMUE and JCB developments. The cumulative direct benefits as at 2030 are estimated by SCC to be £1.35 billion¹⁴¹ 'unlocked' to the local and national economy. The TT analysis¹⁴² estimates that by 2025 the value to the UK Exchequer would be additional revenue from employment-related taxes and business rates of around £20.9 million per annum¹⁴³.^[8.1.29-30] Of those figures SCC estimates that the contributions made by the LWU development would be: in relation to GVA to the economy, around £288.1 million cumulative to the end of 2030; and, in terms of TT some £9.3 million per annum¹⁴⁴. The balance being associated with JCB development.
- 9.3.24 However, the likelihood of those benefits being realised in full is influenced by a number of factors. Dealing first with the LWU development; Project A would take up approximately 8% of the LWU site area. MT has indicated that this would be likely to reduce the capacity of the site to accommodate housing and/or commercial development and as a consequence SMUE's existing scheme which is the subject of a resolution to grant planning permission would need to be reviewed.^[7.1.5] I consider it is possible therefore, that the jobs assumed by SCC to be associated with the proposed business park as the basis for its GVA and TT calculations may well reduce to some degree. Although, given the limited loss of land, I have no reason to believe it would be significant.
- 9.3.25 There are also factors which have the potential to prevent the LWU development from proceeding in full. The LWU scheme relies at present on the provision of a northern access route off the A522 across third party land currently owned by SCC.^[7.1.7] In the event that Project A did not proceed, rights across that SCC land would have to be secured by SMUE and if it could not do so the draft conditions attached to the local planning authorities resolution to grant planning permission would prevent development of the business park.^[8.1.38] However, at the Inquiries SCC indicated that if CPOA1 is not confirmed, it would be unlikely to withhold the right of access across its land which is likely to be necessary before the business park could be implemented.^[7.1.8] Therefore, I give only limited weight to that land ownership difficulties may block full implementation.
- 9.3.26 That is not the only potential impediment to implementation of the LWU

¹⁴¹ ID 67 GVA paper page 7-St Modwen approximately £0.29 billion & JCB approximately £1.06 billion.

¹⁴² ID17 superseded by ID67.

¹⁴³ ID67 Tax Take paper page 7-JCB £11,694,326 per annum & St Modwen £9,277,290.

¹⁴⁴ ID67.

scheme. SMUE acknowledge that in the event of planning permission being granted for its scheme, the associated reserved matters application for access to its site is likely to have to be accompanied by an up-dated TA, which takes account of the traffic associated with the recently approved JCB development. Such an update is also likely to be required if it became necessary to submit a revised planning application as a result of the land take associated with Project A.^[8.1.37] It is not known whether the northern access to the site off the A522, as proposed by SMUE, would still be acceptable when the cumulative impact of the JCB development traffic is taken into account.^[8.1.37] This casts doubt over whether the LWU development could proceed as currently proposed.^[6.1.2, 7.1.7, 7.2.28]

- 9.3.27 In contrast, the TA submitted in support of Project A, for which planning permission has already been granted, takes account of traffic flows associated with both the JCB and SMUE developments. It makes provision for access to the LWU site off the proposed southern roundabout, which SCC considers would provide a safer vehicular access and would provide a better access for pedestrians and cyclists than the northern access proposed as part of the LWU scheme.^[8.1.38] Under the circumstances, Project A offers greater certainty that appropriate access would be provided to the northern section of the LWU site. It would facilitate development of the northern section of this site and it may be necessary to unlock it, if the proposed access off the A522 cannot be provided.
- 9.3.28 Therefore, Project A would increase the likelihood of benefits being realised from the LWU development, albeit at a potentially lower level than estimated by SCC, due to land loss.
- 9.3.29 Turning to potential benefits from JCB development; the calculation of those benefits are based on JCB's own estimates of the number of new jobs likely to be associated with its proposals. Contrary to the view of RBT, SCC has confirmed that the job numbers it has used when calculating potential benefits are new jobs and do not take account of existing jobs likely to be transferred from JCB's Rugely site. Whilst JCB's job estimates have not been otherwise questioned by SCC, JCB has stated that they have been calculated very carefully, based on its experience, and SCC has confirmed that it has no reason to doubt them.^[5.1.4, 6.1.2 8.1.32] I have not been provided with any compelling evidence that causes me to do so.
- 9.3.30 Planning permission has been granted for the development of JCB's proposed cab factory. However, during the planning process JCB themselves advised the local planning authority that the cab factory development would not proceed for operational reasons without assurance that the A50 improvements would go ahead. Planning permission was subsequently granted by the local planning authority, subject to a condition which indicated that while the cab factory could be built and operated before Project A was completed, it would have to comply with a transport strategy approved by the local planning authority.^[7.2.25] Therefore, although the permission could theoretically be implemented without Project A, JCB's operation would be constrained to some extent

until Project A was delivered. JCB's letter of 7 May 2015¹⁴⁵ re-confirms its position that without Project A no factory would be built at Beamhurst. In this context, it appears that Project A would facilitate the planned JCB development and it may well be necessary to unlock it. Whilst JCB has indicated that the timing of the construction of the cab factory would be dependent on an up turn in global market conditions, it has stated that the 'tactical' delay caused by global market conditions is judged to be 'very much short term'. No evidence to the contrary has been provided.^[8.1.33-34]

- 9.3.31 Project A appears to be necessary to secure the benefits likely to be associated with the JCB development.^[7.2.26, 7.2.28]
- 9.3.32 The guidelines for PARs indicate that development of a project case beyond the Conception stage requires a 'standard PAR' to be conducted, which would incorporate wider project impacts, including some that cannot be monetised.^[7.2.7] However, in this particular case HE decided that the foundation PAR output, supplemented by separate papers concerning the likely wider economic impacts of the Project, would be sufficient to support the post-conception stage submission to the HE ICFG for approval of the release of stage 1 and 2 funding in August 2014. This was on the basis that: Project A is not complex; insufficient information was available when the PAR process was started to instigate a standard PAR; and, the need to progress the scheme quickly in order to meet the Government's target for a start no later than 2015/16. In any event, it is expected that the final sign off by the HE ICFG of the 'phase 3' expenditure would still be informed by a standard PAR, in accordance with HE's normal procedures.^[7.2.8, 8.1.11-14]
- 9.3.33 In my judgement, the results of the ES submitted in support of Project A do not indicate that it is likely to result in any significant adverse impacts.^[4.2.9] Under these circumstances, when those additional impacts of the scheme, such as noise and air quality, are accounted for using the standard PAR I have no reason to believe that they would materially alter the conclusions based on the foundation PAR and the assessments of non-transport related benefits provided by SCC. My view in this regard is reinforced by the view of HE who, having overseen the process, has confirmed that it knows of no 'show stopper' that would indicate that the project may not gain final 'phase 3' approval.^[4.2.6]
- 9.3.34 In light of the time constraints imposed, the value for money assessment process followed appears to be reasonably robust.

Conclusion

- 9.3.35 Based purely on transport related benefits Project A represents value for money, albeit low. However, the Project has the potential to unlock significant non-transport related benefits by facilitating the SMUE and JCB

¹⁴⁵ P7 Appendix F.

developments. There are some uncertainties concerning the overall scale of benefits and the precise timing of both schemes. However, it appears to me that the issue is when, not whether they would proceed following implementation of Project A. Furthermore, as identified by SCC, even if the benefits had been overestimated by 50%, the investment in Project A would be recouped over a relatively short period.^[8.1.30] I consider overall that the Project would meet intervention objectives f) and g). Furthermore, whilst the extent to which development in a wider area would benefit from the Project is uncertain, there is no dispute that the proposed junction, designed to current standards, would be more capable of sustaining future development than the existing arrangements, meeting objective h).^[4.2.4, 7.2.6, 8.1.46, 8.2.1]

Intervention objectives c) and e)

- 9.3.36 Project A would improve the local network so far as use by NMUs is concerned, by improving the separation of motor vehicle traffic and cyclists, who currently use the A522 carriageway, by providing a segregated footway/cycleway. Whilst there is no significant NMU accident record at present, it is foreseeable that the proposed housing and commercial developments on opposite sides of the A50 would increase NMU traffic and with it the risk of accidents in the absence of such facilities. To that end the Project would also provide NMUs with an efficient and safe route between the LWU site and the JCB complex.^[7.2.10, 8.1.21] It would align with intervention objectives c) and e).

Conclusion

- 9.3.37 In my judgement, the proposed scheme would satisfactorily meet the identified intervention objectives. Furthermore, none of the suggested alternatives are to be preferred. Based purely on transport related benefits Project A represents value for money, albeit low. However, in addition, the project has the potential to unlock significant non-transport related benefits by facilitating the SMUE and JCB developments. The need for Project A has been satisfactorily demonstrated.

The public interest - land requirements

- 9.3.38 Having had regard to the plans, showing how the land subject to the CPOs would be used for various aspects of the scheme, in my judgement, it is necessary to acquire the titles and rights sought by the Orders, subject to the CPOA1 and CPOB1 modifications, for the implementation of Project A. The relatively small areas of land sought from RBT, CPOA1 plots 10 and 14, are required to accommodate Project A landscaping works. The limited rights sought from RBT, CPOA1 plot 13, would allow SCC to access a ditch on RBT's land for the purposes of discharging surface water from the highway and carrying out ditch maintenance.^[6.1.1]
- 9.3.39 ODPM Circular 06/2004 encourages negotiation and discussion with

landowners as compulsory purchase is intended as a last resort where agreement fails. Nonetheless, the Circular notes that it is often sensible to initiate the formal procedures in parallel with negotiations. SCC has provided evidence to show that it has attempted to reach agreement with land owners regarding the acquisition of the land and rights necessary for the implementation of Project A. This includes a record of contact with RBT, in light of which I give little weight to RBT's unsupported assertion that their agent has not received any information from SCC. Dialogue with objectors has continued during the Inquiries and whilst much of the necessary land and rights have still to be secured, there is now only one duly made outstanding objection; that of RBT.^[2.4, 4.1.6-8, 4.2.3]

The public interest - availability of the necessary resources

- 9.3.40 HE ICFG authorised the release of stage 1 and 2 funding in August 2014, covering the costs associated with initial concept and then design costs, including land costs.^[8.1.12] The level of developer contributions required towards the project are set out in the SOBC ratified by the HE ICFG. SCC and JCB have indicated that the land within JCB's ownership which is required for Project A would be transferred to SCC as JCB's developer contribution.^[7.2.24, 8.1.35] An appropriate contribution towards the costs of Project A is being sought from those associated with the LWU developments as part of the land negotiations.^[8.1.39] Given SCC's control over land needed by SMUE to gain access from its site to the A522, I have no reason to believe that an appropriate contribution would not be secured.
- 9.3.41 SCC intends to submit its Final Business Case to the HE ICFG shortly, with the associated approval of the construction costs expected in July 2015.^[4.2.5] HE has confirmed that it knows of no 'show stopper' which might cause the ICFG to refuse to release the funds.^[4.2.6] In light of my conclusions in relation to the above matters, I have no reason to disagree. I consider therefore, that the resources necessary to acquire the land and rights set out in the CPOs and to implement the scheme are likely to be available within a reasonable timescale.

The public interest - potential impediments to implementation

- 9.3.42 ODPM Circular 06/2004 indicates that the acquiring authority should show that the scheme is unlikely to be blocked by impediments to implementation. Planning permission has been granted for Project A in 2014 and the committee report confirmed that it accords with the relevant Development Plan policies as well as the provisions of the National Planning Policy Framework.^[4.1.5] The planning permission was granted subject to a number of conditions, which include controls over the discharge of surface water from the scheme¹⁴⁶. In my judgement, this will allow the local planning authority to address the concerns of RBT as regards the control of surface water.^[4.2.9, 6.1.1] The evidence is that no

¹⁴⁶ SoC Appendix F p.6-8.

particular difficulties are anticipated concerning necessary agreements and consents still to be secured. To the extent that there might be a need for planning permission for accommodation works, the local planning authority has confirmed that there is no obvious reason why any such planning permissions would be withheld.^[4.2.8] I consider therefore, that there are no impediments which would be likely to prevent implementation of Project A.

The public interest - Conclusion

- 9.3.43 Confirmation of the Orders is required now to ensure that the benefits of the proposed scheme can be brought forward in a timely and cost effective manner.^[8.2] I conclude on balance, that there is a compelling case in the public interest for CPOA1 and CPOB1 to be confirmed.

Human Rights

- 9.3.44 A number of owners, tenants and other parties, with rights, are associated with the land subject to the CPOs, which covers approximately 10 hectares in the vicinity of the existing A50/A522 junctions. The effect of the CPOs would be to deprive those parties, identified in their schedules, of titles and/or rights to land. However, there is now only one objection to the CPOs and more specifically CPOA1. Having had regard to the plans, showing how the land subject to the CPOs would be used for various aspects of the scheme, as I have indicated, I consider that no land or rights would be unnecessarily acquired.
- 9.3.45 However, ODPM Circular 06/2004 indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the *Human Rights Act 1998 (as amended)* (HRA). That is;

'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

and, in the case of a dwelling, Article 8 of the HRA, which provides that;

'everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of', amongst other things, 'public safety or the economic well being of the country, for the protection of health and for the protection of the rights

and freedoms of others.'

- 9.3.46 The only remaining objectors are RBT. SCC does not accept that RBT's Article 8 rights are engaged and RBT have not alleged that they are.^[4.2.12] Nonetheless, I have had regard to their concerns that the Project would adversely affect the privacy of their property, Anfield House Farm.^[6.1.2]
- 9.3.47 At present the entrance to Anfield House Farm is off a section of the A522 which is at a higher ground level than the farm buildings, thereby affording passing traffic views of the property when passing its entrance¹⁴⁷. As a result of the scheme, this section of the former A522 would become an access road leading to only 2 properties, with the entrance to Anfield House Farm close to the head of the newly formed cul-de-sac. As a consequence, I consider that traffic routinely passing the entrance to the property would be likely to be minimal, adding to the privacy of the location. The closest section of the proposed new highways to Anfield House Farm would be part of the proposed westbound A50 on-slip road. However, it would be situated to the south of the access road leading to the property. In my judgement, any views of the property from the proposed new highways would be sufficiently distant so as not to reduce the privacy enjoyed by its residents. I consider therefore, that Project A would be unlikely to have a material adverse effect on the privacy of RBT.
- 9.3.48 Rights under Article 1 to the 1st Protocol would be engaged as RBT and others would be deprived of some of their property. However, in the case of RBT the areas of land sought, detailed in CPOA1, comprise 2 relatively small areas on the fringes of agricultural land adjacent to the highway and some distance from Anfield House Farm buildings. The rights of access sought are associated with a section of ditch close to the A50. As I have already indicated, I consider that the proposed access road between the entrance to Anfield House Farm and the A522 would be likely to provide a reasonably convenient alternative to the existing arrangement. SCC has confirmed that that access road would remain a public highway, so RBT would not be responsible for its maintenance.^[4.3.1] No compelling evidence has been provided to support the contention of RBT that Project A would reduce the value of their property.^[6.1.1] In any event, this is a matter of compensation to be agreed between RBT and SCC or determined through the Lands Tribunal and so I give this matter little weight.
- 9.3.49 Any impact on the Human Rights must be balanced against the rights and freedoms of others. I have had regard to the likely implications of the scheme, including the case in the public interest set out above, which weigh in favour of the Orders. After careful consideration, I am satisfied that, if it goes ahead, the effect of Project A and the associated CPOs on RBT and others with interests in the land subject of the CPOs would not be disproportionate and there would be no violation of their Human Rights.

¹⁴⁷ ID3 CDX8609/P/01, 14 & 23.

- 9.3.50 I consider that the benefits that would result from Project A demonstrate both the compelling case in the public interest for the CPOs, subject to the identified CPOA1 and CPOB1 modifications, to be confirmed. The land titles and rights sought by the CPOs, subject to the identified modifications, are a proportionate response to the needs of the Project. In my judgement, there is clear evidence that the public benefits associated with the CPOs would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be disproportionate.

Conclusions

- 9.3.51 I conclude on balance, that the purposes for which the CPOs would be made sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Furthermore, I conclude that the tests set out in ODPM Circular 06/2004 would be met and that CPOA1 and CPOB1 should be confirmed.

10 RECOMMENDATIONS

- 10.1 I recommend that **The Staffordshire County Council (A50 Growth Corridor-A522 Western Grade Separated Junction, Uttoxeter) Side Roads Order 2014**, subject to the SRO1 amendments, be confirmed.
- 10.2 I recommend that **The A50 Trunk Road (Uttoxeter Growth Corridor Slip Roads) Order 20..** be made.
- 10.3 I recommend that **The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Compulsory Purchase Order 2014**, subject to CPOA1 amendments, be confirmed.
- 10.4 I recommend that **The Staffordshire County Council (A50 Growth Corridor-Realignment of A522, Uttoxeter Road, Uttoxeter) Compulsory Purchase Order 2014**, subject to CPOB1 amendments, be confirmed.

I Jenkins
INSPECTOR

11 APPENDICES

APPENDIX 1 - APPEARANCES

FOR STAFFORDSHIRE COUNTY COUNCIL:

Mr H Richards
Of Counsel

He called

Mr A Mason BSc CEng DMS	Staffordshire County Council.
Mr S Burrows BA DipS DMS DipM	Staffordshire County Council.
Mr A Bain BA(Hons) MSc MCIHT MTPS	JMP Transport Planning and Engineering.
Mr P Grosvenor CMILT	Highways England.
Mr A Slack	Highways England.

FOR MR & MRS MCKECHNIE:

Mr J Lopez
Of Counsel

He called

Mr S Tucker BSc(Hons) MCIHT	David Tucker Associates.
Mr D McKechnie	Local resident.

FOR St MODWEN DEVELOPMENTS LTD/UTTOXETER ESTATES LTD:

Mr M Timmins	St Modwen Properties PLC.
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FOR WESTERN POWER DISTRIBUTION:

Mr M Rudd
Of Counsel

No witnesses called

APPENDIX 2 – CORE DOCUMENTS

Statement of Case (SoC) - appendices

- A Funding Agreement.
- B Compulsory Purchase Order (A).
- C Compulsory Purchase Order (B).
- D Side Roads Order.
- E Draft Slip Roads Order.
- F Planning Decision Notice ES.14/11.
- G Design and Access Statement.
- H Environmental Statement (excluding appendices).
- I Historic Environment Report.
- J Ecological Survey.
- K Flood Risk Assessment and Drainage Strategy.
- L Transport Assessment.
- M Tree Survey and Plans.
- N Public Consultation Report.
- O Vissim Model Performance Images.
- P Email from National Casework Team.
- Q Letter from National Casework Team.
- R Drawing Numbers CDX8609/CPO/01 and CDX8610/CPO/01.
- S Officers Report to Planning Committee.
- T Letter removing objection to CPO from South Staffs Water.
- U Letter removing objection to SRO from South Staffs Water.
- V Scheme Options table.
- W Land Registry completion of registration (Title No. SF602273).
- X Stoke-on-Trent and Staffordshire LEP business case letter of support.
- Y Scheme Drawing CDX8609/P/01 – scheme layout.
- Z Email from National Casework Team (CPOB).

Main Proofs of Evidence (P)

On behalf of Staffordshire County Council

- 1 Mr A Mason.
- 2 Mr S Burrows.

On behalf of Mr & Mrs Mckechnie

- 3 Mr S Tucker.
- 4 Mr D McKechnie.

On behalf of St Modwen Developments Ltd/Uttoxeter Estates Ltd

- 5 Mr M Timmins.

On behalf of Staffordshire County Council (ID55)

- 6 Mr P Grosvenor
- 7 Mr A Slack

Additional Documents (AD) – submitted by Staffordshire County Council

- 1 Design Manual for Roads and Bridges Volume 6 Section 2 TD 22/06.
- 2 ODPM Circular 06/2004.
- 3 East Staffordshire Borough Council Local Plan (July 2006) 'Saved' Policies Extended beyond 20 July 2009.
- 4 East Staffordshire Borough Council Pre-Submission Local Plan (October 2013).
- 5 Department for Communities and Local Government National Planning Policy Framework (2012).
- 6 Highways Agency North and East Midlands Route Strategy Evidence Report (April 2014).
- 7 East Staffordshire Borough Council Infrastructure Delivery Study Part 1 growth options assessment (Final document 2012).
- 8 East Staffordshire Borough Integrated Transport Strategy 2014 – 2031.
- 9 European Convention on Human Rights.
- 10 Stoke-on-Trent and Staffordshire Enterprise Partnership Strategic Economic Plan Part 1 – Strategy (March 2014).
- 11 HM Treasury National Infrastructure Plan 2013 (December 2013).
- 12 DfT Road Investment Strategy: Overview (December 2014).
- 13 DfT Road Investment Strategy: Investment Plan (December 2014).
- 14 Staffordshire County Council Strategic Plan 2014-2018.
- 15 Selected drawings.
- 16 Planning Application forms and drawings for JCB and St Modwen developments.
- 17 Letter(s) of support from various parties.
- 18 Trust Inns Letter removal of objections.
- 19 DfT National Policy Statement for National Networks December 2014.
- 20 Department for Business Innovation and Skills. An introduction to Assisted Areas (October 2014).
- 21 i54 Brochure.

APPENDIX 3 – INQUIRY DOCUMENTS

Inquiry Documents (ID)

- 1 Statutory notifications.
 - 2 -
 - 3 Project A plans (including preliminary options).
 - 4 Proposed Modification to order and order plan CPO.
 - 5 Proposed Modification to order and order plan side roads and Annex.
 - 6 Plan – Overlay CDx8610/CPO/02.
 - 7 HA Improvement Scheme Justification and Appraisal.
 - 8 HA PAR v6.4 – Project Appraisal Report – Additional info.
 - 9 Email from Peter Grant, dated 10 April 2015.
 - 10 PAR Summary/worksheets extracts (18/6/14).
 - 11 HA JMP A50 Uttoxeter VISSIM Model Report.
 - 12 Copy of Land registry – Plot 15.
 - 13 Copy of Land registry – Plot 18.
 - 14 SCC's opening statement.
 - 15 TAG Unit A2.1 – Wider Impacts Jan 2014.
 - 16 GVA technical note (Atkins).
 - 17 Increased Tax revenue to the UK – Technical note.
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- 18 PAR Summary/Worksheet extracts (18/6/14 certified by hand 10/4/2015).
- 19 Notes on Mr A Bain's background.
- 20 JCB Transport Assessment.
- 21 St Modwen Environment statement addendum Dec 2013.
- 22 Committee Report for St Modwen Application.
- 23 Minutes for St Modwen Planning application committee.
- 24 DMRB TD 42/95, January 1995.
- 25 DFT Value for Money Assessment: Advice note for Local Transport Decision Makers, December 2013.
- 26 DMRB HD 42/05, February 2005.
- 27 DFT Circular 02/2013.
- 28 East Staffs BC Case officer report – Waterloo Farm.
- 29 East Staffs BC Committee report – Waterloo Farm 28 April 2014.
- 30 SCC's note on 'Consents and Licences'.
- 31 Draft Unilateral Undertaking re St Modwen Properties PLC / Uttoxeter Estates Ltd land.
- 32 St Modwen Transport Assessment July 2013.
- 33 Programme Officer (PO) correspondence with SCC, dated 9-10 April 2015.
- 34 HA letter from Stephen Williams to Jim Malkin ESBC, 10 April 2014.
- 35 Email from Steve Burrows to Mr Bedson, 13 March 2015.
- 36 A50 Growth Corridor recommendations of the Cabinet Member for Economy and Infrastructure 19 March 2014.
- 37 Email Exchange with Highways England (HE), dated 16 April 2015.
- 38 Letter from Tim Hancock Associates (THA) on behalf of Shell UK Ltd et al, 7 April 2015.
- 39 Plan of Fencing and Accommodation Works.
- 40 Tucker Associates A50 Slip Road proposal.
- 41 Highways England Delivery Plan 2015-2020 extracts.
- 42 PAR Summary/Worksheet extracts (10/3/14).
- 43 DMRB TD 27/05, February 2005.
- 44 DMRB TD 40/94, July 1994.
- 45 DMRB 9/93, February 2002.
- 46 WPD confirmation of withdrawal of objection and associated documents.
- 47 Proof of evidence – Mr D McKechnie.
- 48 Residata record re. Park View Farm.
- 49 Marrons Shakespeares' letter of objection to A50 junction planning application, dated 14 July 2014.
- 50 URS A50 ES – Appendices C3 and C4.
- 51 Email exchange with HE, dated 21 April 2015.
- 52 Record of dialogue/correspondence between SCC/DVS and Mr R Bedson.
- 53 Email from the PO to the parties, dated 24 April 2015 (Inspector's Inquiries Note).
- 54 Email from SCC to the PO, dated 28 April 2015 (CPO/SRO modifications).
- 55 Email from HE to the PO, dated 8 May 2015 (proofs of evidence).
- 56 Email from PO to HE, dated 11 May 2015 (Inspector's requests).
- 57 Email from HE to the PO, dated 11 May 2015 (Appendix 13 to Appendix A of Mr Slack's proof).
- 58 Email from HE to the PO, dated 13 May 2015 (redacted replacement Appendix E of Mr Slack's proof).
- 59 Email from Lidders to the PO, dated 12 May 2015 (Mr Tucker's rebuttal proof).
- 60 Email from Lidders to the PO, dated 13 May 2015 (time estimates).
- 61 Email from HE to PO, dated 14 May 2015 (response to Inspector's requests).
- 62 Email from PO to HE, dated 15 May 2015 (Inspector's request).
- 63 AZ V Secretary of State for Communities and Local Government, South

- Gloucestershire District Council [2012] EWHC 3660 (Admin).
- 64 A50 Growth Corridor Project A Traffic Flows Inquiry Note.
 - 65 RTA System-Full Report.
 - 66 Department for Transport Road Investment Strategy: Investment Plan-list of commitments.
 - 67 Note on updated GVA and Tax Take Reports (including reports).
 - 68 Notes of Simon Tucker on ID 64 and ID65.
 - 69 Letter from THA to the Inspector, dated 19 May 2015 (Shell UK Limited).
 - 70 Note-Transport Appraisal-Response to Inspector's questions.
 - 71 Note-Transport Appraisal-Response to Inspector's questions-revised.
 - 72 Closing submissions on behalf of St Modwen Developments Ltd/Uttoxeter Estates Ltd.
 - 73 Closing submissions on behalf of SCC.
 - 74 Letter from Ladders Solicitors LLP to the Secretary of State for Transport, dated 21 May 2015 (withdrawing the representations and objections made by Mr and Mrs McKechnie).
 - 75 Letter from St Modwen Properties PLC, dated 22 May 2015 (withdrawing the representations and objections made by St Modwen Properties PLC and subsidiary company Uttoxeter Estates Ltd.).
 - 76 Email from THA to SCC, dated 27 May 2015 (status of objections).
 - 77 Email from PO to THA, dated 28 May 2015 (clarification of THA position).
 - 78 Letter from THA to SCC, dated 2 June 2015 (withdrawal of objections).
 - 79 Email from PO to SCC, dated 3 June 2015 (any other matters).
 - 80 Email from SCC to PO, dated 4 June 2015 (RBT objections remain).
 - 81 Email from PO to SCC, dated 4 June 2015 (any other matters).
 - 82 Email from SCC to PO, dated 5 June 2015 (no other matters).
 - 83 Email from PO to SCC, dated 5 June 2015 (Inquiries closed).

APPENDIX 4 – ABBREVIATIONS

A50	A50 Trunk Road.
AB	Mr A Bain.
AD	Additional documents.
AS	Mr A Slack.
ASR	Appraisal Specification Report.
BCR	Benefit to Cost Ratio.
BT	Mr B Thacker.
Circular 06/2004	Office of the Deputy Prime Minister Circular 06/2004- Compulsory Purchase and the Crichel Down Rules.
CPOA	The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Compulsory Purchase Order 2014.
CPOA1	CPOA modified in accordance with ID54.
CPOB	The Staffordshire County Council (A50 Growth Corridor-Realignment of A522, Uttoxeter Road, Uttoxeter) Compulsory Purchase Order 2014.
CPOB1	CPOB modified in accordance with ID54.
DfT	Department for Transport.
DMRB	Design Manual for Roads and Bridges.
EIA	Environmental Impact Assessment.
ES	A50(T) Growth Corridor Project A Environmental Statement.
EU	European Union.
GVA	Gross value added.
HE	Highways England.
HRA	Human Rights Act 1998 (as amended).
ICFG	Investment Control Framework Group.
ID	Inquiry documents.
LEP	Stoke-on-Trent and Staffordshire Local Enterprise Partnership.
LWU	Land to the West of Uttoxeter.
MMM	Mr & Mrs McKechnie.
MT	Mr M Timmins.
NMUs	Non-motorised users i.e. pedestrians, equestrians and cyclists.
OAM	Options Appraisal Matrix.
OAR	Options Appraisal Report.
ODPM Circular 06/2004	The Office of the Deputy Prime Minister Circular 06/2004 Compulsory Purchase and the Crichel Down Rules.
PAR	Project Appraisal Report.
PG	Mr P Grosvenor.
RBT	R Thacker & BJL Thacker.
RoSPA1	Estimation of accident savings using control data.
RoSPA2	Estimation of accident savings based on consideration of individual accidents.
RoSPA07	<i>RoSPA Road Safety Engineering Manual, 2007.</i>
SB	Mr S Burrows.
SCC	Staffordshire County Council.
SOBC	Staffordshire County Council A50 Growth Corridor Project A: Uttoxeter (West) Strategic Outline Business Case.
SoC	Statement of Case.
SoS	Secretary of State for Transport.
SLRO	The A50 Trunk Road (Uttoxeter Growth Corridor Slip Roads) Order

	20..
SMUE	St Modwen Properties PLC/Uttoxeter Estates Ltd.
SRO	The Staffordshire County Council (A50 Growth Corridor-Western Grade Separated Junction, Uttoxeter) Side Roads Order 2014
SRO1	SRO modified in accordance with ID54.
ST	Mr S Tucker.
SUL	Shell UK Ltd, Shell Ventures UK Limited, Woodlea Ltd and Shell UK Ltd.
TA	Transport Assessment.
THA	Tim Hancock Associates.
TT	Tax take.
VfM	Value for money.
WPD	Western Power Distribution (West Midlands) plc.