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# **Report to the Secretaries of State for Transport; for Environment, Food and Rural Affairs; and for Communities and Local Government**

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**an Inspector appointed by the Secretaries of State for Transport; for Environment, Food and Rural  
Affairs; and for Communities and Local Government**

**Date: 19 August 2014**

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## **HIGHWAYS ACT 1980**

### **ACQUISITION OF LAND ACT 1981**

#### **THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK CLASSIFIED ROAD) SIDE ROADS ORDER 2013**

#### **THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK) COMPULSORY PURCHASE ORDER 2013**

#### **THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK) COMPULSORY PURCHASE ORDER (NO 2) 2014**

### **EXCHANGE LAND CERTIFICATES**

Dates of Inquiries: 8-10 and 15-17 July 2014

File Ref: DPI/D0121/14/5

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## **CONTENTS**

	<b>Page</b>
Acronyms and Abbreviations used in the Report	2
Case Details	4
1 Preamble	5
2 Description of the Route of the Scheme and its Surroundings	7
3 The Case for the Council as Promoting Authority	8
4 The Cases for the Supporters	21
5 The Cases for the Objectors	24
6 The Case for the Counter-Objector	30
7 The Response of the Council as Promoting Authority	30
8 Conclusions	40
9 Recommendations	56
Appendix 1: Appearances	58
Appendix 2: Core Documents	59
Appendix 3: Inquiry Documents	62

## ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

APL	Ashton Park Limited
AQMA	Air Quality Management Area
ARCADY	Assessment of Roundabout Capacity and Delay Software
AVTM	Ashton Vale to Temple Meads
BCC	Bristol City Council
BCR	Benefit Cost Ratio
BCS	the Bristol Core Strategy 2011
CA	Conservation Area
CD	Core Document
CEMP	Construction Environmental Management Plan
CO <sub>2</sub>	Carbon Dioxide
CPO	Compulsory Purchase Order
dB(A)	a unit of sound measurement
DCLG	Department for Communities and Local Government
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
Doc	Document
EIA	Environmental Impact Assessment
ES	Environmental Statement
the Framework	National Planning Policy Framework
GVA	Gross Value Added
HGV	Heavy Goods Vehicle
JLTP3	the third Joint Local Transport Plan for the West of England
JPA	Joint Promotion Agreement
km	kilometre
LAPC	Long Ashton Parish Council
LEP	Local Enterprise Partnership
LIA	Local Impact Area
LinSig	Traffic signal analysis software
m	metres
NFHP	North Fringe to Hengrove Park
NO <sub>2</sub>	Nitrogen Dioxide
NSC	North Somerset Council
NSCS	the North Somerset Core Strategy 2012
OBJ	Objector
ODPM	Office of the Deputy Prime Minister
pcu	Passenger Carrying Unit
PM10	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
PMA	Private Means of Access
PRL	Park and Ride Limited
PRoW	Public Right(s) of Way
P&R	Park and Ride
S14	Section 14 of the Highways Act 1980
S19	Section 19 of the Acquisition of Land Act 1981
S119	Section 257 of the Town and Country Planning Act 1990
SBL	the South Bristol Link
SEP	Strategic Economic Plan
SNCI	Site of Nature Conservation Interest
SRO	Side Roads Order
sqm	square metres
the Council	North Somerset Council

the first CPO

the North Somerset Council (South Bristol Link) Compulsory  
Purchase Order 2013

the Inquiry  
the Scheme  
the Promoting Authority  
vph  
WS

the co-joined Inquiries into the SRO, CPOs and the S19 certificate  
the South Bristol Link  
North Somerset Council  
Vehicles per hour  
Wildlife Site

## **CASE DETAILS**

### **The Side Roads Order**

- The Side Roads Order is made under Sections 14 and 125 of the Highways Act 1980, and is known as the **North Somerset Council (South Bristol Link Classified Road) Side Roads Order 2013**.
  - The Side Roads Order was made on 25 November 2013.
  - North Somerset Council (hereafter referred to as “NSC”, “the Council” or “the Promoting Authority”) submitted the Side Roads Order for confirmation to the Secretary of State for Transport.
  - If confirmed, the Side Roads Order would authorise the Council to improve or stop up lengths of highway, construct new highways and stop up and/or provide new private means of access to premises, in order to construct the South Bristol Link.

**Summary of Recommendation: that the Side Roads Order be confirmed with modifications.**

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### **The Compulsory Purchase Orders**

- The Compulsory Purchase Orders are made under Sections 239, 240, 246, 249 and 250 of the Highways Act 1980 and Schedule 2 of the Acquisition of Land Act 1981. They are known as the **North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013** and the **North Somerset Council (South Bristol Link) Compulsory Purchase Order (No 2) 2014**.
  - The first Compulsory Purchase Order was made on 25 November 2013 and Compulsory Purchase Order (No 2) was made on 6 May 2014.
  - The Council submitted the Compulsory Purchase Orders for confirmation to the Secretary of State for Transport.
  - If confirmed, the Compulsory Purchase Orders would authorise the Council to compulsorily purchase land and the rights over land in order to construct the South Bristol Link with its associated works and mitigation measures, as provided for by the above-mentioned SRO.

**Summary of Recommendation: that the first Compulsory Purchase Order be confirmed with modifications; and that the Compulsory Purchase Order (No 2) be confirmed as made.**

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### **The Exchange Land Certificate**

- Notice of intention to issue a certificate under Section 19(1)(a) of the Acquisition of Land Act 1981.
  - The Notice was published on 27 January 2014.
  - The certificate allows for development to take place on land forming part of Highridge Common, Bristol, in exchange for other land which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights, and to the public, with the exchange land to be vested in the persons in whom the order land was vested, and subject to the like rights, trusts and incidents as attach to the order land. The

certificate is required in connection with the **North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013.**

**Summary of Recommendation: that the certificate under section 19(1)(a) of the Acquisition of Land Act 1981 be issued with modifications.**

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## **1. PREAMBLE**

- 1.1 The South Bristol Link (SBL or "the Scheme") is part of a package of transport schemes which aim to create a rapid transit network across the sub-region, linking key employment, housing and leisure areas. It would incorporate 4.5 kilometres (km) of new and upgraded highway between the A370, the A38 and the Cater Road roundabout, including a continuous shared cycleway and footway along the route corridor. It would also include a bus-only connection to the approved Avon Vale to Temple Meads (AVTM) bus rapid transit route.
- 1.2 The SBL, which would be classified as the A4174, lies within the administrative areas of both the Council and Bristol City Council (BCC). As such it is being promoted by the Council in partnership with BCC through a Joint Promotion Agreement (JPA) (Core Document (CD) 2/28), entered into by the 2 authorities pursuant to section 8 of the Highways Act 1980<sup>1</sup>. This JPA authorises the Council to exercise BCC's functions relating to the construction, reconstruction, alteration, maintenance (including future maintenance) or improvement works required for delivering the Scheme.
- 1.3 The Council is also authorised to exercise powers of compulsory purchase and to acquire land or rights over land owned by BCC or within BCC's administrative area where it is reasonably necessary for the construction, operation, maintenance or accommodation of the Scheme.
- 1.4 The Scheme has been granted detailed planning permission by both the Council and BCC<sup>2</sup>, and BCC's approval of the Scheme design has been confirmed by the Mayor of Bristol<sup>3</sup>. In addition, the Council's Executive Committee has approved the making of Compulsory Purchase Orders (CPOs) and a Side Road Order (SRO), together with applications for certificates under section 19 (S19) of the Acquisition of Land Act 1981<sup>4</sup> necessary for implementation of the Scheme.
- 1.5 The 2013 CPO<sup>5</sup> ("the first CPO") and the SRO<sup>6</sup> were sealed by the Council on 25 November 2013 and were advertised as required. The objection period for both Orders closed on 14 January 2014, but was extended until 21 March 2014 for the SRO. The CPO (No 2) was made on 6 May 2014 and its objection period closed on 28 May 2014.
- 1.6 In January 2014 the Secretary of State for the Department of Environment, Food and Rural Affairs (Defra) confirmed that he was minded to issue a certificate under S19 of the Acquisition of Land Act 1981 in respect of the land comprised within Highridge Common needed for the Scheme and the proposed exchange

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<sup>1</sup> CD 6/1

<sup>2</sup> CDs 2/1 and 2/2

<sup>3</sup> CD 2/25

<sup>4</sup> CD 6/2

<sup>5</sup> CD 1/1

<sup>6</sup> CD 1/2

land<sup>7</sup>. Notice of the Secretary of State's intention was publicised and the objection period closed on 21 March 2014.

- 1.7 In addition to the above, an area of open space in the general vicinity of the Long Ashton Park and Ride (P&R) site is needed for the Scheme. In order to address this matter the Secretary of State for the Department for Communities and Local Government (DCLG) issued a notice of intention to issue a further certificate under S19 of the Acquisition of Land Act 1981<sup>8</sup>. Although no representations or objections were lodged during the formal objection period, which closed on 4 June 2014, it became apparent when objectors' proofs of evidence were received that Long Ashton Parish Council (LAPC) did object to the proposed exchange land which this certificate would authorise.
- 1.8 To ensure that all relevant matters could be considered and explored this late objection was scheduled to be heard and discussed at the concurrent Inquiries (hereafter referred to as "the Inquiry"), called to consider objections to the Orders. However, as explained later in this Report, changes in circumstances mean that there is no longer any need for the land in question to be acquired by compulsory purchase powers, and therefore no need for a certificate under S19 to be issued in relation to this open space land. This led to this sole objection being withdrawn shortly before the scheduled Inquiry session took place.
- 1.9 The planning application supporting material included a comprehensive Environmental Statement (ES)<sup>9</sup> which, amongst other things, set out the full scope of the highway works and so provided a full assessment of the effects of the Scheme. I have taken account of this ES in arriving at my recommendations. All other environmental information submitted in connection with the Scheme, including that arising from questioning at the Inquiry, has also been taken into account.
- 1.10 I issued a Pre-Inquiry Note (Document (Doc) INSP/1) for distribution to all objectors, setting out the administrative and practical arrangements for the Inquiry, and subsequently opened the Inquiry at Armada House, Bristol, on 8 July 2014. It sat on 6 days and closed on 17 July 2014, with the administration and programming of the Inquiry being dealt with by the independent Programme Officer, Mrs Lynette Duncan. I carried out unaccompanied site visits to the areas affected by the Scheme on 8, 9 and 15 July 2014 and also undertook an inspection of the route of the Scheme and the surrounding area on 17 July 2014, accompanied by representatives of the Council, the Inquiry Programme Officer and an objector to the Orders.

### **Numbers of Objectors and Supporters**

- 1.11 A total of 38 objections were lodged against the first CPO, 10 against the SRO, 1 against the CPO (No 2), 2 against the common land S19 certificate and 1 against the open space S19 certificate. However, the Council was able to reach agreement with many of these objectors through discussions and negotiations which continued up to and during the course of the Inquiry, with the result that the majority of objections have been withdrawn. By the close of the Inquiry

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<sup>7</sup> CD 1/3

<sup>8</sup> CD 1/4

<sup>9</sup> CD 4/1 to CD 4/7

there were only 4 remaining objections to the first CPO, 2 to the SRO and 1 to the common land S19 certificate. These are discussed later in this Report.

1.12 In addition, 7 representations in support of the Scheme were submitted, with 2 of the supporters electing to speak at the Inquiry. I have had regard to all of the representations, both opposing and supporting the Orders, in coming to my recommendations.

### **Main Grounds for Objection**

1.13 The main, remaining areas of objection, all of which are dealt with in this Report, relate to:

- the need for the Scheme;
- the impact of the Scheme on the current users of South Liberty Lane, in terms of access and parking;
- the reasons for the acquisition of particular plots;
- impact on the operation of the Long Ashton P&R site;
- the stopping up of certain public rights of way (PRoW) and the alternative routes proposed;
- the extent of consultation on the Scheme and the Orders;
- impact on Highridge Common and concerns about safe access to it;
- concerns that the exchange common land would not adequately compensate for loss and would not be as accessible;
- general, non-specific concerns relating to disturbance, water, severance, injurious affection, land take, ground investigations, devaluation of freehold, access, drainage, loss of Green Belt land, destruction of wildlife, and increased noise and pollution.

### **Statutory Formalities**

1.14 The Council confirmed that all necessary statutory formalities relating to the promotion of the Orders and the holding of the Inquiry had been complied with<sup>10</sup>.

### **Scope of this Report**

1.15 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. These include details of the submitted proofs of evidence, which may have been added to or otherwise extended at the Inquiry, either during examination in chief or during cross-examination. Where appropriate, references to CDs and other submitted documents are given in parentheses or footnotes.

## **2. DESCRIPTION OF THE ROUTE OF THE SCHEME AND ITS SURROUNDINGS**

2.1 A full description of the character of the land along the proposed route alignment and within the surrounding area is provided in the Landscape and Visual Impact chapter of the ES<sup>11</sup>, summarised in the Design and Access Statement<sup>12</sup>. In brief, the Scheme would sit within 2 distinct character areas, passing from the rural hinterland south-west of Bristol, within North Somerset District, into the

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<sup>10</sup> See Doc NSC/16 for full details

<sup>11</sup> Chapter 2.14 of CD 4/2

<sup>12</sup> Chapter 4.2 of CD 4/6



suburban areas of Withywood and Bishopsworth in the BCC area. The rural section of the route, from the A370 to the eastern edge of Highridge Common, lies within the Green Belt.

- 2.2 The proposed highway route corridor starts on the A370, 0.5 km east of Long Ashton within North Somerset and 0.5 km south-west of the Long Ashton P&R site. A separate bus-only route commences adjacent to the P&R site on the AVTM rapid transit route and joins the main SBL route corridor at a proposed junction approximately 0.2 km to the west of Brookgate Industrial Estate, west of Ashton Vale. The proposed route passes southwards through open agricultural land, before reaching the Bristol to Taunton Railway Line. It passes beneath the railway to follow the western side of Colliter's Brook valley and across the A38 via a new roundabout junction directly east of Castle Farm.
- 2.3 The route then passes through agricultural land and across the northern edge of Highridge Common to join Highridge Green, a single carriageway road running across the common, within the administrative area of BCC. From this point it passes through the residential areas of Withywood and Bishopsworth, following a route along King Georges Road and through an area of green space identified as a "Reserved Corridor" between existing housing estates from Queens Road to Hareclive Road. The route then joins Whitchurch Lane to the south of Cater Road Business Park, and passes on to the adjacent Cater Road roundabout. This completes the section of new or amended carriageway.

### **3. THE CASE FOR THE COUNCIL AS PROMOTING AUTHORITY**

The material points are:

#### **Background and Need for the Scheme**

- 3.1 Full details of the Council's case are set out in its Statements of Case<sup>13</sup>, amplified by the written and oral evidence of its witnesses. The identification of the need for the Scheme, and the crafting of the Scheme's objectives (detailed later), has emerged from comprehensive study and extensive consultation, including the Greater Bristol Strategic Transport study, the Major Scheme Business case and the Best and Final Bid process<sup>14</sup>.
- 3.2 Much of South Bristol is amongst the 10% most deprived areas in the country, with 2 wards in the most deprived 1%<sup>15</sup>. An assessment has been made of the socio-economic profile of the areas likely to be affected by the implementation of the Scheme and a Local Impact Area (LIA) has been defined. This South Bristol LIA performs poorly when compared to the local authority areas of NSC and BCC, the West of England Local Enterprise Partnership (LEP) area, the South West, and England as a whole.
- 3.3 In particular, it has lower than average levels of economic activity, higher than average unemployment levels, a lower than average proportion of higher qualified residents and a higher than average proportion of residents with no qualifications. It also suffered more severely during the recession<sup>16</sup>. However,

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<sup>13</sup> CDs 1/7 and 1/9

<sup>14</sup> CDs 3/3 to 3/5

<sup>15</sup> Doc NSC/1/1 paragraph 4.4 and Doc NSC/4/1 paragraph 2.9

<sup>16</sup> Doc NSC/4/1 chapter 2 and Doc NSC/4/2 Appendix 2

with a younger than average population, it has greater potential for further economic growth<sup>17</sup>.

- 3.4 These problems for South Bristol are exacerbated by its poor accessibility, compounded by a lower than average car ownership<sup>18</sup> (and thus greater dependency on public transport), no local rail services<sup>19</sup> and congested local traffic conditions impacting on the attractiveness of the bus services. There is limited capacity for orbital journeys<sup>20</sup>. Getting to and from South Bristol involves unpredictable and unreliable journeys, as confirmed by supporters, and by the independent survey of a cross-section of 100 businesses in South Bristol conducted in 2012, with reliability of journeys identified as a key requirement<sup>21</sup>. This evidence is underpinned by the data, with delay comprising a high percentage of journey times<sup>22</sup>.
- 3.5 Furthermore, congestion on the local road network means that unsuitable roads are used instead, in particular in Barrow Gurney and Whitchurch Road, Bishopsworth Road, Kings Head Lane and Highridge Green<sup>23</sup>. These roads are demonstrably not fit for the purpose for which they are currently used.

### **Policy considerations**

- 3.6 The principle of the SBL is firmly supported by relevant up-to-date development plans for NSC and BCC, in the North Somerset Core Strategy 2012 (NSCS)<sup>24</sup> and the Bristol Core Strategy 2011 (BCS)<sup>25</sup> respectively. The diagrammatic alignment of SBL in the key diagram in the NSCS follows the safeguarded alignment of Policy T/9 of the North Somerset Replacement Local Plan (2007)<sup>26</sup> and that in the BCS is consistent with the alignment shown on the former Bristol Local Plan and now safeguarded for SBL in the emerging Bristol Site Allocations and Development Management Policies document<sup>27</sup>.
- 3.7 Strategic transport policies at the sub-regional level are prepared in the context of the third Joint Local Transport Plan (JLTP3) for the West of England<sup>28</sup>. The JLTP3 sets out the strategy for improving sub-regional transport from 2011 to 2026, bringing together the transport strategies for the constituent authorities (including NSC and BCC), and providing a basis for integrating transport and land use policies across the sub-region. The JLTP3 sets out a number of strategic objectives which are consistent with the strategic policy framework at the national level. The SBL is identified in the JLTP3 as a Major Transport Scheme; is considered a priority project in the National Infrastructure Plan<sup>29</sup>; and is part of a wider transport package for the West of England sub region, comprising the North Fringe to Hengrove Park (NFHP) and AVTM MetroBus routes.

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<sup>17</sup> Doc NSC/4/2 Appendix 2 and evidence in chief from Mr Drivylas

<sup>18</sup> Doc NSC/3/1 paragraph 5.70

<sup>19</sup> Doc NSC/4/1 paragraph 4.9

<sup>20</sup> Doc NSC/3/1 paragraph 5.7

<sup>21</sup> Doc NSC/4/1 paragraphs 3.14 to 3.18 and 4.19

<sup>22</sup> Doc NSC/3/1 paragraph 5.52

<sup>23</sup> Doc NSC/3/1 paragraph 5.19 and 5.20

<sup>24</sup> CD 2/8 – especially Policy CS10

<sup>25</sup> CD 2/7 – especially Policy BCS10

<sup>26</sup> CD 2/11

<sup>27</sup> CD 2/12 – adopted on 22 July 2014, shortly after the close of the Inquiry

<sup>28</sup> CD 3/2

<sup>29</sup> CD 2/15

- 3.8 Although part of the Scheme lies within the Green Belt, it would not amount to inappropriate development as defined in the National Planning Policy Framework (the Framework) and is, therefore, acceptable in principle in the Green Belt<sup>30</sup>. Both NSC and BCC have concluded that even if the Scheme had been regarded as inappropriate development, there are very special circumstances to justify the development, linked to the economic benefits of the road and because the process of strategic option review over the last few years has concluded that there are no alternatives for SBL that do not require Green Belt land.
- 3.9 The Scheme is a key element in bringing forward a sustainable and viable transport network for the wider area. It is consistent with up-to-date development plan policies, with one of its purposes being to provide a new strategic highway route in the locality to support growth as set out in the NSCS and the BCS<sup>31</sup>. It would assist in delivering the 3 dimensions of sustainable development (economic, social and environmental), set out in the Framework. As such it clearly represents sustainable development<sup>32</sup>.

### **Scheme development, objectives and details**

- 3.10 The Scheme objectives are to facilitate regeneration and growth in South Bristol; reduce congestion in South Bristol and adjacent areas of North Somerset; and to improve accessibility from South Bristol to Bristol city centre and to strategic transport links, including the trunk road network and Bristol International Airport<sup>33</sup>.
- 3.11 The engineering components of the Scheme are described fully in the Council's evidence<sup>34</sup>. The Scheme has been expressly designed to provide for a wide range of transport modes, with the incorporation of a bus-only spur between the Brookgate junction and the AVTM rapid transport route; dedicated bus lanes between the Brookgate junction and the A38 junction; a footway and cycleway throughout the length of the Scheme; and appropriate provision for users of existing footpaths affected by the Scheme.
- 3.12 Other design objectives include minimising the environmental impact of the Scheme whilst ensuring that the road is accessible, effective and safe, as well as applying due consideration to those adjacent to the route who would be affected by the Scheme, and seeking to take account of the views of all stakeholders<sup>35</sup>.
- 3.13 The Scheme has been the subject of an extensive consultation process with 4 main stages: November 2008 to March 2009 (leading to the selection of a preferred Scheme); 1 November 2009 to 31 December 2009; May to June 2012 and July to December 2013<sup>36</sup>. Both the alignment and the junction arrangements have emerged through a careful process of options testing<sup>37</sup>, with the requirements of pedestrians and cyclists forming an integral part of the

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<sup>30</sup> See CD 2/6, paragraph 90

<sup>31</sup> Doc NSC/10/1 paragraphs 3.2.16 to 3.2.20

<sup>32</sup> Doc NSC/10/1 paragraphs 8.2.1 to 8.2.8

<sup>33</sup> Paragraph 4.1 of Doc NSC/1/1

<sup>34</sup> See particularly Docs NSC/2/1 and NSC/2/2

<sup>35</sup> Doc NSC/2/1 paragraph 3.1

<sup>36</sup> Doc NSC/1/1 chapter 6

<sup>37</sup> Doc NSC/2/1 chapters 5 and 6

Scheme development<sup>38</sup>. Significant consultation has also taken place with regard to both environmental mitigation<sup>39</sup> and ecological mitigation<sup>40</sup>.

- 3.14 Appropriate highway technical design standards have been applied with 5 relaxations, and 8 proposed departures from standard, each of which has been assessed as appropriate and safe<sup>41</sup>. A sustainable drainage system is to be adopted, aimed at reducing the rate of surface water discharge from the site<sup>42</sup>, and the Scheme has been designed to ensure a good level of protection against flooding<sup>43</sup> and to not increase flood risk elsewhere.
- 3.15 The use of land at King Georges Road and the Reserved Corridor (originally laid out with a view to accommodating a road), means that notwithstanding the dense urban area of South Bristol there is no requirement for any residential (or indeed other) building to be acquired. Outside the urban area, the impact on agricultural operations has been minimised where possible, by largely following boundaries between agricultural units and providing the appropriate mitigation<sup>44</sup>.
- 3.16 The Scheme has the benefit of planning permission in respect of each administrative area<sup>45</sup>, subject to the discharge of planning conditions and to detailed consenting by the Environment Agency, who do not object<sup>46</sup>. There are no outstanding objections from statutory undertakers and, subject to obtaining confirmation of the powers sought by the Council at this Inquiry, there are no impediments to delivery of the Scheme.
- 3.17 The Scheme is thus in an advanced state of readiness, with all necessary funding in place. It is identified as a priority scheme in the National Infrastructure Plan and the Department for Transport (DfT) has agreed to provide funding of £27.6 million, with the 2 local authorities committed to the provision of the remainder of the £46.98 million cost, together with a section 106 contribution of some £3.19 million from Bristol Airport<sup>47</sup>.

### **Performance of the Scheme against its objectives**

- 3.18 The Scheme forms part of the MetroBus proposals which include the recently approved AVTM<sup>48</sup>, with which the Scheme would integrate<sup>49</sup>. It would also integrate with the proposed NFHP rapid transit route, which is at an earlier stage of development. The Secretary of State for Transport has already agreed that the AVTM benefits would be enhanced by the implementation of the Scheme<sup>50</sup>.

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<sup>38</sup> Doc NSC/2/1 paragraph 8.3

<sup>39</sup> Doc NSC/5/1 chapter 6

<sup>40</sup> Doc NSC/6/1 paragraphs 3.11 and 3.12

<sup>41</sup> Doc NSC/2/1 chapter 10 and Doc NSC/2/2 Appendix 23

<sup>42</sup> Doc NSC/2/1 paragraph 9.3.17

<sup>43</sup> Generally better than a 1 in 100 year flood event plus climate change: Doc NSC/2/1 paragraphs 9.3.15 and 9.3.16

<sup>44</sup> Doc NSC/9/1 paragraphs 6.2.1, evidence on day 3 and paragraphs 7.1.2 to 7.4.1

<sup>45</sup> CD2/1 and CD2/2

<sup>46</sup> Viridor, who had raised concerns as to the effect of the Scheme on their Environmental Permit, have withdrawn their objection.

<sup>47</sup> See Section 7.1 of Doc NSC/1/1

<sup>48</sup> Approved in November 2013, a variant being approved pursuant to the grant of planning permission in March 2014

<sup>49</sup> Doc NSC/1/1 section 3.10: "every third service from Bristol Temple Meads to Long Ashton Park and Ride would continue along South Bristol Link", as well as the Airport Flyer, as explained by Mr. Thompson.

<sup>50</sup> CD2/4, paragraph 7.3.44

- 3.19 Traffic modelling has allowed the cumulative effects of both these schemes to be taken into account<sup>51</sup> and assessments have shown that the Scheme would operate effectively, with the junctions tested by the established tools of LinSig<sup>52</sup> and ARCADY<sup>53</sup>. All junctions would operate with sufficient capacity in the opening year of 2016, and all except the linked traffic signal junctions at Highridge Road and Queens Road would also operate within their theoretical capacity in the design year of 2031.
- 3.20 The forecast design year situation at these signalised junctions is not unexpected for an urban environment, where the physical scale of the junction and the provision of crossing facilities for pedestrians have to be balanced against potential land-take requirements and the need to provide capacity for vehicles. These junctions have therefore not been designed to accommodate the full traffic level forecast for 2031, as this would make it more difficult to successfully implement other policies to encourage the use of more sustainable travel modes. Instead, it has been decided to establish appropriate traffic management measures, aimed at locking-in the benefits of the Scheme<sup>54</sup>.
- 3.21 The Scheme would result in material journey time savings for highway traffic, including public transport, with significantly greater savings in the peak periods, leading to more predictable journey times and less unreliability<sup>55</sup>. There would also be significantly greater accessibility for the area<sup>56</sup>, with a new route connecting South Bristol with the A38 and A370, avoiding the congested Winterstoke Road and Parson Street gyratory<sup>57</sup>. Moreover, there would be substantial benefit in terms of relief for inappropriately loaded local roads, including those with schools beside them<sup>58</sup>.
- 3.22 The reduction in traffic in residential areas is predicted to produce a reduction in traffic accidents<sup>59</sup>. For example, flow reductions are forecast on Whitchurch Lane in the vicinity of the staggered junction with Hareclive Road and the Lidl supermarket, where an existing accident grouping exists. With the Scheme, a new signalised crossroad junction would connect the SBL to Hareclive Road, significantly reducing the potential for vehicle (and pedestrian) conflict at this location<sup>60</sup>. When combined with the forecast traffic flow reduction on existing roads and the proposed improvements to pedestrian provision, the Scheme presents an opportunity to resolve the existing safety issues and hence reduce accident risks.
- 3.23 The new route for buses, and the greater reliability this would lead to, would provide improved transport choices for those who do not have access to a car or choose not to drive, thereby helping to address the low levels of car ownership in

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<sup>51</sup> Doc NSC/3/1 paragraphs 5.74 to 5.77; Doc NSC/7/1 paragraphs 7.5.1 to 7.5.2; Doc NSC/8/1 paragraphs 3.7 and 3.8; see also Doc NSC/3/1 paragraph 3.29

<sup>52</sup> LinSig – a software tool used to model the operation of traffic signal installations

<sup>53</sup> ARCADY – a software tool for the assessment of capacity and delay at roundabout junctions

<sup>54</sup> Doc NSC/3/1, paragraph 5.44

<sup>55</sup> Doc NSC/3/1 paragraph 5.15; Doc NSC/3/2 Table 4.4

<sup>56</sup> See Figures 3.10 to 3.12 of Doc NSC/3/2

<sup>57</sup> Doc NSC/3/1 paragraph 5.9

<sup>58</sup> Doc NSC/3/1 paragraphs 5.19, 5.20 and 5.26; Figures 3.13 to 3.18 and Tables 4.1 and 4.2, Doc NSC/3/2

<sup>59</sup> See Chapter 8 “Transport and Movement” of CD 4/2, the ES

<sup>60</sup> Doc NSC/3/1 paragraphs 5.20 to 5.22

the area<sup>61</sup>. In addition, access to Bristol Airport by means of the Airport Flyer, a bus-based public transport service between the airport and Bristol city centre, would be transformed through the segregation and prioritisation that the Scheme, in conjunction with AVTM, would enable. The Scheme is a critical component of the Airport's ambition for sustainable expansion<sup>62</sup>.

- 3.24 The Scheme would also result in significant benefits for cyclists and pedestrians. For cyclists there would be journey time savings as well as a new continuous route, with AVTM, from Bishopsworth/Withywood to the city centre, whilst new links would be opened up for pedestrians. For both cyclists and pedestrians, the number of potential conflicts would be reduced<sup>63</sup> and to assist pedestrian safety, a number of crossing points would be incorporated into the Scheme, each with a central island and dropped kerbs, as well as pedestrian crossing facilities at the proposed signal controlled junctions<sup>64</sup>.
- 3.25 The Scheme would represent excellent value for money, with a strong Benefit Cost Ratio (BCR) of 6.2<sup>65</sup>, comprising a high level of economic efficiency savings, journey time savings, very significant reliability benefits, as well as wider benefits<sup>66</sup>. Non-monetised benefits are all positive, bar one neutral, and the assessment of impact on different groups of society is also positive<sup>67</sup>.
- 3.26 The Scheme would allow the highway authorities to introduce a wide range of further measures, aimed at moving traffic off minor routes and onto the principal highway network. There is already £200,000 allocated to introduce traffic calming measures at Barrow Gurney, which could not proceed in the absence of the Scheme<sup>68</sup>.
- 3.27 A separate economic assessment has been undertaken which has underpinned the West of England LEP's Strategic Economic Plan (SEP) and which seeks to quantify the regenerative benefits of the Scheme<sup>69</sup>. The Scheme would potentially create up to £199 million net additional Gross Value Added (GVA) per year, by unlocking up to 3,100 net additional jobs, 2,200 of which are anticipated to be in South Bristol<sup>70</sup>. Jobs would also be created during the construction period, amounting to some 209 construction person years<sup>71</sup>.
- 3.28 Transport related impacts would be likely during the construction stage of the Scheme, but these would be of a short term and temporary nature, occurring in close proximity to the proposed SBL route. In order to minimise these impacts a Construction Environmental Management Plan (CEMP) has been prepared and was submitted as part of the SBL planning application<sup>72</sup>. The CEMP would ensure

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<sup>61</sup> Doc NSC/1/1 paragraph 4.6

<sup>62</sup> Doc NSC/3/1 paragraphs 5.57 and 5.58

<sup>63</sup> Doc NSC/3/1 paragraphs 5.63 and 5.64

<sup>64</sup> Doc NSC/3/1 paragraph 6.7

<sup>65</sup> Doc NSC/3/2 Table 4.3

<sup>66</sup> Doc NSC/3/1 paragraph 4.15; although the additional length of road inevitably means that accident disbenefits are reported, this is balanced by the safety benefits from the new geometry of the road, as Mr Thompson explained on Day 3 (Doc NSC/3/1 paragraph 5.22; Doc NSC/3/3 paragraph 13; CD4/3 Fig 5-7)

<sup>67</sup> Doc NSC/3/1 paragraphs 4.17 and 4.18

<sup>68</sup> Doc SUP04/1/2

<sup>69</sup> CD7/1; Doc NSC/4/1 paragraph 5.6; CD7/2

<sup>70</sup> Doc NSC/4/1 paragraphs 5.18, 5.20 and 6.8

<sup>71</sup> Doc NSC/4/1 paragraph 5.24

<sup>72</sup> See CD 4/3

that the effects during construction would be carefully managed, to minimise effects on all highway users<sup>73</sup>.

- 3.29 In view of all the above points it is clear that the Scheme would satisfy its objectives.

### **Environmental Assessment and other Scheme impacts**

- 3.30 The Scheme has been the subject of an Environmental Impact Assessment (EIA) carried out in 2013, in association with the planning applications. The planning permissions granted in late 2013 resulted from a process of balancing the benefits of the Scheme with any adverse effects. Evidence presented to the Inquiry by the Council is, in substance, the same as that contained in the ES but where applicable has been updated to take account of any changes in circumstances. Details of specific impacts are set out in the following sections.

#### *Landscape/Visual Impacts, Archaeology and the Historic Environment*

- 3.31 The design has sought to integrate the road into the landscape as far as practicable, with the landscaping devised with regard to local distinctiveness and so as to make a positive contribution to the local context<sup>74</sup>. The openness of the Green Belt would be maintained<sup>75</sup>. Although in the short term there would be potentially slight to moderate adverse landscape and visual effects, the proposed mitigation would allow the road to be assimilated in the longer term<sup>76</sup>.
- 3.32 An iterative process of landscape and visual impact assessment, supported by the appraisal of other environmental disciplines, has challenged and informed the design to ensure landscape proposals are appropriate, proportionate and provide the requisite level of impact mitigation<sup>77</sup>. This landscape mitigation provides for a range of different treatments, including belts of native woodland and hedgerows, re-establishments of field boundaries as tree lined hedgerows, blocks of native woodland and species rich and semi-improved grassland<sup>78</sup>. All trees affected by the Scheme have been assessed as of low value<sup>79</sup>.
- 3.33 In terms of the effect on the borrowed landscape of Ashton Court<sup>80</sup>, the magnitude of change, assuming mature trees and vegetation immediately south of the mansion would be retained, was assessed as minor, resulting in a slight adverse effect. However, English Heritage and the local planning authorities deemed the proposed mitigation satisfactory, and there would be no significant effect from the Scheme on views from the house, the pleasure gardens or on views from the low lying parts of the Estate<sup>81</sup>. As a result there was no objection to the planning applications from English Heritage.
- 3.34 There would be a moderate beneficial effect from the restoration, conservation and public viewing of the 3 conjoined limekilns, which would sit within the new

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<sup>73</sup> Doc NSC/3/1 paragraphs 5.77 to 5.90

<sup>74</sup> Doc NSC/5/1 paragraph 7.4

<sup>75</sup> Doc NSC/10/1 paragraphs 5.3.4 and 5.3.5

<sup>76</sup> Doc NSC/10/1 paragraph 7.3.15; see also Doc NSC/5/1

<sup>77</sup> Doc NSC/5/1 paragraph 7.33

<sup>78</sup> Doc NSC/5/1 paragraph 7.32

<sup>79</sup> Doc NSC/5/1 paragraph 7.7

<sup>80</sup> A Grade I Listed Building and Grade II\* Registered Park and Garden

<sup>81</sup> Doc NSC/5/1 paragraphs 11.12 and 11.26

A38 roundabout<sup>82</sup>, and a moderate adverse effect on the Grade II listed building, Castle Farm<sup>83</sup>. There would be an overall neutral effect on archaeology<sup>84</sup>.

- 3.35 The effect on Conservation Areas (CAs) would in all cases be neutral, with the exception of Bishopsworth and Malago CA where the effect would be slight adverse, but not such as to affect the historic character of the area<sup>85</sup>. The statutory tests in respect of listed buildings and CAs, applicable to the grant of planning permission, have been carried out as part of that process and the Scheme has been found to be acceptable regarding these matters. Moreover, there is no objection from English Heritage to any aspect of the Scheme.

#### Air Quality

- 3.36 There is currently poor air quality in the Bristol Air Quality Management Area (AQMA) and the Scheme would result in substantial reductions in existing exceedences within this AQMA<sup>86</sup>, thereby assisting BCC in achieving its Local Air Quality Management responsibilities<sup>87</sup>. The Scheme would give rise to no increases such as to exceed the Air Quality statutory criteria. In respect of PM10, the effects would be negligible<sup>88</sup> and in the area of the Scheme alignment the effects of NO2 would be substantially below the relevant criteria<sup>89</sup>. No sensitive ecological sites with statutory designation would be subject to any significant air quality impacts<sup>90</sup>.
- 3.37 Although there would be very small increases in carbon emissions, these are unavoidable and in the context of the total CO2 emissions for BCC and NSC's areas, would be minute in the context of the West of England Partnership area and the UK<sup>91</sup>.
- 3.38 In relation to construction, the CEMP would ensure that there would be no significant air quality effects, including from the generation of dust<sup>92</sup>.

#### Ecology

- 3.39 Extensive survey work and evaluation has been undertaken as part of the EIA<sup>93</sup> to assess the potential ecological impact of the Scheme, with substantial compensation and mitigation being proposed to support wildlife connectivity and biodiversity<sup>94</sup>.
- 3.40 Although the Scheme alignment minimises impacts on Highridge Common Site of Nature Conservation Interest (SNCI) by largely following the edge of the grassland, there would be some unavoidable habitat loss and fragmentation of the SNCI. However, a programme of translocation to replacement land would be

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<sup>82</sup> Doc NSC/5/1 paragraph 11.14

<sup>83</sup> Doc NSC/5/1 paragraph 11.25

<sup>84</sup> Doc NSC/5/1 paragraph 11.3

<sup>85</sup> Doc NSC/5/1 paragraph 11.27

<sup>86</sup> Doc NSC/8/1 paragraph 3.13; see also Doc NSC/8/2 Appendices 9 and 10

<sup>87</sup> Doc NSC/8/1 paragraph 2.42

<sup>88</sup> Doc NSC/8/1 paragraph 3.11

<sup>89</sup> Doc NSC/8/1 paragraph 3.14

<sup>90</sup> Doc NSC/8/1 paragraph 3.2

<sup>91</sup> Doc NSC/8/2 Appendix 13; see also Doc NSC/8/1 paragraph 3.21

<sup>92</sup> Doc NSC/8/1 paragraphs 3.4 to 3.6

<sup>93</sup> Chapter 2.13 of CD 4/2, and Doc NSC/6/1 paragraphs 3.16 and 3.17

<sup>94</sup> Doc NSC/6/2 Table 7



carried out, such that the effects would not be significant with appropriate management and monitoring<sup>95</sup>.

- 3.41 The Scheme would impact the narrowest part of the Hanging Hill Wood Wildlife Site (WS), with the ES making it clear that this would result in the loss of approximately 0.1 ha of this WS, as well as additional impacts through disturbance<sup>96</sup>. Compensation for the loss of ancient woodland and other impacts would be provided through measures including planting of 1 ha of woodland on an area of land adjacent to the WS.
- 3.42 Natural England's standing advice<sup>97</sup> indicates that ancient woodland is an irreplaceable resource and notes that creating new woodland cannot provide a direct replacement for ancient woodland. It does, however, indicate that if an area of ancient woodland is lost to development, native woodland habitat creation at a large scale could be considered as part of a compensation package. Natural England and the Forestry Commission do not quantify what is meant by 'large scale', but the Council considers that the proposed planting ratio of 10:1 would be acceptable.
- 3.43 The Scheme would result in no loss of Colliter's Brook SNCI or its adjoining wildlife network sites, with any impact being minor and not significant<sup>98</sup>.
- 3.44 In terms of species, although there would be a short term impact on lesser horseshoe bats using the area for foraging and commuting, within 10 years, with mitigation and compensation planting, this impact would no longer be significant. There would be no significant impact on any other species<sup>99</sup>.
- 3.45 Overall, the Scheme would not result in any significant long term adverse ecological effects<sup>100</sup>, and Natural England has no objection<sup>101</sup>.

#### Noise

- 3.46 The noise prediction model has been updated since the ES to ensure that it takes account of subsequent revisions to guidance and other information<sup>102</sup>. The Scheme would result in increases in noise for occupiers of some properties and decreases for others. In 2016, there would be more properties with perceptible decreases in noise from the Scheme (1,799) than with perceptible increases (896)<sup>103</sup>. There would be a net decrease in those experiencing significant effects<sup>104</sup>.
- 3.47 By 2031, there would be 174 properties with a perceptible decrease and 719 with a perceptible increase<sup>105</sup>. However, in that year there would be a net decrease in significant effects from the Scheme, taking account of the proposed

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<sup>95</sup> Doc NSC/6/1 paragraph 3.21

<sup>96</sup> Paragraphs 13.6.29 to 13.6.39 of CD 4/2

<sup>97</sup> Natural England and the Forestry Commission - Standing Advice for Ancient Woodland and Veteran Trees (extracts in Appendix 14 of Doc NSC/6/2)

<sup>98</sup> Doc NSC/6/1 paragraph 3.21

<sup>99</sup> Doc NSC/6/1 paragraphs 3.25 and 3.26

<sup>100</sup> Doc NSC/6/1 paragraph 4.29

<sup>101</sup> Doc NSC/6/2 Appendix 10

<sup>102</sup> Doc NSC/7/1 paragraph 3.1.1

<sup>103</sup> Doc NSC/7/1 paragraph 7.1.7 and Doc NSC/7/2 Appendix 10B

<sup>104</sup> Doc NSC/7/1 paragraph 7.2.4

<sup>105</sup> Doc NSC/7/1 paragraph 7.3.6; Doc NSC/7/2 Appendix 14B

insulation measures<sup>106</sup>. There would be no unmitigated significant effects from the Scheme which would involve a perceptible increase in noise for residential receptors<sup>107</sup>. In other words, any significant effects would be imperceptible for those receptors without insulation.

- 3.48 It is acknowledged that some properties are likely to meet the requirements of the Noise Insulation Regulations<sup>108</sup> and it is anticipated that offers of insulation would be made to all properties which qualify under Regulation 3 or Regulation 4. Noise barriers at Waverley Gardens and St Pius X primary school, along the Reserved Corridor, form an integral part of the Scheme<sup>109</sup>.
- 3.49 There would be increases in noise for users of Highridge Common. However, that has been taken into account in considering the appropriate size of the replacement land (1.91 times larger). The exchange land would have a similar noise environment to the existing common land<sup>110</sup> (875 square metres (sqm) of which is in fact already highway).
- 3.50 During construction, the CEMP and the use of industry practice in the form of "Best Practicable Means" would be applied, in order to reduce impacts as far as practicable. In a limited number of areas, temporary re-housing for the duration of specific works could be offered if the relevant criteria were met<sup>111</sup>.

#### Lighting

- 3.51 In the rural section of the Scheme, the proposed lighting has had regard to the rural context and environmental constraints, such as Ashton Court, by limiting illumination to the vicinity of the junctions; arranging for lights to be dimmed automatically outside peak periods; and using luminaires which permit no light above the horizontal plane, thereby minimising light spillage and sky glow<sup>112</sup>.

#### Agriculture

- 3.52 Of the 15 ha of agricultural land affected, less than 1.5 ha (10%) comprises best and most versatile land in the category of grade 3a<sup>113</sup>. The loss of this resource is assessed to be "very minor adverse"<sup>114</sup>. A further 2.5 ha of grade 4 land required for flood compensation, and the 2.6 ha of common land exchange land would also be affected<sup>115</sup>.
- 3.53 With the exception of Ashton Park and Castle Farm, severance is of only very small parts of land<sup>116</sup>. The effects on agriculture have been minimised through the provision of appropriate accommodation works. In consequence, there would be no more than a minor (in the case of Castle Farm) or neutral effect on agricultural holdings, with the exception of a moderate effect on Ashton Park,

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<sup>106</sup> Doc NSC/7/1 paragraph 7.4.3

<sup>107</sup> Doc NSC/7/1 paragraphs 7.4.5 and 12.5.3

<sup>108</sup> CD 6/7

<sup>109</sup> Doc NSC/7/1 section 8.2

<sup>110</sup> Doc NSC/7/1 paragraph 9.2.2

<sup>111</sup> Doc NSC/7/1 chapter 10 and paragraph 12.7.3

<sup>112</sup> Doc NSC/2/1 paragraphs 9.5.2 and 9.5.3

<sup>113</sup> Doc NSC/9/1 paragraph 6.1.1

<sup>114</sup> Doc NSC/9/1 paragraph 8.3

<sup>115</sup> Doc NSC/9/1 paragraphs 6.1.2 and 6.1.4

<sup>116</sup> Doc NSC/9/1 paragraph 6.2.1

where the farmer has no legal interest<sup>117</sup>. For the plots in question, neither the landowner nor the farmer now objects. Indeed, there are no outstanding objections to the Orders or the exchange land certificates relating to agriculture.

### **Procedural and statutory requirements**

3.54 The relevant statutory requirements in respect of notice of the Orders, the proposed certificates and of the Inquiry have all been complied with<sup>118</sup>.

#### The SRO

3.55 The proposed stopping up of existing, and the creation of new, footpaths and private means of access (PMA) have been informed by a process of engagement with those affected. The Rights of Way Officers of NSC and BCC have been engaged in the process of drawing up the proposed footpath diversions. The statutory tests in relation to footpaths and PMA, set out in Sections 14 and 125 of the Highways Act 1980, would be met<sup>119</sup>.

3.56 Some minor modifications to the SRO, none of any substance, were identified in the Council's rights of way evidence<sup>120</sup>, and negotiations with objectors have led to minor changes to some PMA. In addition, the Council has proposed minor modifications to some of the proposed PRoW in response to objections received. These are all detailed in the Modifications section, later in this Report.

#### The CPOs

3.57 No more land is proposed to be acquired than is necessary to implement the Scheme, including its incorporated mitigation, but as drafted, the first CPO and CPO (No 2) overlap. Accordingly, reductive modification of this first CPO (as detailed in the Modifications section, later in this Report), has been sought so as to remove this overlap. Similarly, as a result of negotiations and agreement reached during the course of the Inquiry, the putative open space at Ashton Vale is no longer required to be acquired compulsorily and is proposed to be removed from the CPO. This, also, is detailed in the later Modifications section, along with other proposed modifications of a minor nature<sup>121</sup>.

3.58 The tests set out in ODPM Circular 6/2004<sup>122</sup>, would be met and there is a compelling case for the Scheme being in the public interest, with no substantive challenge in any objection to the need for, or form of, the Scheme. In resolving to exercise its CPO powers the Council has given due regard to the Human Rights implications<sup>123</sup>. The Council understands the need to strike a careful balance between the rights of the individual and the wider public interest and in this case, having regard to the availability of compensation, the interference with human rights is considered to be both justified and proportionate<sup>124</sup>.

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<sup>117</sup> Doc NSC/9/1 paragraph 8.4

<sup>118</sup> Doc NSC/16; see also DCLG01/1 and DFT01/1 and DFT01/2 in respect of the late objection by LAPC to the open space exchange land certificate notice

<sup>119</sup> Doc NSC/2/1 and Doc NSC/11/1

<sup>120</sup> See also Doc NSC/11/2 Appendix 2 for an explanation of the minor drafting changes

<sup>121</sup> See Docs NSC/23 and NSC/21.

<sup>122</sup> CD 6/5

<sup>123</sup> See CDs 6/8 and 6/9

<sup>124</sup> Doc NSC/1/1 chapter 8

### The Exchange Land Certificates

- 3.59 As a result of agreement reached during the course of the Inquiry there is now no objection by the landowner in relation to the exchange common land<sup>125</sup>. The area of exchange land is considerably greater than that lost, but this is because it was decided that if the land lost was simply replaced on a 1:1 basis, it could not be considered to be "equally advantageous", for the reasons set out on Doc NSC/5/1<sup>126</sup>. The final choice of exchange land has been the subject of a careful selection process, involving formal consultation on possible options<sup>127</sup>, to reach the conclusion that it would be equally advantageous to the public and those entitled to rights of common and other rights<sup>128</sup>.
- 3.60 In summary, the area of exchange land was the preferred option at public consultation and was considered to have less potentially adverse impact on residential properties than other options. It has a similar relationship between road and common land as does the existing common, and has greater inherent openness than other options, is more level and has greater equivalence in terms of the visual quality and the views out from the common. In addition it would provide easy access for maintenance and management and would provide a much greater level of passive security compared to other options. Finally, part of the area is already included within Highridge Common SNCI with some of it currently containing relatively diverse grassland, with another area suitable to take translocated turfs from the area of the SNCI affected by the Scheme.
- 3.61 It is relevant to note that 875 sqm of the acquired common land is in fact highway<sup>129</sup>, and an additional 2,932sqm of proposed highway land (required for construction) would be retained as grassland on completion, indistinguishable from the common<sup>130</sup>. Having regard to this latter point, the area available would in practice be more than twice as large as the area of common (including highway elements) that would be lost<sup>131</sup>.
- 3.62 Following consideration of responses to its notification<sup>132</sup> the Council has proposed 2 minor amendments to exclude a ditch to the south-east of the proposed exchange land and to provide a narrow strip on the western side to allow for an agricultural access<sup>133</sup>. These reductions would not affect the adequacy of what would then be the proposed exchange land, nor have any material bearing on the statutory tests. It is therefore requested that the common land exchange land certificate be issued with these modifications.
- 3.63 Insofar as the exchange open space land is concerned, the application for a S19 certificate is now withdrawn as the Council no longer needs to acquire the land in question by compulsion. This situation has arisen because, during the course of the Inquiry, the Council reached an agreement with the owner of this land, Ashton Park Limited (APL) (OBJ28), as is made clear in Doc NSC/24. This

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<sup>125</sup> See Doc NSC/27 – Objector No 28

<sup>126</sup> See paragraphs 8.20 to 8.48 of Doc NSC/5/1

<sup>127</sup> Doc NSC/5/1, paragraphs 8.65 to 8.68

<sup>128</sup> Doc NSC/5/1, paragraphs 8.69 to 8.70

<sup>129</sup> Doc NSC/5/1, paragraph 8.7

<sup>130</sup> Doc NSC/5/1, paragraph 8.19; Doc NSC/5/6

<sup>131</sup> Doc NSC/5/6

<sup>132</sup> Doc NSC/15

<sup>133</sup> Doc NSC/18

agreement gives the Council the right to enter all relevant land in the ownership of APL necessary to build the Scheme. It gives the Council the ability to require a transfer of those areas of land which are needed permanently, and it also grants rights to the Council over those areas which are needed temporarily, or otherwise can be dealt with through the grant of rights.

- 3.64 As it is no longer necessary for the land in question to be acquired compulsorily, the Council proposes a modification to remove these plots from the first CPO. In turn, this has implications for the S19 exchange land certificate being sought. The proposed modification means that the CPO will no longer authorise the purchase of these plots, and this therefore negates the requirement for the Secretary of State to be satisfied that exchange land is being provided. Consequently, it removes the need for the associated certificate confirming this.
- 3.65 Furthermore, as there is no longer a requirement to provide exchange land there is no longer any justification to include the land which had been identified as exchange land in the CPO. The Council does, however, propose to make this land available as open space in any case<sup>134</sup>. This means that in contrast to the current 36,534 sqm of "open space" land affected by the Scheme, which only has precarious rights by the public over it, some 39,900 sqm of public open space is proposed to be provided on a more secure basis<sup>135</sup>.
- 3.66 Provision of the substantial majority of this 39,900 sqm is guaranteed, and there is also a high degree of certainty that the rest of the remainder will be available, as provisional agreement with the owners has been reached. However, none of this provision is a requirement; rather, it is a bonus of the Scheme. If account is taken of the area of existing "open space" not affected by the highway itself, and thus still accessible on a permissive basis, the total of open space would then be 67,054 sqm<sup>136</sup>.
- 3.67 No objection has been made to the proposed certificate relating to the small area of open space needed for the Scheme at Hareclive Road, for which exchange land is not required because the area is below the threshold<sup>137</sup> in S19(1)(b) of the Acquisition of Land Act 1981. Having regard to the availability of other green space in the Reserved Corridor, the giving of exchange land is unnecessary<sup>138</sup>. In any case, of the 183 sqm required, 79 sqm would be accessible green space, so in practice the net loss would be only 104 sqm<sup>139</sup>.

### **Summary of the Council's case**

- 3.68 NSC and BCC have entered into a JPA to progress the Scheme through to implementation and all necessary authorisations and resolutions have been granted. As part of an integrated programme of investment the Scheme is critical to the wider economic growth of the West of England, and in particular presents a compelling case in terms of addressing barriers to growth and prosperity in South Bristol.

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<sup>134</sup> Doc NSC/24

<sup>135</sup> Doc NSC/5/6

<sup>136</sup> This figure is the correct figure, not that contained in Doc NSC/14; the correction was made in Doc NSC/5/6

<sup>137</sup> 209 sqm (250 square yards)

<sup>138</sup> Doc NSC/5/1 paragraph 10.1 to 10.3; Doc NSC/5/2 Appendix 14

<sup>139</sup> Doc NSC/24

- 3.69 The Scheme would perform well against all of its stated objectives and the reports to NSC and BCC planning committees<sup>140</sup> confirm the economic benefits the Scheme would bring, whilst evidence to the Inquiry has also demonstrated how the Scheme would deliver transport benefits<sup>141</sup>.
- 3.70 There would be a number of adverse impacts, most occurring during the construction phase, but these would be temporary and are considered acceptable when compared against the strategic need to address the poor transport infrastructure in South Bristol. Many of the potential adverse impacts would be mitigated by design and the CEMP, and it is notable that there is no objection by any statutory environmental body, including the Environment Agency and Natural England, either to the Orders or to the planning applications.
- 3.71 The Scheme has been subject to public consultation during every stage of its development and is supported by a wide range of stakeholders. It has planning permission and, subject to confirmation of the Orders, is in an advanced state of readiness, including committed funding, such that construction would be able to start later in 2014.
- 3.72 The overarching case for the Scheme is strong and the relevant tests for confirming the Order powers sought by the Council are met. The 3 Orders should therefore be confirmed, and the proposed certificate in respect of common land should be granted, all subject to the modifications set out later in this Report.
- 3.73 Moreover, although there are no objections to the certificate in respect of the small area of land at Hareclive Road, and thus no Inquiry has been held, the acceptability of this aspect of the Scheme proposals should be noted.

#### **4. THE CASES FOR THE SUPPORTERS**

- 4.1 A total of 7 supporters submitted representations in favour of the Scheme<sup>142</sup>, and 2 of these, Mr Davies and Mr Gates appeared at the Inquiry. The points raised are set out below, along with a summary of the written submissions made by the other supporters.

The material points are:

**Mr A Davies, Planning and Environment Director, Bristol Airport**<sup>143</sup>

- 4.2 Bristol Airport is one of the UK's most successful regional airports. With planning permission in place for development to accommodate up to 10 million passengers per year, work is underway on the latest improvements to the passenger terminal as part of the overall vision to be a world class regional airport. A successful airport can support the North Somerset and Bristol and Bath vision to become an internationally connected, forward-looking "Best City Region", helping to attract inward investment and tourism.
- 4.3 However, the ability to contribute to this vision could be constrained by the transport connections with the rest of the city-region. A successful airport needs

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<sup>140</sup> CD 2/31 and CD 2/32

<sup>141</sup> Docs NSC/3/1 and NSC/3/2

<sup>142</sup> See Docs SUP01/1/1 to SUP07/1/1

<sup>143</sup> See Docs SUP03/1/1 and SUP03/1/2

to be accessible and should be well served by public transport. The airport has invested millions of pounds in improving transport links, and last year the Flyer Airport Express bus carried more than 700,000 passengers. Around 13% of air passengers currently use public transport and the airport has an ambitious target to increase this to 15%, working with transport providers and the highway authorities.

- 4.4 The airport's Staff Travel Plan has similar ambitious targets to improve access for employees and reduce reliance on single occupancy cars. The Flyer Airport Express service is a key part of these strategies, but increasing the public transport mode share to 15%, at 10 million air passengers a year, would mean almost a doubling of the number of passengers on the Flyer. This is challenging, given that the larger proportion of passengers are flying outbound from Bristol and therefore have other travel mode options for their journeys to the airport. The public transport targets are legally binding through a section 106 agreement with NSC, and the delivery of improvements to the transport network are vital for their achievement.
- 4.5 Bristol Airport is just 8 miles from the centre of Bristol and the Flyer service to the city centre is scheduled to take 30 minutes in off-peak periods, but during the rush hour the scheduled run time increases by more than 10 minutes. The resilience of the transport network to disruption is poor and it is not unusual for the service to run up to 45 minutes late. As a result, a visitor's first impressions of this area can be of traffic congestion and missed connections.
- 4.6 The situation is expected to get worse in the future, but air passengers have to be confident of the reliability and punctuality of public transport. The SBL, which has been carefully planned and designed to avoid, mitigate and compensate for environmental impacts, is therefore strongly supported as it would:
  - deliver high quality, efficient and reliable access to Bristol Airport, enhancing the experience of passengers, making airport jobs more accessible and allowing the airport to deliver its full potential for the South West region;
  - deliver substantially better public transport links between Bristol Airport, North Somerset, Bristol and the rest of the West of England. All airport-related public transport services would benefit and improved access would also stimulate the provision of new public transport services;
  - lead to greater use of low carbon transport modes with the potential to reduce congestion and air pollution.
  - remove traffic from inappropriate roads in North Somerset villages and South Bristol;
  - create thousands of jobs by unlocking South Bristol and the wider area for new investment;
  - improve access for North Somerset and Bristol residents to key South Bristol facilities such as the Community Hospital, Skills Academy, Leisure Centre and local businesses;
  - deliver a net increase in facilities for pedestrians, walkers and cyclists.

- 4.7 The Scheme has secured the necessary financial support from Government and Bristol Airport has committed, through a section 106 Agreement with NSC, to contribute up to £4.1 million<sup>144</sup> and a further £200,000 for improvements to the B3130 in Barrow Gurney. There is wide support from residents and businesses across the area, with overwhelming support from businesses located in South Bristol. Business West, representing 16,000 businesses in the West of England, the CBI, Institute of Directors, Federation of Small Businesses and the Bristol Junior Chamber are all strongly in favour of the Scheme.
- 4.8 This is a once in a lifetime opportunity to transform the transport network in the West of England and for the reasons set out above Bristol Airport supports the SBL and the CPOs which are the subject of this Inquiry.

**Mr E Gates, Chairman, Barrow Gurney Parish Council**<sup>145</sup>

- 4.9 The single carriageway B3130 through the centre of the village of Barrow Gurney carries up to 12,000 vehicles a day, but it is not wide enough for a footpath, so residents moving between the village amenities have to regard being struck by cars' wing mirrors as a regular hazard. This situation has worsened as the growth of the airport has drawn traffic from the M5 and from Bristol itself which uses this route as a rat run. The result is severance of the community, traffic noise, and disruption for those who live there.
- 4.10 Rush hour in the village begins before 0500 hours, as passengers go to catch flights that begin at 0600, and airport generated traffic continues until around midnight when the last flights have arrived. The other side of the coin is that Bristol Airport has a major access route that is closed twice a day at milking time, when a herd of cows crosses the road.
- 4.11 Whilst some people may be disadvantaged by this Scheme if it goes ahead, local villages such as Barrow Gurney will certainly be disadvantaged if it does not. These North Somerset villages have already suffered the consequences of minor roads taking inappropriate amounts of traffic for over a decade, with passenger numbers at Bristol Airport increasing almost tenfold in recent years. Failure to construct the SBL will simply increase the severance, noise and disruption that these villages have suffered for years, as the consequence of lack of investment in the infrastructure needed to support the growth of the airport.
- 4.12 To quote the Director of Avonside Campaign to Protect Rural England "The new road offers the hope of major reductions in traffic through the village - perhaps a halving of traffic numbers. Combined with rigorous traffic-calming measures, this has the potential to transform life in the village."
- 4.13 The Scheme would bring about a significant improvement to the quality of life of residents of Barrow Gurney village, and is therefore strongly supported.

**Other Supporters**

- 4.14 Strong support in the form of written representations is also offered by South Bristol Business<sup>146</sup>, First Bus West of England<sup>147</sup>, South Liberty Lane and

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<sup>144</sup> Although this figure was stated by Mr Davies in Docs SUP03/1/1 and SUP03/1/2, the actual figure given by the Council in paragraph 7.1 of Doc NSC/1/1 is £3.19 million

<sup>145</sup> Docs SUP04/1/1 and SUP04/1/2

<sup>146</sup> Doc SUP01/1/1



Brookgate Industrial Estates<sup>148</sup>, the Cater Business Park Traders Group Ltd<sup>149</sup> and "Better Transport Links 4 South Bristol"<sup>150</sup> (a group comprising residents from South Bristol Neighbourhoods). These supporters raise similar matters to those detailed above, as well as additional points as summarised below:

- The SBL is welcomed as it will provide a "modern thinking" multi-modal approach to travel which will encourage car users to actively consider transferring to a public transport alternative, cycling or walking;
- The Scheme will provide better access for the South Bristol area, and will reduce delays, congestion and pollution;
- The Scheme will be good for business, will assist regeneration and will raise the profile of South Bristol;
- The SBL is a key highway component for MetroBus and will offer the same potential for routes running along the same corridors;
- The Scheme will assist with the regeneration of the South Liberty Lane and Brookgate Industrial Estates and will redress the imbalance between North and South Bristol;
- The Scheme will improve access to the Cater Business Park.

## 5. THE CASES FOR THE OBJECTORS

5.1 As noted previously, most of those who initially objected to the CPOs, SRO and the exchange land certificates have reached agreement with the Council and have withdrawn their objections. Only 2 objectors chose to speak at the Inquiry, with the other remaining objectors electing to rely on their written submissions. The cases of those objectors who appeared at the Inquiry are considered first.

The material points are:

### **Long Ashton Parish Council (LAPC) (OBJ10) – Case presented by Mr P R Sterland and Mr N Moorcroft**

- 5.2 The initial objection lodged by LAPC in January 2014<sup>151</sup> related solely to the SRO. A Statement of Case lodged in June 2014 did not elaborate on this objection but instead raised a late objection to the proposed S19 open space exchange land certificate and the first CPO, insofar as it concerns land identified as "Public Open Space (Long Ashton P&R)". At the Inquiry LAPC confirmed that its objections to both the SRO and the S19 certificate were being maintained.
- 5.3 However, as has been made clear earlier in this Report<sup>152</sup>, shortly before the scheduled LAPC appearance on Day 5 of the Inquiry the Council indicated that it had reached an agreement with APL, the owner of the land in question. As a result the Council stated that this application for a S19 exchange land certificate was being withdrawn as neither the land needed for the Scheme, nor that intended to provide the exchange land, needs to be acquired compulsorily. In these circumstances, LAPC acknowledged that it had no basis to pursue its

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<sup>147</sup> Doc SUP02/1/1

<sup>148</sup> Doc SUP05/1/1

<sup>149</sup> Doc SUP06/1/1

<sup>150</sup> Doc SUP07/1/1

<sup>151</sup> See Doc NSC/27

<sup>152</sup> See paragraphs 3.63 to 3.66

objection to the certificate and therefore indicated, orally, that its objection in this regard was withdrawn.

- 5.4 LAPC does, however, maintain its objection to the SRO, although it clarified that the only point now pursued relates to the proposed diversion of LA12/12c. It notes that LA12/12c/10 forms part of the Community Forest Path and will also be a farm access, footpath and cycleway, and maintains that the footpath should be fenced from the shared farm access and cycleway. It also raises concerns about the levels of the footpaths proposed at the Longmoor Brook Underbridge, and their potential to flood, as well as objecting to the juxtaposition of the footpath and cattle track on the southern side of this brook.
- 5.5 In addition, LAPC argues that LA12/12c/20 is a well-used field path which should not be stopped up. Rather, it maintains that at little or no extra cost a minor diversion of the existing footpath could be implemented, allowing walkers to cross the SBL at grade at about chainage 520 metres (m), where farm accesses are proposed on either side of the road. This would provide an alternative route for walkers in the event of flooding or dirty conditions at the sunken footpath and livestock crossing proposed at the Longmoor Brook Underbridge.

**Mr J Ives (OBJ11)<sup>153</sup>**

- 5.6 Mr Ives spoke at the Inquiry as a private individual, living at Long Ashton. His objections relate solely to the SRO and to public footpaths north of the railway line. His case falls into 2 broad categories: firstly, consultation and the Order making process; and secondly, the legal tests in Section 14 (S14) of the Highways Act 1980 as they relate to the proposed new PRoW. He also raises a general concern regarding the impact of noise, fumes and visual intrusion of traffic on people out for a country walk.
- 5.7 Consultation and the Order making process. Mr Ives comments that the most commonly used piece of legislation to divert or make other alterations to PRoW is Section 119 (S119) of the Highways Act 1980. Works to PRoW arising from planning applications are processed through Section 257 (S257) of the Town and Country Planning Act 1990. All such schemes have defined legal tests. Both the S119 and S257 applications have forms of order as prescribed by the Public Path Order Regulations 1993, and are afforded a similar consultation audience and order making process. The process and paperwork is clear and well understood by campaigners and allows for a fair debate within the legal tests.
- 5.8 In contrast, Highways Act 1980 S14 SROs have a different and lesser consultation audience and a lower threshold of legal test in that the proposed alternatives must be said to be "reasonably convenient". However, there appears to be no legal Regulations as to how orders should be constructed. Because of this a unique "form of order" has evolved, based on internal DfT Guidelines which bear little relation to the foregoing and well understood Defra schemes both in terms of content and layout.
- 5.9 Mr Ives maintains that the S14 consultation process and form of order are inferior to other "change PRoW" schemes sponsored by Defra, and are in need of review. He argues that this situation has evolved because of the lack of any

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<sup>153</sup> See Docs NSC/27 and OBJ11/1/1 to OBJ11/1/6

appropriate legal regulations, and that the guidelines which are used fail to document important associated criteria like PRoW widths and limitations on the public's rights. He believes the exclusion of limitations means that the provisions of the Equalities Act 2010 could be overlooked. He therefore asks the Inspector to form a view of the fairness and effectiveness of the currently practised S14 procedures and the legal validity of the currently used form of order.

- 5.10 Proposed new paths and the S14 tests. Mr Ives has objected to the suggested routes for paths LA12/12, 12c and 14, with full details of the reasons for objection given in Doc OBJ11/1/1 and summarised in the following paragraphs.
- 5.11 For footpath LA12/12, Mr Ives objects to the proposed diversion route, maintaining that the partial routing along a footway/cycletrack would detract from the enjoyment of walkers, particularly those with dogs, out to enjoy a totally rural walk. It would also be longer than the existing route and would have a detrimental effect on amenity, in conflict with Policy T/7 of the North Somerset Replacement Local Plan<sup>154</sup>.
- 5.12 Mr Ives' suggested alternative route is shown as a brown line in Annex E to Doc OBJ11/1/2 and is described in paragraphs 3.7 and 3.8 in Doc OBJ11/1/1. He comments that the Council, in proposing its alternative route, appears to have gone out of its way to move a rural footpath onto a sanitised, tarmacadam cycletrack/footway. He states that if the route is a public footpath it would not normally be able to be used by cyclists, and that if it is a PRoW then it must be a bridleway or subjected to a cycletrack order, in which case it would not be a PRoW. He states that this matter needs to be clarified.
- 5.13 In the case of footpath LA12/12c Mr Ives comments that part of the current route is an enclosed track between 2 adjacent fields and is the epitome of a countryside ramble. He objects to the proposed re-routing, arguing that this would result in the loss of this enclosed section of track and amount to a considerable reduction in the enjoyment of any walk along this footpath, especially as it is a truly rural part of the Community Forest Path.
- 5.14 Mr Ives can see no reason why this footpath could not cross the SBL at grade, on more or less its current route, as stock and machinery would be allowed to cross at this location<sup>155</sup>. This would retain the present amenity value of the route and would also be a better solution for the farmer than the proposed cross-field solution. He acknowledges that there would be no central refuge, but maintains that there are many other locations in Long Ashton where PRoW cross busy roads without central refuges.
- 5.15 Insofar as footpath LA12/14 is concerned, Mr Ives comments that it is one of the most extensively used local paths, providing part of a popular circular route. The current route follows a hedge line up to the railway line, but the proposal is to re-route practically the whole of this path onto a new cycletrack located away from the hedge line. He maintains that it would be far preferable to leave this route where it is, as to move it to a combined footway/cycleway would result in a clear loss of amenity for users<sup>156</sup>.

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<sup>154</sup> CD 2/11

<sup>155</sup> Shown as the green line in Annex E to Doc OBJ11/1/2

<sup>156</sup> See the orange line in Annex E to Doc OBJ11/1/2

- 5.16 Mr Ives indicates that his greatest concern is the fact that the Council, as order-making authority seeks to use its position as the new landowner to give permission for cycles to use public footpaths and, in the case of LA12/14, proposes to replace a rural path with a tarmacadam cycleway/footway. He argues that such practices will be seen as the thin edge of the wedge by many user groups and represent a move away from traditional rights of way categories and towards more multi-user routes. He also contends that the impacts of the Scheme on PRow were not properly brought to the attention of NSC's Councillors, reinforcing his view that the effects on PRow in SROs are not given sufficient importance by either the DfT or order-making authorities.
- 5.17 Mr Ives has also detailed suggested alternative routes which, amongst other things, seek to correct definitive map anomalies inherited from a previous SRO dating back to when the Long Ashton Bypass was built.
- 5.18 In summary, Mr Ives believes that the new footpaths proposed through the SRO would not provide reasonably convenient alternatives to those proposed to be stopped up and would lessen the users' enjoyment of the paths and their amenity value. Because of this the SRO should not be confirmed.

#### **Matters raised by objectors in written representations**

- 5.19 Sackville UKPEC 2 Galahad Nominee 1 Limited and Sackville UKPEC 2 Galahad Nominee 2 Limited (OBJ08)<sup>157</sup>. This objector (referred to hereafter as "Sackville"), is freeholder owner of a number of plots forming part of the South Liberty Lane and Brookgate Industrial Estate, needed for construction of the SBL. In its original objection Sackville maintained the following:
- the Council has not held negotiations of any sort with Sackville for the voluntary acquisition of the plots and, accordingly, the making of the Order and its submission for confirmation are premature;
  - the Council's failure properly to assess and consider the impacts of increased volumes of traffic on South Liberty Lane and its change of status from a cul-de-sac to a through road, and on Brookgate, undermines the compelling case for confirmation of the Order and militates against its confirmation;
  - the Council has not provided details of how the current unrestricted on-street parking on Brookgate and South Liberty Lane may be affected by the Scheme, and this undermines the compelling case in the public interest for confirmation of the Order;
  - Sackville is concerned that the proposed new road layout should provide sufficient circulation space to enable heavy goods vehicles (HGVs) to gain access to, and egress from, the industrial estates. Should this not be the case it would undermine the compelling case in the public interest for confirmation of the Order as it would have a severe detrimental impact on the viability of the industrial estates which are an important source of economic activity and employment for the South Bristol area;
  - the Council has not explained the purposes for which it is seeking to acquire certain plots, the construction impacts and proposed mitigation

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<sup>157</sup> See Docs NSC/27 and OBJ08/1

measures. This is a symptom of the Council's failure to undertake any discussions or negotiations with Sackville;

- the Council has not explained the nature of the rights of access sought to be acquired over 1 of the plots, namely the frequency with which the right would be exercised, how the right would be carried out and the point at which access would be taken. It has also not provided details of how the exercise of the rights would impact upon Sackville's tenants at the industrial estates.

5.20 Since lodging this initial objection, however, Sackville has been in discussion with the Council and has made progress in reaching an agreement which would allow the objection to be withdrawn. However, as this agreement had not been finalised before the close of the Inquiry, Sackville maintains its objection to the first CPO.

5.21 Mrs Green (OBJ12)<sup>158</sup>. Mrs Green is a non-statutory objector living at Highridge Common and having commoner's rights. She has raised very general, non-specific objections to the first CPO in a number of 1 or 2-word points, namely "Disturbance", "Water", "Severance", "Injurious affection", "Land take" and "Ground investigations". Again, in just a matter of a few words, the objector claims that more specifically these objections are "Devaluation of Freehold", "Access" and "Drainage". No further elaboration or explanation regarding these concerns has been submitted.

5.22 Park and Ride Limited (OBJ31)<sup>159</sup>. This objector (referred to hereafter as "PRL"), operates a P&R facility from land it holds on a 25 year lease and from adjoining land, pursuant to an operating agreement between PRL and BCC. A plot of this leasehold land (01/23), lying immediately to the south-west of the Long Ashton P&R site, was included in the first CPO as it was originally required to provide exchange open space land. PRL lodged an initial objection to the first CPO on the following grounds:

- the Council has not made contact with PRL to negotiate for the voluntary acquisition of the plot and this means that the making of the Order, and its submission for confirmation, are premature;
- it has been extremely difficult for PRL to identify the precise extent of the required plot's incursion onto the PRL leasehold land and, accordingly, it is extremely difficult for PRL to identify the precise impact of the proposed compulsory acquisition on its operations;
- the acquisition of the plot would have a detrimental impact on PRL's ability to operate the P&R facility in accordance with its operating agreement, as it is understood that it may result in a reduction in the number of car parking spaces that are provided at the car park;
- the acquisition of the plot may fetter PRL's ability to expand the car park; may have a detrimental impact on the car park's drainage system and could result in flooding of the car park. In addition it may have a detrimental impact on PRL's business and may result in a loss of revenue and profits.

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<sup>158</sup> See Doc NSC/27

<sup>159</sup> See Doc NSC/27

5.23 Since lodging this initial objection, however, PRL has been in discussion with the Council and has reached a provisional agreement which would allow the objection to be withdrawn. However, as this agreement had not been finalised before the close of the Inquiry, PRL maintains its objection to the first CPO and asks the Secretary of State not to confirm this Order or, if he is minded to confirm the Order, to modify it by the exclusion of the plot in question.

5.24 Ms Tomlinson (OBJ36)<sup>160</sup>. Ms Tomlinson is a non-statutory objector from Long Ashton who is very opposed to the SBL and maintains that there is no justification for millions of pounds of taxpayers' money being spent on the Scheme. She argues that it would cut across communities and open Green Belt land, destroy wildlife and increase noise and pollution to the countryside. She also states that having noticed how traffic levels are decreasing as the cost of road transport becomes even more prohibitive, she cannot see the need for this road at the present time, or in the foreseeable future.

5.25 Mr N and Mrs M Walker (OBJ43)<sup>161</sup>. Mr and Mrs Walker are non-statutory objectors living at Highridge Green. They are opposed to the SBL in principle, commenting that there have been plans for such a road for the past 60 or more years and that the current plans are grossly out of date as traffic should be diverted around communities not brought through them. They state that they have made their views and objections known at every stage in the latest consultation regarding the Scheme, and are disappointed that these have not been addressed. They consider that the latest plan penalises them even more, by bringing the road so close to their property.

5.26 They make the following points:

- a section of the SBL will travel along Highridge Green, within feet of properties which were built over 100 years ago. These properties were not built for this amount of traffic, which will cause vibration, light pollution, noise, dust and fumes. Furthermore, parking for residents will not be permitted and because of the close proximity of these properties to the SBL it will be almost impossible for householders to get in/out of their drives, especially at times of high traffic volume;
- About 2,000 vehicles per hour (vph) are expected to use the SBL to get from Whitchurch Lane to the Long Ashton bypass. The largest of HGVs will be travelling through a densely populated residential area, causing noise and environmental pollution at all times of the day and night;
- the suggestion that the SBL will re-generate the local area must be questionable in this current economic climate. There has been no commitment from the local businesses that will benefit the community. Local businesses are under the impression that the SBL will generate business as it goes from Whitchurch to Long Ashton, but this is questioned;
- Highridge Common should be preserved for generations to come. It was given to the people of Highridge and Bishopsworth and is enjoyed by young and old for its spectacular views across the city and for leisure

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<sup>160</sup> See Doc NSC/27

<sup>161</sup> See Doc NSC/27

purposes. The openness of the common currently is a haven for many species of birds, animals and wild flowers;

- as with other local residents, they have grazing rights to the common, and could exercise their rights to take livestock across the road, which could cause chaos during the rush hour as they would no longer have direct access to the common;
- the proposed exchange land is totally unacceptable. It would be tucked away and the heavy traffic using the road would make it dangerous for residents to cross safely. There was a fatal accident on the current road involving a local resident within the last 12 months.
- Finally, Mr and Mrs Walker state that the implications to their property and well-being would be severe, such that they will be seeking legal representation regarding compensation for valuation and disturbance under the Land Compensation Act 1973 Part 1.

## **6. THE CASE FOR THE COUNTER-OBJECTOR**

- 6.1 As part of its objection to the S19 open space exchange land certificate, LAPC had put forward the Long Ashton Cricket ground and an additional area around the cricket field as an alternative to the proposed exchange land. In LAPC's view this would provide land of equivalent quality to that being acquired, has good access and would provide a suitable replacement area of public open space. However, this suggestion was opposed by the Long Ashton Cricket Club itself, which does not currently support the designation of the cricket ground as public open space, a fact made clear in Doc CO-OBJ01/1. [**Inspector's Note:** As this S19 application has now been withdrawn, no further action was taken regarding this counter-objection.]

## **7. THE RESPONSE OF THE COUNCIL AS PROMOTING AUTHORITY**

- 7.1 The Council responded to the remaining objections both in writing and by cross-examination of those objectors who chose to present their cases at the Inquiry. For some objectors a provisional agreement has been reached, but was not able to be finalised before the close of the Inquiry. For others, the Council has responded to some of the points of objection by offering modifications to the Orders. These are set out later in this section. Other objections are simply responded to and rebutted by the Council. The Council's response to each of the remaining objections is set out below.

The material points are:

- 7.2 Sackville UKPEC 2 Galahad Nominee 1 Limited and Sackville UKPEC 2 Galahad Nominee 2 Limited (Sackville) (OBJ08). A provisional agreement has been reached with Sackville. The terms of the settlement are to be considered at the next board meeting of the Sackville Trustees, but this meeting will not take place until after the close of the Inquiry.
- 7.3 In terms of the specific points of objection, the Council considers that Sackville's concerns about worsening access conditions to properties on the South Liberty Lane and Brookgate Industrial Estates are unfounded. Whilst the route along South Liberty Lane between the Scheme and Winterstoke Road would technically be a potential through route, part of it is subject to a speed limit of 20mph, and

- there are a number of other factors which would, in practice, diminish the route's attractiveness such that that the volume of through traffic would be negligible<sup>162</sup>.
- 7.4 Predicted traffic volumes have been analysed for a variety of time periods for the opening year of 2016 and the design year of 2031<sup>163</sup>. These demonstrate that there would be negligible change in traffic flows in the vicinity of South Liberty Lane as a result of the Scheme. In fact the number of vehicles entering and leaving at the junctions with Winterstoke Road would decrease by between 10 and 60 vph, with drivers using the new Brookgate junction as an alternative. The transport model indicates that there would be no through traffic for the reasons stated above. Hence, the residents and businesses in the South Liberty Lane/Ashton Drive area would benefit from the improved accessibility provided by the Scheme.
- 7.5 Insofar as the Scheme's likely impact on the current unrestricted on-street parking on Brookgate and South Liberty Lane is concerned, parking bays would be provided on the new Brookgate link, and funding has been secured through a S106 agreement to introduce parking restrictions in Ashton Vale<sup>164</sup>. These would focus on junction protection (for visibility and safety reasons) and ensure that access to rear lanes is kept clear. Parking restrictions on South Liberty Lane are also to be investigated, again focussing on the safety aspect of junction protection and maintaining access to premises.
- 7.6 With regard to concerns about the purpose of acquisition, the freehold interest of the land in question is required permanently for the creation of parking bays and access onto the new link road to the main SBL route, whilst rights over a further parcel of land are needed to maintain access to Colliters Brook for the Environment Agency.
- 7.7 In view of all the above points, these objections should not be upheld.
- 7.8 Long Ashton Parish Council (LAPC) (OBJ10). The Council confirmed at the Inquiry that the levels of the footpaths on the northern and southern sides of the brook at the Longmoor Brook Underbridge would be increased to above the 1 in 100 year flood level (plus climate change). It also made it clear, through Doc NSC/2/6, that the information for this underbridge is incorrectly shown on the plan at Appendix 18 to Doc NSC/2/2. It confirmed that the footpath and cattle track on the southern side of the brook would be separated, and that the path annotated for equestrian use should be annotated as a footpath. Cattle would be prevented from accessing the footpath by appropriate pedestrian access gates on either side of the underbridge.
- 7.9 The Council also confirmed that it would be prepared to "swap" the footpath and cattle track around, with the cattle track passing adjacent to the brook, thereby avoiding the need for the footpath and cattle track to cross one another. These changes, acceptable to LAPC, are now incorporated into the requested modifications to the SRO, set out later in this Report. Notwithstanding its acceptance of the changes at the underbridge, LAPC still seeks the retention of the current alignment of LA12/12c, with a surface crossing of the SBL, to provide

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<sup>162</sup> See Figures 3.23 to 3.25 in Appendix 3 to Doc NSC/3/2

<sup>163</sup> See Figures 3.13 to 3.18 in Appendix 3 to Doc NSC/3/2

<sup>164</sup> See paragraph 6.5 to Doc NSC/3/1



an alternative to the underbridge in times of extreme flood. However, there are a number of reasons why this would not be appropriate.

- 7.10 Firstly, with 2 PMA sited at this location, serving 2 fields on each side of the road, there is no scope for a pedestrian refuge in the road. Without any such pedestrian refuge it is not considered desirable, in highway safety terms, to have an at-grade pedestrian crossing on a stretch of road which would have a 40mph speed limit and a risk of speeds in excess of this<sup>165</sup>. Indeed, responses given at the pre-application consultation stage identified extensive concern as to the possible provision of surface crossings of the road<sup>166</sup>. Furthermore, one of the principles applied to the design of the Scheme has been to provide diversions to PRoW, wherever possible, beneath the proposed Scheme in order to reduce potential points of conflict<sup>167</sup>.
- 7.11 Secondly, providing a surface crossing for LA12/12c would involve substantial engineering works, by reason of the gradient involved and the need to comply with equalities legislation. This would have an unnecessary physical and visual impact<sup>168</sup>, extending the width of the embankment in an area comprising the borrowed landscape of Ashton Court and within the Green Belt. Thirdly, if LA12/12c was to remain on its alignment, with a surface crossing, there would be no requirement to provide the alternative route at the underbridge.
- 7.12 The Council maintains that the alternative route proposed is appropriate and would only be unavailable in times of extreme flood (1 in 100 years) when much of the remainder of the footpath network would, in any event, be likely to be inaccessible. The proposed diversion would therefore be a reasonably convenient alternative route within the ambit of S14 of the Highways Act 1980 and there is no need to provide any "reserve" route.
- 7.13 In view of the above points, this objection should not be upheld.
- 7.14 Mr J Ives (OBJ11). Although Mr. Ives was not comfortable with the S14 Order process, in particular the consultation aspects of it, he agreed that it was lawful, well-established in the context of major highway proposals and that it allowed a "joined-up" approach to decision-making with the CPO. In terms of consultation he agreed that he had ample opportunity to make his points, including at a meeting specifically for non-motorised users which he attended in August 2012, and that he had contributed to the planning process in 2013 in respect of rights of way. He also acknowledged that he had been able to raise his points not only in the formal context of the objection to the SRO but also with informal engagement with the NSC Rights of Way Officer.
- 7.15 The alternative route proposed for the section of footpath LA12/12 to be stopped up<sup>169</sup> would require users to walk, at most, an additional 300m or so. Such an increase is considered acceptable as it would allow the landowner to utilise his land to its full potential; would provide a safe crossing of the SBL by means of the Longmoor Brook Underbridge; and would provide good connectivity to the

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<sup>165</sup> Doc NSC/2/1 paragraph 11.4.1

<sup>166</sup> Doc NSC/20

<sup>167</sup> Doc NSC/2/1 paragraph 8.2 (iii)

<sup>168</sup> Cross-examination of Mr Rowson on Day 5

<sup>169</sup> See Appendix 3 to Doc NSC/11/2

rest of the local PRoW network<sup>170</sup>. Mr Ives agreed that his aspirations for this footpath lay largely outside the ambit of the Scheme<sup>171</sup> but that these aspirations would not be impeded by the Scheme; rather, they would be advanced by the open space proposals of the Scheme in the vicinity of the P&R site.

- 7.16 For footpath LA12/12c, the alternative route would increase journey lengths for some users, but decrease them for others, depending on the direction of travel and intended destinations. In the light of clarification as to the proposed provision of a pedestrian bridge to the east of Longmoor Brook Underbridge<sup>172</sup>, Mr Ives accepted that the proposed footpath diversion would provide connectivity<sup>173</sup>. He nevertheless advocated retention of LA12/12c on its existing alignment, with an at-grade crossing of the SBL, instead of the proposed diversion. The points set out above in paragraphs 7.9 to 7.12, in response to LAPC, are therefore relevant in this regard.
- 7.17 In respect of footpath LA12/14, whilst the Council would generally seek to avoid replacing a rural PRoW with one to the side of a highway, such a course of action is considered appropriate in this case<sup>174</sup>. If the footpath was retained to the east, at the foot of the embankment, it would run within a narrow area which would be likely to become overgrown and unusable. Moreover, the visual amenity of the route would be limited and there would be concerns about the perception of safety by users<sup>175</sup>. If the route ran to the west, it would involve another surface crossing of the road and would conflict with the flood storage compensation area<sup>176</sup>. Mr Ives' concerns appear to be derived from proximity of the diversion to "a busy road" but, as a dedicated bus-only spur, the basis of this concern is misplaced.
- 7.18 In relation to the connection to Festival Way, over the Long Ashton Bypass bridge, this is currently a footpath with farm access. There are a number of different ways of converting this stretch to incorporate a cycleway, including permissive use by the land owner (who would be NSC), or if considered appropriate, a Cycle Track Order. Mr Ives agreed that nothing in the SRO has any effect on those options and that they can properly be addressed at a later stage. In view of this, and the above points, it is submitted that the tests in S14 of the Highways Act 1980 have been met.
- 7.19 Mr Ives also raised a general concern that noise could be an issue for certain PRoW in Long Ashton, asserting that noise from traffic is a relevant factor which can affect the enjoyment of these PRoW. However, the evidence shows that existing noise levels on some sections of the footpaths referred to, close to existing highways and the P&R site, are already above the 50dB(A) level which the World Health Organisation regards as one below which few people are moderately annoyed<sup>177</sup>. Overall it is the Council's view that significant noise effects would not be experienced beyond around 30m from the Scheme.

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<sup>170</sup> Paragraph 5.8 in Doc NSC/11/1

<sup>171</sup> Section 3.4 to Doc OBJ11/1/1 and Appendix E to Doc OBJ11/1/2

<sup>172</sup> CD2/1, condition 17 of the NSC planning permission

<sup>173</sup> See Appendix 4 to Doc NSC/11/2

<sup>174</sup> See Appendices 5 and 6 to Doc NSC/11/2

<sup>175</sup> Mr Rowson's evidence on Day 5; Doc NSC/19; Doc NSC/11/4 paragraph 6.2; Doc NSC/11/1 paragraph 7.2

<sup>176</sup> Mr Rowson's evidence on Day 5

<sup>177</sup> Section 11.4 of Doc NSC/7/1

- 7.20 For the reasons set out above these objections should not be upheld.
- 7.21 Mrs Green (OBJ12). The objections lodged against the first CPO by Mrs Green are extremely general, with no specific detail provided on any of the areas of objection cited. The Council has attempted to correspond with Mrs Green on several occasions, seeking more information on the basis of her objection, but no further response has been forthcoming<sup>178</sup>. However, access to her property would be retained to/from the Scheme, and drainage of the property would not be adversely affected as surface water from the Scheme would drain away from the property and be collected by the Scheme drainage<sup>179</sup>.
- 7.22 The other, general matters raised should not be seen as outweighing the clear benefits of the Scheme, set out in Section 3 above and, accordingly, these objections should not be upheld.
- 7.23 Park and Ride Limited (PRL) (OBJ31). A provisional agreement has been reached with PRL. The terms of the agreement are to be recommended to PRL's board at its meeting on 12 August 2014, after the close of the Inquiry.
- 7.24 In terms of the specific points of objection, the plot of land in question (01/23) was originally required as exchange open space. With the withdrawal of the application for a S19 certificate in respect of open space land this plot is no longer formally required as exchange land, but under the provisional agreement referred to above the Council will still acquire this land and make it available as open space<sup>180</sup>. Its use as open space would have no impact on drainage or flooding of the adjoining car park. Moreover, as this land is not currently used for parking, its acquisition would result in no loss of parking spaces or income, as initially feared by PRL<sup>181</sup>.
- 7.25 In terms of any impact on future expansion of the P&R site, although such expansion has policy status under Policy CS10 of the NSCS<sup>182</sup>, it is not shown on the adopted Proposals Map as an allocation, nor does it appear in the emerging proposals map or Draft Sites and Policies Plan, February 2013<sup>183</sup>. No application has yet been brought forward to develop this land for such extension purposes<sup>184</sup>. Moreover, in recommending approval of the AVTM exchange land, the Inspector for that Inquiry did not conclude that the identification within the NSCS of the land for future P&R expansion would be frustrated by the approval of the designation of the land for open space exchange land. This recommendation was accepted by the Secretary of State.
- 7.26 In view of all the above points, these objections should not be upheld.
- 7.27 Ms Tomlinson (OBJ36). Ms Tomlinson's assertion that there is no need for the Scheme is not supported by the detailed evidence put forward by the Council on transport or economic matters<sup>185</sup>. With regard to Ms Tomlinson's very general concerns about the impact of the Scheme on wildlife and the countryside, the

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<sup>178</sup> See paragraph 7.17 in Doc NSC/12/1

<sup>179</sup> See paragraph 11.5.1 in Doc NSC/2/1

<sup>180</sup> See paragraph 1.11 in Doc NSC/24

<sup>181</sup> See paragraph 7.36 to Doc NSC/12/1

<sup>182</sup> CD 2/8

<sup>183</sup> CD 2/14

<sup>184</sup> See paragraphs 1.11 to 1.13 of Doc NSC/5/4

<sup>185</sup> See Docs NSC/3/1-3 and NSC/4/1-3, as well as details of the Council's case, set out in Section 3 of this Report

Scheme has been subject to a full EIA which concluded that it would have no significant long term ecological effects. This conclusion was accepted by both the NSC and BCC planning authorities.

- 7.28 The Council also maintains that the Scheme would not amount to inappropriate development in the Green Belt, but that even if it did, very special circumstances weighing in the Scheme's favour could be demonstrated<sup>186</sup>. Again, this was accepted by both the NSC and BCC planning authorities.
- 7.29 With regard to Ms Tomlinson's concerns about noise and pollution in the countryside, the World Health Organisation guidelines for community noise<sup>187</sup> indicate that during the daytime, when people are most likely to be using the countryside, "few people are moderately annoyed at LAeq levels below 50dB(A)". The traffic noise predictions show that generally this noise level would be reached within 500m from the Scheme, and effects from noise in the countryside would be limited to this area. Using the significance criteria in Appendix 3 to Doc NSC/7/2, significant effects would not be experienced at distances beyond around 30m from the Scheme.
- 7.30 It is not clear whether or not Ms Tomlinson's concern about pollution to the countryside is intended to include air pollution. However, on the assumption that it does, whilst it is a fact that roadside concentrations of air pollutants would increase along some affected roads in rural areas, concentrations would remain substantially below the relevant air quality criteria<sup>188</sup>.
- 7.31 In view of all the above points, these objections should not be upheld.
- 7.32 Mr N and Mrs M Walker (OBJ43). Contrary to the objectors' assertions, the Scheme would reduce traffic levels along a number of currently congested routes and unsuitable roads and would divert significant volumes of traffic out of communities. Many roads would therefore benefit from significant reductions in traffic as a result of the Scheme<sup>189</sup>, and there would be associated benefits of reductions in noise and environmental pollution in these extensive areas.
- 7.33 Mr and Mrs Walkers' assertion that the number of vehicles expected to use the road would be more than 2,000 hourly is assumed to be taken from Tables 4.1 and 4.2 in Doc NSC/3/1. But the figures in these tables are in terms of "passenger carrying units<sup>190</sup>" (pcus), rather than vehicles, and only relate to the peak hours. The use of pcus, which is the conventional approach in traffic forecasting, means that the number of vehicles would be about 5% less than the figures shown in the aforementioned tables. Hence, the number of vehicles on Highridge Green in the AM and PM peak hours, for the 2 directions combined, is forecast to be about 1,900 by 2031.
- 7.34 It is accepted that there would be an increase in the number of vehicles on the section of Highridge Green (south of Sandburrows Road), which would form part of the SBL route<sup>191</sup>. However, the Scheme would also produce significant reductions in traffic on other sections of the highway network in the immediate

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<sup>186</sup> See Section 5 of Doc NSC/10/1

<sup>187</sup> CD 5/16, page xv

<sup>188</sup> See paragraph 4.4 to Doc NSC/8/1

<sup>189</sup> See Figures 3.13 to 3.18 in Doc NSC/3/2

<sup>190</sup> 1 car is equivalent to 1.0 pcu; 1 HGV is equivalent to 2.3 pcus; 1 bus/coach is equivalent to 3.0 pcus

<sup>191</sup> See Tables 4.1 and 4.2 in Doc NSC/3/2 and paragraphs 2.4 to 2.6 in Doc NSC/3/4

- vicinity of the common<sup>192</sup>. The increases in traffic on sections of Highridge Green as a result of the Scheme would not give rise to any particular problems for householders accessing their drives. This is because the traffic-signal controlled junction proposed for Highridge Green/King George's Road would break up the flow of vehicles into platoons and create sufficient gaps in the traffic flow for vehicles to gain access from minor side roads and properties.
- 7.35 With regard to their claim that the latest plan would bring the SBL to within feet of their bedroom and invade their privacy, the existing Highridge Green lies on the same or a closer alignment to existing properties. Moreover, there are no traffic restrictions on this road and therefore nothing to preclude the current or a higher level of usage. Pre-contract commencement surveys of all properties would be undertaken to allow any adverse issues to be monitored.
- 7.36 Highridge Green is already lit and has similar parking constraints to those proposed for the Scheme and, as such, implementation of the Scheme would result in little overall change. The potential impacts of vibration, light pollution, noise, dust and fumes and of mitigation have already been considered by both NSC and BCC planning committees at the time the planning permissions were granted, and have been found to be acceptable.
- 7.37 Highridge Common is within the ownership of BCC and every effort has been made to mitigate the physical and visual impacts of the Scheme on the common and the views across it. The land form is such that the Scheme would have little or no adverse impact on the views from the higher parts of the common across the city, whilst those from lower levels are already obscured in part or in full by existing properties. The mitigation of impacts on the flora of the common has been considered in discussion with ecological officers from the authorities and Natural England<sup>193</sup>, and the appropriateness of this has been recognised in the grants of planning permission.
- 7.38 Section 8 of Doc NSC/5/1 clearly describes the method by which the exchange land has been selected and the justification for the quantum of exchange land relative to that common land lost. The ratio takes into account the fact that a complete contiguous boundary between remaining common and exchange land cannot be achieved and that the link between the 2 is narrow. With the Scheme in place the exchange land would not be tucked away but would be perfectly acceptable, mirroring the current relationship between common and road.
- 7.39 The rights of commoners would be fully protected through the legal mechanisms to extinguish common and provide exchange land. Access arrangements to the common would remain unchanged and there would be no fencing or other impediment to commoners exercising their rights, apart from traffic using the Scheme, which would be little different to the existing situation.
- 7.40 Whilst not submitting any firm evidence to support their stance, Mr and Mrs Walker question the suggestion that the SBL would re-generate the local area, contending that there has been no commitment from the local businesses that will benefit the community. However, the economic benefits of the Scheme are

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<sup>192</sup> See Tables 4.1 and 4.2 in Doc NSC/3/2 and paragraphs 2.7 and 2.8 in Doc NSC/3/4

<sup>193</sup> See, in particular, Docs NSC/6/1-2

clearly set out in Doc NSC/4/1 and a significant number of expressions of support for the Scheme have been received from local businesses.

- 7.41 Finally, although Mr and Mrs Walker do not consider that their views and objections have been addressed, a full consultation exercise was undertaken as part of the pre-application planning process and the results and responses presented as part of the planning applications to both authorities. These authorities undertook statutory consultation on the applications and the comments of all parties were taken into account in the reports to committee and the subsequent decisions to grant planning permission by the elected members.
- 7.42 In view of all the above points, these objections should not be upheld.

### **Modifications proposed to the Orders**

- 7.43 As a result of ongoing discussions with objectors, and further examination of the Orders, the Council is proposing a number of minor modifications to the SRO, the first CPO, and the S19 certificate in respect of common land.
- 7.44 For the SRO, a number of non-substantial typographical amendments, including minor changes to stated distances, are detailed in Appendices 2 and 16 to Doc NSC/11/2, and appear in "track changed" form in Doc NSC/22. A number of other, requested modifications, arising from discussions and negotiations with objectors, are detailed in Doc NSC/23 and are also included in "track changed" form in Doc NSC/22. In summary, these further modifications are:

- The Schedules have been updated to include the new highways and PMA which are to be constructed. These were previously only referred to in the explanatory text;
- The key has been amended to more accurately reflect the plans attached to the SRO.

#### Schedule 1 and Site Plans 1A and 1B

- The line of path "E" on Site Plan 1B has been amended to reflect the commitment provided at the Inquiry to swap the cattle passage and the footpath under Longmoor Brook Underbridge;
- The line of footpath "B" on Site Plan 1B has been shortened. The text in Schedule 1 has been amended to reflect this;
- The length of footpath on Site Plan 1B previously labelled "B" has been relabelled as "F" and its status amended from footpath to cycletrack. The text in Schedule 1 has been amended to reflect this.

#### Schedule 2 and Site Plans 2A and 2B

- Schedule 2 and Site Plan 2A have been amended to properly reflect the route of the public right of way LA/12/5 to be stopped up (also in NSC/11/2 at Appendix 16).

#### Schedule 3 and Site Plans 3A and 3B

- With agreement with the landowner it is proposed that access "1s" is no longer stopped up. Site Plan 3A and 3B have been amended accordingly and show the removal of the stopping up of the PMA "1s" and the creation of a new PMA "1" at the same location. The reason for creating the new PMA is to enlarge the access and join it to the new highway;
- The landowners whose land abuts PMA "12" on Site Plan 3B have requested the inclusion of a further PMA to facilitate access to their

respective land holdings. Accordingly, an additional PMA has been included as PMA "13" on the revised Site Plan 3B;

- With agreement with the landowner of the common land exchange land it is proposed to provide an agricultural access to the west of Plot 04/19. The PMA on Site Plan 3B labelled as number "9" is therefore proposed to be moved 35m to the south and is shown as such on the revised Site Plan 3B.

7.45 For the first CPO, the modifications requested are detailed in Doc NSC/23 and shown in "track changed" form on Doc NSC/21. In summary, they are:

- Amendments to include a Schedule 2, as requested by DfT;
- The removal of those plots originally intended to provide open space land at Ashton Vale (Plots 01/15, 01/16, 01/17 and 01/18)<sup>194</sup>;
- The removal of plots originally intended to provide exchange open space land (Plots 01/19, 01/20, 01/22, 01/23, 01/27, 02/01, 02/02, 02/03, 02/17, 02/19, 02/22 and 02A01);
- Details of ownership updated for a number of plots (02/06, 02/10, 02/11, 02/13, 02/14, 02/15, 02/34, 02/35, 02/38, 03/25, 03/30, 03/33, 03/37, 03/38, 03/42, 05/04, 05/20, 05/22, 05/24, 05/26 and 06/08);
- The moving of a number of plots from Schedule 1 to Schedule 2 (04/08, 04/19, 04/20, 04/21 and 04/22);
- Parcel size of Plot 02/26 amended;
- Description updated to include "Common Land" for a number of plots, together with updated ownership details (04/11, 04/12, 04/13, 04/14, 04/15, 04/16, 04/17, 04/18 and 05/01);
- Description updated to include "Common Land" for Plot 05/02;
- Description updated to include "Common Land", and parcel disaggregated to separate out the common land (05/05);
- New parcels created to reflect the disaggregation of original Plot 05/05 (05/05A, 05/05B and 05/05C);
- The reduction in size of Plots 04/19 and 04/20;

7.46 For the S19 certificate in respect of common land, 2 minor modifications are sought:

- The removal of Plot 04/10 from the exchange land as it comprises a field drain which, in practice, could not be used as exchange land;
- The removal of a strip at the western boundary of Plot 04/19 so that an agricultural access can be provided for the landowners who own land adjoining the exchange land. By excluding this strip from the proposed exchange land it means that the common land would not be damaged by agricultural vehicles traversing the land.

### **Overall Summary of the Council's Case**

7.47 The Council's case has been fully made out in the submitted documents and in the oral evidence presented to the Inquiry, and has been summarised in Section 3 above. Remaining objections have been considered and responded to above in the earlier part of Section 7. The Scheme is viable and represents excellent

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<sup>194</sup> See Doc NSC/24 - Open Space South Bristol Link

value for money; it is in the public interest; would achieve its objectives; and accords with relevant national, and local policy. Moreover, any negative impacts of the Scheme would be outweighed by the substantial benefits which it would bring to the local communities, residents, and businesses and by the economic regeneration and growth which would be facilitated.

- 7.48 None of the objections should therefore be upheld, and the Secretaries of State are invited to confirm the Orders, and issue the S19 common land certificate, all as proposed to be modified.

*Inspector's conclusions begin on the next page*



## **8. CONCLUSIONS**

8.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in superscript brackets <sup>□</sup> to earlier paragraphs where appropriate.

### **Structure of Conclusions**

- 8.2 These conclusions first set out the tests which the Orders must satisfy if they are to be confirmed, and then consider the matters raised by both statutory and non-statutory objectors. In this regard it should be noted that the Council fully expects the objections raised by 2 of the remaining statutory objectors, Sackville (OBJ08) and PRL (OBJ31) to be withdrawn. It takes this view as provisional agreements have been reached with both of these objectors, but these agreements have not, as yet, been finalised as relevant board meetings for each objector were not scheduled to take place until after the close of the Inquiry<sup>[5.20, 5.23]</sup>. In these circumstances I have given consideration to these objections in my conclusions, although it may well be that by the time the Secretaries of State consider my recommendations, these objections are no longer relevant.
- 8.3 On this topic it should also be noted that PRL's objection to the first CPO was on the basis that Plot 01/23 was needed to provide exchange open space. However, towards the end of the Inquiry the Council withdrew the application for a S19 certificate in respect of open space land and, as a result, the parcel of land in which PRL have an interest is proposed to be deleted from the first CPO, although the Council still intends to enter into an agreement with PRL concerning this land, as noted above.
- 8.4 No statutory objectors raise any objections directly to the principle of the Scheme, although it does seem to me that some of the points raised by both Sackville and PRL relate to the design of the Scheme and its relationship with the existing, surrounding road and transport network. In any case, some non-statutory objectors do question the need and justification for the Scheme. I therefore consider objections to the principle and detail of the Scheme first.
- 8.5 I then turn to consider other points of objection raised by both statutory and non-statutory objectors. Some of the points raised in written representations are of limited, direct relevance to the CPOs and SRO but, in the interests of natural justice, I have considered them in reaching my conclusions. However, where these representations relate to matters which are clearly outside the scope of this Inquiry, they have not been responded to in detail. Finally, the conclusions are drawn together into recommendations on each of the Orders and the exchange land certificate.
- 8.6 I have taken account of the ES published by the Council and BCC as part of the planning application process, together with all other environmental information submitted in connection with the Scheme, in arriving at my recommendations<sup>[1.9, 3.30]</sup>.

### **The Statutory Tests against which the Orders need to be assessed**

- 8.7 The SRO is made under Sections 14 and 125 of the Highways Act 1980. Subject to confirmation by the Secretary of State for Transport, it would authorise the Council to stop up any highway or PMA and provide any improved or replacement highway, footpath, PMA or new means of access to premises adjoining or adjacent to a highway.
- 8.8 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. No stopping up order shall be confirmed unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the Secretary of State is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
- 8.9 The CPO is made under Sections 239, 240, 246, 249 and 250 of the Highways Act 1980 and Schedule 2 of the Acquisition of Land Act 1981. For this Order to be confirmed the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to mitigate any adverse effect the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 8.10 The CPOs would authorise the acquisition of land and rights for the construction of the new SBL and its associated junctions and for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the Scheme.
- 8.11 Some of the land required for the Scheme falls within an area of common land (part of Highridge Common). The purchase of such land shall be subject to special parliamentary procedures unless the Secretary of State is satisfied that certain criteria apply. One of these, set out in Section 19(1)(a) of the Acquisition of Land Act 1981, is that that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased. To address this matter the CPOs would also authorise the acquisition of exchange land to compensate for the Highridge Common land needed for the Scheme.
- 8.12 In addition to the tests detailed above, Circular 06/2004<sup>[3.58]</sup> points out that for land and interests to be included in a CPO there must be a compelling case for acquisition in the public interest; that this justifies interfering with the human rights of those with an interest in the land affected; that the acquiring authority has a clear idea of how it intends to use the land it seeks to acquire; that the acquiring authority can show that all necessary resources to carry out its plans

are likely to be available within a reasonable timescale; and that the Scheme is unlikely to be blocked by any impediment to implementation.

### **Objections relating to the principle and design of the Scheme**

- 8.13 The main objections under this heading come from non-statutory objectors. Ms Tomlinson (OBJ36) argues that there is no justification or need for the Scheme, especially in view of the increasing cost of road transport and falling traffic levels, and that it would cut across communities and take open Green Belt land<sup>[5.24]</sup>. In addition, Mr and Mrs Walker (OBJ43) state that they object to the principle of the Scheme and maintain that the current plans for a SBL are grossly out of date as traffic should be diverted around communities, rather than being brought through them<sup>[5.25, 5.26]</sup>.
- 8.14 The Council has, however, clearly demonstrated that the principle of the SBL is firmly supported by relevant up-to-date development plans for NSC and BCC, and I note that the diagrammatic alignment of SBL in the key diagram in the NSCS follows the safeguarded alignment of Policy T/9 of the North Somerset Replacement Local Plan (2007)<sup>[3.6]</sup>. This alignment is also consistent with that shown on the former Bristol Local Plan and now safeguarded in the Bristol Site Allocations and Development Management Policies document<sup>[3.6]</sup>. Although there would be traffic increases in some areas, many communities would benefit from traffic reductions as a result of the Scheme<sup>[3.21, 3.22, 7.32]</sup>.
- 8.15 Moreover, the SBL is identified as a Major Transport Scheme in the JLTP3 and a priority project in the National Infrastructure Plan<sup>[3.7]</sup>. It is part of a wider transport package for the West of England sub region, comprising the NFHP and AVTM MetroBus routes<sup>[3.7, 3.18]</sup>. The SBL component of this wider scheme is designed to improve accessibility to employment areas in South Bristol, a sub-regional focus for regeneration, and to provide businesses and residents with better connectivity to the remainder of the sub-region and its strategic transport network. The Council has made it clear that one purpose of the SBL is to provide a new strategic highway route in the locality to support growth as set out in the NSCS and the BCS<sup>[3.9]</sup>.
- 8.16 Although part of the Scheme lies within the Green Belt, I share the Council's view that it would not amount to inappropriate development as defined in the Framework. The SBL is therefore acceptable in principle in the Green Belt<sup>[3.8]</sup>. In this regard I have also noted the Council's comment that the process of strategic option review over the last few years has concluded that there are no alternatives for SBL that would not require Green Belt land<sup>[3.8]</sup>.
- 8.17 Mr and Mrs Walker comment that they have expressed their opposition to the SBL at every stage in the latest consultation exercises regarding the Scheme but are disappointed that their views and objections have not been addressed<sup>[5.25]</sup>. However, the clear evidence before me is that significant consultation has taken place on this Scheme in 4 main stages, stretching from November 2008 to December 2013<sup>[3.13]</sup>. As part of this consultation process the final alignment and junction layouts have emerged as part of a process of options testing, which has taken the requirements of pedestrians and cyclists into account<sup>[3.13]</sup>. There has also been significant consultation which has led to the proposals for both environmental mitigation and ecological mitigation<sup>[3.13]</sup>.

- 8.18 Importantly, the Scheme has been thoroughly considered and assessed by the relevant planning committees of both NSC and BCC, and both have granted planning permission<sup>[1.4]</sup>. This democratic process requires both benefits and disbenefits of any proposal to be considered and weighed, along with representations from both supporters and objectors, and assessments and recommendations from Council Officers and professional consultants and advisors. It is self-evident that in such a process, the views and opinions of some participants are likely to be outweighed by others, but there is no evidence before me to suggest that the relevant planning committees did not take account of all representations before them and reach sound, balanced decisions in granting planning permission.
- 8.19 Mr and Mrs Walker contend that the current proposals would bring the SBL closer to their property at Highridge Green, but the evidence before me indicates that the existing Highridge Green is on the same alignment or even closer to existing properties<sup>[5.25, 7.35]</sup>.
- 8.20 Sackville (OBJ08) also raise a number of objections relating to the detailed design of the Scheme, insofar as it is likely to impact upon the South Liberty Lane and Brookgate Industrial Estates, with particular reference to traffic volumes and potential through traffic; the impact on existing areas of on-street parking; and HGV access to the area<sup>[5.19]</sup>.
- 8.21 I am satisfied, however, that the amount of traffic likely to switch to use the South Liberty Lane route to access the SBL would be negligible<sup>[7.3, 7.4]</sup>. Moreover, on-street parking would be replaced by new bays proposed for the Brookgate link, and funding has been secured through a Section 106 agreement to investigate and introduce parking restrictions in the area to better control parking, to improve visibility and for safety reasons<sup>[7.5]</sup>. Such restrictions would help to ensure routes within the area are kept free for easy access by all vehicles, including HGVs.
- 8.22 Some issues relating to design of the Scheme in the wider sense have also been raised by PRL, particularly with regard to fears that the provision of open space land adjacent to the existing P&R site may have a detrimental impact on the P&R car park's drainage system and could result in flooding of the car park<sup>[5.22]</sup>. However, no firm evidence has been submitted to support this view, and in these circumstances I see no good reason to doubt the Council's position that the use of the land in question as open space would have no impact on drainage of the adjoining car park and would not give rise to flooding<sup>[7.24]</sup>.
- 8.23 Taking all the above points into account, I conclude that there is a clear, justified need for the SBL and that the current alignment, design and layout has been properly assessed, consulted upon and has the benefit of planning permission from both responsible planning authorities. The Scheme would accord with national and local planning and transport policies and there is no policy impediment to it proceeding. Accordingly, I further conclude that these objections to the principle of the Scheme and its justification and detailed design cannot be sustained.

### **Objections relating to operational aspects of the Scheme**

- 8.24 Mr and Mrs Walker have expressed concern that about 2,000 vph would use the SBL to get from Whitchurch Lane to the Long Ashton bypass, maintaining that such traffic volumes would make it dangerous for residents to cross this road safely. They also contend that as a result of the Scheme, parking for residents would not be permitted on Highridge Green and that it would be almost impossible for householders to get in or out of their driveways, especially at times of high traffic volume<sup>[5.26]</sup>.
- 8.25 The submitted evidence makes it clear that traffic volumes would, indeed, increase on those parts of Highridge Green which, in improved form, would become part of the SBL<sup>[7.34]</sup>. But traffic levels of the order referred to by the objectors are not expected to materialise until the design year of 2031 and even then, only during the morning and evening peak hours<sup>[7.33]</sup>. Moreover, the forecast traffic volumes are given in pcus, meaning that the actual number of vehicles at those times would be around 5% less than the quoted figures<sup>[7.33]</sup>.
- 8.26 There is no evidence before me to suggest that a well-designed modern road could not safely accommodate such flows. Assessments of the new junctions proposed for the SBL indicate that all would operate with sufficient capacity in the opening year of 2016, and that only the linked traffic signal junctions at Highridge Road and Queens Road would be operating over their theoretical capacity in the design year of 2031<sup>[3.19]</sup>. The Council is well aware of the forecast over-capacity situation for these junctions, but has decided to address this matter through traffic management measures, arguing that to do otherwise would make it more difficult to successfully implement other measures and policies designed to encourage the use of more sustainable transport modes<sup>[3.20]</sup>. I share that view.
- 8.27 Insofar as highway safety is concerned, the Council has made it clear that the SBL has been designed to the appropriate standards (with a few, acceptable departures from standards where necessary<sup>[3.14]</sup>) and that reduced traffic flows in many urban areas are predicted to result in a reduction in traffic accidents<sup>[3.22]</sup>. Although Mr and Mrs Walker commented that a fatal accident involving a local resident occurred on the existing road within the last 12 months<sup>[5.26]</sup>, there was no reference to any such accident in the traffic evidence put forward by the Council. This included a detailed transport and movement assessment undertaken for the planning applications, within the ES<sup>[3.22]</sup>.
- 8.28 However, whether or not the objectors' assertion regarding this accident is correct, I am satisfied that adequate provision has been made within the design of the Scheme, through the use of appropriate standards, to ensure the safety of all road users, with particular attention being paid to providing safe crossing facilities for pedestrians<sup>[3.14, 3.20, 3.24]</sup>.
- 8.29 Insofar as parking for residents is concerned, the point raised by the objectors is somewhat unclear<sup>[5.26]</sup>. It did not appear to me, on the basis of my accompanied and unaccompanied site inspections, that there is any great demand, at the present time, for on-street parking to take place on Highridge Green, with most if not all the residential properties appearing to have off-street

parking provision. No evidence was submitted to suggest that this situation is likely to materially change in the future.

- 8.30 Similarly, there is no firm evidence before me to support the objectors' assertion that implementation of the Scheme would make it difficult for householders to gain access to or egress from their driveways<sup>[5.26]</sup>. In this regard I have noted the Council's comments that the proposed introduction of traffic signals would break up the traffic flow into platoons, thereby creating sufficient gaps for vehicles to access from minor side roads and properties<sup>[7.34]</sup>. I see no good reason to take a contrary view on this matter.
- 8.31 Some of the matters raised by Sackville and covered in paragraphs 8.20 to 8.21 above, concerning, traffic conditions in the South Liberty Lane and Brookgate Industrial Estates, touch on operational matters. But there is no suggestion that any unacceptable traffic or highway safety conditions would arise as a result of the Scheme. Rather, the speed limit of 20mph on South Liberty Lane, together with the proposed provision of replacement parking and the intention to introduce certain parking restrictions to improve visibility and for safety reasons, all point to an improvement in traffic operating conditions within those areas<sup>[7.3]</sup>.
- 8.32 It is possible, also that Mrs Green's objection regarding "access" could also relate to concerns about operational matters, but as no further information has been provided I can take this matter no further<sup>[5.21]</sup>.
- 8.33 Overall, no firm evidence was submitted to persuade me that the Scheme would give rise to any unacceptable operational difficulties, in terms of traffic flows, capacity or highway safety. As a result I conclude that the objections made in this regard cannot be supported.

### **Objections relating to environmental aspects of the Scheme**

- 8.34 Mr Ives raises a general concern that noise, fumes and visual intrusion from traffic could be an issue for users of a number of PRoW, adversely affecting their enjoyment of these routes<sup>[5.6]</sup>. However, the evidence before me indicates that some parts of the local footpath network already experience relatively high noise levels, in close proximity to existing highways, but that significant noise effects would not be experienced beyond around 30m from the Scheme<sup>[7.19]</sup>.
- 8.35 Whilst I acknowledge that some sections of the proposed footpaths would indeed lie within 30m of the SBL, these would be limited in extent and, in my assessment, would only represent a small and acceptable proportion of any country walk using these footpaths. Moreover, although the replacement for footpath LA12/14 would run alongside the bus-only spur, the actual use of this link would be limited to just a few public transport vehicles each hour, and could not be considered to be a busy road<sup>[7.17]</sup>. In these circumstances I am not persuaded that noise or other impacts from traffic should weigh heavily against the Scheme or the proposed SRO.
- 8.36 Ms Tomlinson raises a number of environmental concerns, specifically that the SBL would destroy wildlife and increase noise and pollution to the countryside<sup>[5.24]</sup>. Similar concerns are raised by Mr and Mrs Walker, who argue that the heavy traffic volumes on the SBL, including HGVs, would give rise to

vibration, light pollution, noise, dust and fumes. They also point out that Highridge Common is a haven for many species of birds, animals and wild flowers and maintain that it should not be crossed by the SBL but should be preserved for generations to come<sup>[5.26]</sup>. Some of the points of objection made by Mrs Green (OBJ12) also appear to touch on environmental matters as she refers to disturbance, water, drainage, land take, severance and injurious affection<sup>[5.21]</sup>.

- 8.37 However, all of these are very general, non-specific objections to the Scheme, not supported by any detailed evidence. Against these generalised concerns I have to weigh the wealth of well-documented evidence on such matters, both contained within the ES submitted to support the planning applications, and also specifically submitted to the Inquiry<sup>[1.9, 3.30]</sup>.
- 8.38 This evidence makes it clear that one of the design objectives has been to minimise the environmental impact of the Scheme and that significant consultation was carried out with appropriate bodies such as the Environment Agency, English Heritage and Natural England as well as a variety of other environmental stakeholders<sup>[3.12, 3.13, 3.45, 3.70, 7.37]</sup>. The ecological mitigation package has been similarly informed by this process of engagement<sup>[3.13]</sup>.
- 8.39 As with most highway and transport projects of this scale there would be a number of adverse impacts, but these have been shown to be capable of being mitigated by design and good construction management<sup>[3.70]</sup>. Importantly, there is no objection by any statutory environmental body, including the Environment Agency and Natural England, either to the Orders or to the planning applications<sup>[3.70]</sup>.
- 8.40 In view of the above points I am satisfied that the likely environmental and ecological impacts of the Scheme have been thoroughly assessed by the Council and that appropriate mitigation measures have been satisfactorily planned. I therefore conclude that objections raised on these topics cannot be sustained and that there are no reasons on environmental or ecological grounds why the Orders should not be confirmed.

### **Objections relating to economic aspects of the Scheme**

- 8.41 The only unwithdrawn objections relating to economic matters come from Mr and Mrs Walker. They consider it questionable, in the current economic climate, that the SBL would serve to re-generate the local area, and go on to assert that there has been no commitment from the local businesses that will benefit the community. They also question how the new road, going from Whitchurch to Long Ashton, would generate business<sup>[5.26]</sup>. In view of the way the objections have been expressed, I find it difficult to be clear about the actual nature of these concerns, and no further elaboration was forthcoming from the objectors.
- 8.42 However, any questions about the ability of the SBL to assist with the regeneration of the local area, South Bristol and indeed the wider West of England area are not supported by the detailed evidence before the Inquiry. Firstly, the Scheme is predicted to perform well against its objectives, which are to facilitate regeneration and growth in South Bristol (whilst reducing congestion on surrounding roads) and to improve accessibility from residential and

employment areas in South Bristol to the city centre and to the strategic transport network, including Bristol Airport<sup>[3.10]</sup>.

- 8.43 Secondly, the Scheme has been assessed as representing excellent value for money, with a strong Benefit Cost Ratio (BCR) of 6.2 which includes a high level of economic efficiency savings, journey time savings, very significant reliability benefits, as well as wider benefits<sup>[3.25]</sup>. Non-monetised benefits from the Scheme are all positive, bar one neutral, and the assessment of impact on different groups of society is also positive<sup>[3.25]</sup>.
- 8.44 Thirdly, an economic assessment which underpins the West of England LEP's SEP, and which seeks to quantify the regenerative benefits of the Scheme, indicates that the SBL would potentially create up to £199 million net additional GVA per year, through the unlocking of up to 3,100 net additional jobs, 2,200 of which are anticipated to be in South Bristol<sup>[3.27]</sup>. Jobs would also be created during the construction period, estimated to amount to some 209 construction person years<sup>[3.27]</sup>.
- 8.45 Finally, there is ample, clear evidence, of strong support for the Scheme from local businesses, typified by the evidence presented to the Inquiry on behalf of Bristol Airport, and the written submissions from other supporters in the local and sub-regional business community<sup>[4.1-4.14]</sup>.
- 8.46 These clear Scheme benefits and the absence of any firm economic evidence to the contrary lead me to conclude that the objections made in this regard cannot be supported.

### **Objections relating to the SRO**

- 8.47 LAPC (OBJ10) is the only remaining statutory objector to the SRO, with the non-statutory objector Mr Ives (OBJ11) also making objections to this Order. Both of these objectors are concerned solely about the impact the Scheme would have on PRoW lying to the south of the A370 and north of the railway. LAPC's original objections covered a number of different aspects of the SRO, but it confirmed at the Inquiry that it was now pursuing only one of these matters, relating to the proposed replacement route for footpath LA12/12c, shown most clearly in Appendix 4 to Doc NSC/11/2<sup>[7.16]</sup>. Mr Ives also objects to this proposed replacement route and I therefore deal with this matter first.
- 8.48 I saw at my accompanied site visit that the parts of this existing footpath which are proposed to be replaced under the terms of the SRO, because of conflict with the SBL, cut across an open field and then pass along an enclosed section with trees either side<sup>[5.13]</sup>. It is close to the eastern end of this tree-lined section that the route crosses the line of the proposed SBL, at a location where the new road would be raised on an embankment some 2.5m high. The proposed alternative route would lie to the north of the closed-off section, crossing under the SBL at the Longmoor Brook Underbridge, on the southern side of the brook<sup>[7.8, 7.16]</sup>.
- 8.49 LAPC originally objected to the footpath proposals at this underbridge as it was concerned about potential flooding of the path, and argued that there was a need for an alternative route to be available in such circumstances. It also objected to the proposed positioning and relationship of the footpath and cattle



track on the southern side of the brook<sup>[5.4]</sup>. However, the Council gave an undertaking at the Inquiry that the levels of the footpaths on both sides of Longmoor Brook at this location would be increased to above the 1 in 100 year flood level (plus climate change)<sup>[7.8]</sup>.

- 8.50 In addition, the Council agreed to switch the alignments of the cattle track and footpath around, such that the cattle track would run alongside the brook. This latter change has been incorporated into the proposed modifications to the SRO<sup>[7.9, 7.44]</sup>. However, whilst LAPC accepted that these amendments to the Scheme and the SRO would address its concerns regarding flooding, it still maintained its view that footpath LA12/12c should be retained on its existing alignment, crossing the SBL at grade, to provide an “emergency” alternative in the event that flooding turns out to be more severe than anticipated<sup>[5.5]</sup>.
- 8.51 The retention of this path on its current alignment is strongly supported by Mr Ives, who argued that the loss of the enclosed, tree-lined section would represent a considerable reduction in the enjoyment of this truly rural path, which is part of the Community Forest Path<sup>[5.13]</sup>.
- 8.52 I understand these views, but changes to both the form and character of some parts of the local footpath network would be inevitable with the introduction of the SBL into the landscape at this location. This was clearly apparent to members of the respective planning committees who considered the planning applications for the Scheme, and the acceptability of the Scheme has been established by reason of the grants of planning permission. In such circumstances the responsibilities under S14 of the Highways Act 1980 are clear. Reasonably convenient alternatives have to be provided before the highways in question can be stopped-up, and it is my assessment that this would be achieved in the case of footpath LA12/12c.
- 8.53 This proposed alternative route would provide connectivity to the unaffected lengths of footpath at either end of the stopped-up section, allowing walkers using this stretch of footpath to reach their destinations in both directions. Whilst some journeys would inevitably be lengthened by having to use the new route, others would be shortened<sup>[7.16]</sup>. Moreover, with the Longmoor Brook Underbridge designed to ensure the footpaths would be above the level of the 1 in 100 year flood, (plus climate change), I consider that this footpath would be accessible in all reasonable conditions. On this topic I share the Council’s view that if flooding was so severe as to make this section of path impassable, then much of the remainder of the footpath network in the locality would also be likely to be inaccessible<sup>[7.12]</sup>.
- 8.54 I acknowledge that there would be a clear change in character for some lengths of this footpath, especially with the loss of the enclosed section, but other sections would still retain a distinct rural feel and nature, accepting that a new road would also be introduced into this setting. Overall, I conclude that the new route would be a reasonably convenient alternative to the section of LA12/12c proposed to be stopped up, and because of this I share the Council’s view that there is no need or requirement to retain the existing route on its current alignment, across the SBL<sup>[7.10-7.12]</sup>.

- 8.55 Indeed, the evidence before me suggests that there would be potential adverse highway safety implications of providing such an at-grade crossing of the SBL at a location where 2 PMA, designed to be used by agricultural vehicles, would provide access to 4 fields<sup>[7.10]</sup>. These PMA would preclude the provision of a central refuge at this point, a feature which has been included at all other pedestrian crossing points on the Scheme. Although Mr Ives stated that there are many other footpaths in the locality where pedestrians have to cross roads with no central refuge<sup>[5.14]</sup>, safety concerns regarding at-grade crossings of 40mph sections of the SBL were clearly expressed by a number of respondents as part of a pre-planning application consultation undertaken in 2013<sup>[7.10]</sup>.
- 8.56 Having regard to the above points I share the Council's view that it would not be desirable to encourage pedestrians to make such a crossing of a new road, designed to modern standards and subject to a 40mph limit, where a safer and reasonably convenient alternative exists<sup>[7.10-7.12]</sup>.
- 8.57 I also see merit in the Council's argument that to provide such an at-grade crossing would require a certain amount of additional engineering works to provide the necessary steps and/or ramps to negotiate the road embankment and comply with equalities legislation. The view expressed by the Council's expert witness on landscape matters was that these additional works would have an unnecessary physical and visual impact, extending the width of the embankment in a Green Belt area which also serves as the borrowed landscape of Ashton Court<sup>[7.11]</sup>. No firm, authoritative evidence was submitted to the contrary and in these circumstances I consider this to be another factor weighing against the provision of any such at-grade crossing at this location.
- 8.58 Turning to footpath LA12/12, part of its current route runs in a south-westerly alignment just to the south of the proposed SBL roundabout junction with the A370. The alternative route proposed, shown most clearly in Appendix 3 to Doc NSC/11/2<sup>[7.15]</sup>, would require walkers to travel a maximum additional distance of about 300m, but would provide a safe crossing of the SBL by means of the proposed Longmoor Brook Underbridge, with the new footpath route running on the northern side of this brook<sup>[7.15]</sup>. This new route would also provide good connectivity to the rest of the nearby PRow network, and in my assessment it would amount to a reasonably convenient alternative to the length of footpath proposed to be stopped up.
- 8.59 At the Inquiry, Mr Ives acknowledged that his main concerns with regard to this footpath relate to historic anomalies and inconsistencies on the definitive map (some dating back to the construction of the Long Ashton Bypass), and to other matters some distance away from the section of path proposed to be closed, and therefore not within the ambit of the Scheme or the SRO<sup>[5.17, 7.15, 7.18]</sup>. He also accepted that his wider aspirations for this footpath would not be impeded by the Scheme, but would in fact be advanced by the open space proposals of the Scheme in the vicinity of the P&R site<sup>[7.15]</sup>.
- 8.60 In the case of footpath LA12/14 the proposed route, shown in Appendices 5 and 6 to Doc NSC/11/2<sup>[7.17]</sup>, would follow a similar alignment to that of the existing path. But whereas the existing path runs more or less adjacent to a field boundary, the replacement would form part of a purpose-built pedestrian and cycle link running at the top of the embankment, alongside the bus-only link

which would connect to the AVTM scheme<sup>[1.1,7.17]</sup>. I share the Council's view that the replacement of a rural PRoW with one running alongside a highway should generally be avoided. However, in this case the path would be sited alongside a lightly-trafficked bus-only link, and not a busy highway, such that there would only be minimal adverse impact upon its users from vehicles<sup>[7.17]</sup>.

- 8.61 Moreover, having regard to the submitted evidence and my own observations on site, I consider that there are good reasons why it would not be appropriate to retain footpath LA12/14 on its current alignment. To do so would require it to run at the base of an embankment, with very limited views to the west, within an area which could well become overgrown as it would be unlikely to be grazed<sup>[7.17]</sup>. The Council has also commented that if the route ran to the west of the bus-only link it would necessitate another surface crossing of the road and would conflict with the flood storage compensation area<sup>[7.17]</sup>. I agree with these comments, and further consider that the presence of the embankment for the bus-only link would be likely to impede visibility to the east, thereby reducing the enjoyment of users.
- 8.62 Having regard to all the above points I am satisfied that insofar as the 3 footpath routes detailed above are concerned, the replacement routes proposed through the SRO would provide reasonable and convenient alternatives to the lengths of footpath proposed to be stopped up. As such, they would not be in conflict with Policy T/7 of the North Somerset Replacement Local Plan which, in summary, seeks to ensure that acceptable provision is made to mitigate the effects, or provide an acceptable replacement, where development affects a PRoW<sup>[5.11]</sup>. Accordingly I conclude that these objections to the SRO cannot be supported.
- 8.63 In addition to his specific objections to proposals for individual footpaths, Mr Ives raised a number of other more general objections including concerns regarding the appropriateness of making changes to the footpath network using S14 of the Highways Act 1980. He maintained that other procedures to divert PRoW had greater clarity and were more easily understood, and asked me to form a view of the fairness and effectiveness of the S14 SRO procedures and the legal validity of the currently used form of order<sup>[5.7-5.9]</sup>.
- 8.64 However, I made it clear at the Inquiry that I have been appointed to consider and report on duly-made objections to the SRO, the CPOs and the S19 certificate. I explained that it was not my role to form any view on the appropriateness of the process itself, but that I would ensure that his concerns on this matter were included in my Report. That said, Mr Ives accepted that the S14 process was both lawful and appropriate in a case such as this, where the Secretaries of State need to consider the implications of the stopping-up of highways in the wider context of the proposals for the SBL and the associated CPOs<sup>[7.14]</sup>.
- 8.65 Mr Ives also raised concerns regarding the extent of consultation which has been carried out but I am satisfied, on the basis of the information placed before me, that full, proper and appropriate public consultations have been held on both the Scheme and the SRO<sup>[3.1, 3.13, 3.59, 3.71]</sup>. Indeed I note that Mr Ives has participated in this process and has also been able to raise his concerns directly with the Council's Rights of Way Officer<sup>[7.14]</sup>.

8.66 He further accepted that although he had other concerns regarding such things as the most appropriate way to include cycle use at the connection to Festival Way over the Long Ashton Bypass bridge, these fell outside the ambit of the SRO and that nothing in the SRO was likely to prejudice the proper consideration of such matters at a later stage, separate to the current Inquiry process<sup>[7.18]</sup>. Accordingly, these additional points do not alter my conclusion that the objections to the SRO set out above cannot be supported.

### **Objections relating to the CPOs and the S19 certificate**

8.67 The only unwithdrawn objections from anyone having an interest in land which forms part of the CPOs come from Sackville and PRL and, as already noted, there is a strong likelihood that both of these will withdraw their objections shortly after the close of the Inquiry, as provisional agreements have already been reached with the Council<sup>[7.2-7.7, 7.23-7.25]</sup>. However, to cover the eventuality that these objections are not withdrawn, I deal with the relevant points below.

8.68 In the case of Sackville, matters relating to traffic conditions, parking and access in the South Liberty Lane and Brookgate Industrial area have already been dealt with under other headings above. With regard to the land to be acquired, the only remaining concerns raised by this objector appear to amount simply to the need for clarification regarding the purposes for which the land is needed, the likely impacts of construction of the Scheme and details of the proposed mitigation measures<sup>[5.19]</sup>.

8.69 With regard to the land for which rights of access only are needed, the objector is seeking clarification on such matters as the frequency with which rights would be exercised; how the right would be carried out and where access would be taken from; and how the exercise of the rights would impact upon the objector's tenants at these industrial estates<sup>[5.19]</sup>. It is quite clear to me, however, from the submitted evidence and an inspection of the Scheme plans and the first CPO, that the plots in question can all be seen to be essential to the implementation of the Scheme<sup>[7.6]</sup>. As such, these objections cannot be supported.

8.70 Turning to the objection from PRL, the principal concern appears to relate to the likely impact of the acquisition of the land in question on the ability of PRL to expand the existing P&R operation and any consequent detrimental impact on PRL's business<sup>[5.22]</sup>. As the parcel of land at issue lies immediately adjacent to the south-western boundary of the existing P&R site I can understand and appreciate PRL's concerns regarding the potential impact on any future expansion of the site. However, although I note that such an expansion has policy status under Policy CS10 of the NSCS, no firm allocation is shown on the Proposals Map or in the emerging proposals map or Draft Sites and Policies Plan<sup>[7.25]</sup>.

8.71 Furthermore, the withdrawal of the application for a S19 certificate in respect of open space means that the plot of land in question no longer needs to be acquired compulsorily, although the Council still intends to acquire PRL's leasehold interest in this land and make it available for the purposes of public open space. Indeed, it was made clear at the Inquiry that provisional agreement between the Council and PRL has been reached on this matter.

- 8.72 In view of the above points, and regardless of whether or not PRL's overall objection is withdrawn, it is clear to me that PRL's original objection to the compulsory acquisition of Plot 01/23 is no longer a matter on which I need to take a view. In these circumstances I conclude that PRL's original objection to the first CPO should not be supported.
- 8.73 The final objection which needs to be considered under this heading is that from Mr and Mrs Walker, which contends that the land to be acquired as exchange common land is unacceptable<sup>[5.26]</sup>. Again, however, very little information has been provided by the objectors to clarify their concerns on this matter. All that has been said is that the proposed exchange land would be tucked away and that heavy traffic using the road would make it dangerous for residents to cross safely – presumably to access the exchange land. The objectors also point out that they have grazing rights to the common and could exercise their rights to take livestock across the road, commenting that this could cause chaos during the rush hour as they would no longer have direct access to the common<sup>[5.26]</sup>.
- 8.74 I have already concluded, above, that safe provision would be made within the Scheme for pedestrians to cross the SBL in the vicinity of Highridge Common. Insofar as the choice of exchange land is concerned, I have noted that although the area of exchange common land to be provided would be greater than that lost to the Scheme, this is because an assessment and comparison has been undertaken to ensure that the exchange land can rightly be considered "equally advantageous" to the common land which would be lost<sup>[3.59]</sup>. I have further noted that a formal consultation exercise on exchange land options was undertaken in 2013 and that a number of statutory environmental bodies and similar organisations were in favour of the chosen option<sup>[3.59]</sup>.
- 8.75 It is clear to me that a careful assessment of the potential options for exchange land was undertaken, with due consideration given to the quantum which should reasonably be provided, and with clear reasons given as to why the chosen land was considered to be preferable<sup>[3.59, 3.60, 7.38]</sup>. There is no firm, contrary evidence before me to cause me to dispute the Council's assessment on this matter.
- 8.76 Insofar as commoners' rights are concerned, the Council points out that these would be fully protected through the legal mechanisms to extinguish common and provide exchange land. Under this process access arrangements to the common would remain unchanged and there would be no fencing or other impediment to commoners exercising their rights, apart from traffic using the Scheme which would be little different to the existing situation<sup>[7.39]</sup>.
- 8.77 Having regard to all the above points I conclude that the parcels of land in question are all needed for the implementation of the Scheme, its essential mitigation measures and to provide appropriate exchange land for the area of Highridge Common which would be lost, and that no more land than necessary is being sought. I further conclude that the proposed exchange land would satisfy the requirements set out in Section 19(1)(a) of the Acquisition of Land Act 1981, such that special parliamentary procedures would not need to be invoked for the acquisition of the common land. A Public Notice of Intention to issue a certificate to this effect has been prepared and I conclude that it should be issued, subject to the minor modifications put forward by the Council<sup>[7.46]</sup>.

8.78 In view of all the above points I conclude that the objections raised to the acquisition of these plots and rights, and to the proposed provision of exchange land, cannot be supported.

#### **Other points of objection**

8.79 There are just a few remaining, unwithdrawn objections not covered by the headings set out above. Mrs Green has referred to "ground investigations" and "devaluation of freehold", but has provided no further information to elaborate on these matters<sup>[5.21]</sup>. It is clear, however, that neither of these relate directly to the Orders which are the subject of this Inquiry. The first is a matter which would have been relevant at planning application stage. As planning permission has been granted by both NSC and BCC, and has not been challenged, I have to assume that no issues relating to ground investigation were considered to constitute a reason to withhold planning permission.

8.80 Issues such as the devaluation of property are not planning matters and would therefore not have influenced the relevant planning committees. As such, this matter can have no material relevance to the making or confirmation of Orders aimed at ensuring a scheme with planning permission can proceed. In these circumstances I can take this objection no further.

8.81 Finally, Mr and Mrs Walker maintain that the implications of the Scheme on their property and well-being would be severe and that they will be seeking legal representation regarding compensation for valuation and disturbance under the Land Compensation Act 1973 Part 1<sup>[5.26]</sup>. This, again, is a separate matter to the consideration of the Orders which form the subject of this Inquiry, relating more to the grants of planning permission than to the SRO and CPO process. Whilst Mr and Mrs Walker may well choose to investigate the options for compensation under the aforementioned Act, their concerns in this regard do not go to the heart of the matters before me and I do not need to come to any view on them.

8.82 Having regard to all of the points detailed above, none of these additional matters of objection can be supported. None, therefore, constitute a reason for the Orders not to be confirmed.

#### **Other Matters**

8.83 I turn now to other matters which need to be established before the Orders can be confirmed, as detailed earlier in these conclusions. I am satisfied that the Council has properly considered its obligations with regard to human rights legislation, and that in discharging these obligations it has sought to strike a balance between the rights of the individual and the interests of the public<sup>[3.58]</sup>.

8.84 In light of the significant public benefit which would arise to South Bristol and the wider area if the Scheme were to go ahead, it is my view that the Orders would not constitute an unlawful interference with individual property rights. I conclude that any residual interference with human rights would be necessary in order to achieve the Scheme and, having regard to the Scheme benefits, would be proportionate.

8.85 As previously noted, the Scheme has the benefit of planning permission and is fully funded, with £27.6 million secured from DfT, and NSC and BCC committed to the provision of the remainder of the £46.98 million cost, together with a section 106 contribution from Bristol Airport<sup>[3.17]</sup>. Although a number of planning conditions will need to be discharged, there are no outstanding objections from any statutory undertakers<sup>[3.16]</sup> and the Council has confirmed that all necessary statutory formalities in connection with the promotion of the Orders and the holding of the Inquiry have been complied with<sup>[3.54]</sup>. The Scheme is therefore in an advanced state of readiness and there is no evidence to suggest that the Scheme is likely to be blocked by any impediment to implementation<sup>[3.71]</sup>.

### **Conclusion on the Side Roads Order**

8.86 The Council asks for the SRO to be confirmed in modified form, to cover modifications discussed at the Inquiry and set out in Doc NSC/23 and other matters identified in writing by Council witnesses<sup>[3.56, 7.44]</sup>. The modifications requested are as follows<sup>[7.44]</sup>:

- updated Schedules to include the new highway and PMA which are to be constructed, as these were previously only referred to in the explanatory text;
- an amended key to more accurately reflect the plans attached to the SRO;
- an amendment to the line of path "E" on Site Plan 1B to reflect the commitment provided at the Inquiry to swap the cattle passage and the footpath under the Longmoor Brook Underbridge;
- a reduction in the length of the line of footpath "B" on Site Plan 1B, together with an amendment to the text in Schedule 1 to reflect this change;
- a relabeling of the length of footpath on Site Plan 1B from "B" to "F" and its status amended from footpath to cycletrack, with the text in Schedule 1 amended to reflect these changes;
- amendments to Schedule 2 and Site Plan 2A to properly reflect the route of the public right of way LA12/5 to be stopped up;
- amendments to Site Plan 3A and 3B to show the removal of the stopping up of the PMA "1s" and the creation of a new PMA "1" at the same location;
- the inclusion of an additional PMA (PMA "13") on revised Site Plan 3B;
- the repositioning of PMA "9" on the revised Site Plan 3B 35m to the south of its currently shown position;
- A number of non-substantial typographical amendments detailed in Appendices 2 and 16 to Doc NSC/11/2, and shown in "track changed" form in Doc NSC/22.

8.87 I consider that all the above modifications to the SRO are necessary to address specific objections, and for clarity and accuracy. I further consider that they can all be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.

8.88 With regard to the statutory criteria to be satisfied, I am mindful that there are no objections to the Scheme or the Orders from Statutory Undertakers<sup>[3.16]</sup>.

Moreover, where a highway or PMA is to be stopped up, I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the schedules and plans of the SRO.

8.89 I conclude that the SRO should be confirmed with the modifications detailed in paragraph 8.86 above.

### **Conclusions on the Compulsory Purchase Orders**

8.90 The Council asks for CPO (No 2) to be confirmed as made, and for the first CPO to be confirmed in modified form, to cover modifications discussed at the Inquiry and other matters identified in writing by the Council witnesses. The modifications requested for the first CPO are as follows<sup>[7.45]</sup>:

- The inclusion of a Schedule 2;
- The removal of Plots 01/15, 01/16, 01/17 and 01/18, originally intended to provide open space land at Ashton Vale;
- The removal of Plots 01/19, 01/20, 01/22, 01/23, 01/27, 02/01, 02/02, 02/03, 02/17, 02/19, 02/22 and 02A01, originally intended to provide exchange open space land;
- The updating of ownership for plots numbered 02/06, 02/10, 02/11, 02/13, 02/14, 02/15, 02/34, 02/35, 02/38, 03/25, 03/30, 03/33, 03/37, 03/38, 03/42, 05/04, 05/20, 05/22, 05/24, 05/26 and 06/08;
- The moving of plots numbered 04/08, 04/19, 04/20, 04/21 and 04/22 from Schedule 1 to Schedule 2;
- Amendments to the parcel size of Plot 02/26;
- An updating of the description of a number of Plots 04/11, 04/12, 04/13, 04/14, 04/15, 04/16, 04/17, 04/18 and 05/01 to include "Common Land", together with updated ownership details;
- An updating of the description for Plot 05/02, to include "Common Land";
- An updating of the description for Plot 05/05, to include "Common Land", and disaggregation of this parcel to separate out the common land;
- The creation of new parcels 05/05A, 05/05B and 05/05C, to reflect the disaggregation of original Plot 05/05;
- The reduction in size of Plots 04/19 and 04/20.

8.91 The CPO modifications do not require additional land outside that required for the published Scheme. I consider that these modifications could be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980 and paragraphs 4 and 5 of Schedule 1 to the Acquisition of Land Act 1981.

8.92 At paragraph 8.40 I indicate that I agree with the Council that appropriate measures have been taken in the design of the Scheme to mitigate adverse effects. Furthermore, in paragraph 8.84 I conclude that the purposes for which the CPOs are promoted justify interfering with the human rights of those with an interest in the land affected, and that any residual interference with human rights is proportionate and necessary to achieve the Scheme.

8.93 In my assessment, all the land proposed to be acquired is necessary for the Scheme to proceed and the Council has a clear idea of how the land to be acquired would be used. In paragraph 8.85 I note that the necessary resources



are available for the Council to implement the Scheme within a reasonable timescale, and that the Council has confirmed that all statutory procedures have been followed correctly.

8.94 I conclude that CPO (No 2) should be confirmed as made, and that the first CPO should be confirmed with the modifications detailed in paragraph 8.90 above.

### **Conclusion on the exchange land certificate**

8.95 The Council asks for the S19 exchange land certificate to be issued in modified form to reflect the minor modifications discussed at the Inquiry. The modifications requested are as follows<sup>[7.46]</sup>:

- The removal of Plot 04/10 from the exchange land as it comprises a field drain which, in practice, could not be used as exchange land;
- The removal of a strip at the western boundary of Plot 04/19 so that an agricultural access can be provided for the landowners who own land adjoining the exchange land.

8.96 Having already concluded that the Scheme is acceptable and that the CPOs should be confirmed, it follows that I find no objection to the proposals for the provision of exchange land to replace the Highridge Common land required for the Scheme. I conclude in paragraph 8.77 that the requirements of Section 19(1)(a) of the Acquisition of Land Act 1981 would be met and that there would be no need to invoke special parliamentary procedures for the acquisition of the necessary common land.

8.97 A Public Notice of Intention to issue a certificate to this effect has been prepared in accordance with Section 19(1)(a) of the Acquisition of Land Act 1981, and I conclude that it should be issued with the modifications detailed in paragraph 8.95 above.

8.98 I am not required to make any recommendations regarding the intention to issue a certificate under S19(b) of the Acquisition of Land Act 1981 regarding the small area of open space needed for the Scheme at Hareclive Road, as no objections were lodged in this regard and this matter was not before me for consideration at the Inquiry. However, the Council requested that I made reference to this matter in my Report, and to the fact that a certificate should be issued indicating that exchange land is not required in this case, as the land needed for the Scheme would lie below the threshold of 209 sqm set out in the aforementioned section and Act. This paragraph calls attention to this matter.

## **9. RECOMMENDATIONS**

9.1 I recommend that the **North Somerset Council (South Bristol Link Classified Road) Side Roads Order 2013** should be modified as indicated in paragraph 8.86 above, and that the Order so modified should be confirmed.

9.2 I recommend that the **North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013** should be modified as indicated in paragraph 8.90 above, and that the Order so modified should be confirmed.

9.3 I recommend that the **North Somerset Council (South Bristol Link) Compulsory Purchase Order (No 2) 2014** should be confirmed as made.

- 9.4 I recommend that the certificate under Section 19(1)(a) of the Acquisition of Land Act 1981, relating to land forming part of Highridge Common, Bristol, should be modified as indicated in paragraph 8.95 above, and that the certificate so modified should be issued.

*David Wildsmith*

INSPECTOR

## **APPENDIX 1 - APPEARANCES**

### **FOR THE COUNCIL AS PROMOTING AUTHORITY:**

Mr Andrew Tait QC instructed by Burges Salmon LLP

#### **He called:**

Mr Karuna Tharmananthar BSc(Hons) MSc MBA CEng MICE	Deputy Director for Development and Environment, North Somerset Council
Mr Philip Paterson BSc(Hons) CEng MICE MCIHT	Associate Director, CH2M Hill
Mr Robert Thompson BSc(Hons) MCILT MTPS	Business Manager, Atkins Highways and Transportation Consulting Services
Mr Ilias Drivylas BA(Hons) MA MIED	Principal Economist, Planning and Economics Team, Atkins Ltd
Mr Nicholas Rowson BSc(Hons) Hort BLD CMLI MIOH	Principal Landscape Architect, Atkins Ltd
Mr Matthew Bowell BSc MSc CEnv MCIEEM	Principal Consultant Ecologist, Atkins Ltd
Mr Adam Lawrence BEng CEng MIOA	Associate, Atkins Acoustics, Noise and Vibration
Mr Andrew Talbot BSc(Hons) MSc CSci MIEnvSC MIAQM AIEMA	Associate Environmental Consultant Ecologist, Air Quality and Emissions Team, Atkins Ltd
Mr Paul Wright BA MSc Ms Janette Shaw BSc(Hons) MPhil MRTPI	Independent agricultural and soil consultant Associate Director, Atkins Planning
Mrs Elaine Bowman	Senior Access Officer, Development and Environment Directorate, North Somerset Council
Mr John Yexley BSc(Hons) MRICS	Director, Ardent Management Ltd (Chartered Surveyors)
Dr Lucy Willis CEng MCIWEM	Senior Engineer, Atkins Ltd

### **SUPPORTERS OF THE ORDERS:**

Mr Alan Davies	Planning & Environment Director, Bristol Airport
Mr Eric Gates	Chairman, Barrow Gurney Parish Council

### **OBJECTORS TO THE ORDERS:**

Long Ashton Parish Council	Represented by Mr P R Sterland (Chairman) and Mr N Moorcroft (Vice Chairman, Highways Committee)
Mr John Ives	Private individual

## **APPENDIX 2 – CORE DOCUMENTS**

### **CD 1 - ORDERS AND SECTION 19 APPLICATIONS**

- CD 1/1 The North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013
- CD 1/2 The North Somerset Council (South Bristol Link Classified Road) Side Roads Order 2013
- CD 1/3 Section 19 application and letter and notice from Secretary of State in respect of Highridge Common
- CD 1/4 Section 19 application and letter and notice from Secretary of State in respect of open space near Long Ashton P&R site
- CD 1/5 Section 19 application and letter and notice from Secretary of State in respect of open space near Hareclive Road, Bishopsworth
- CD 1/6 Ashton Fields Open Space Exchange Land Plan
- CD 1/7 Highways Act 1980 and Acquisition of Land Act 1981 - The North Somerset Council (South Bristol Link) (Side Roads) Order 2013 and The North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013 Statement of Case
- CD 1/8 The North Somerset Council (South Bristol Link) Compulsory Purchase Order (No. 2) 2014
- CD 1/9 Highways Act 1980 and Acquisition of Land Act 1981 - The North Somerset Council (South Bristol Link) Compulsory Purchase Order (No. 2) 2014 Statement of Case

### **CD 2 – PLANNING DOCUMENTS**

- CD 2/1 North Somerset Council Decision Notice dated 18 November 2013
- CD 2/2 Bristol City Council Decision Notice dated 2 December 2013
- CD 2/3 Highridge Common Exchange Land Report
- CD 2/4 AVTM Decision 6 November 2013 and Inspector's Report
- CD 2/5 SBL Exchange Land Consultation Report
- CD 2/6 National Planning Policy Framework
- CD 2/7 BCC Core Strategy
- CD 2/8 NSC Core Strategy
- CD 2/9 Draft National Policy Statement for National Networks, December 2013
- CD 2/10 BCC Local Plan 1997
- CD 2/11 NSC Replacement Local Plan 2007
- CD 2/12 BCC Site Allocations and Development Management Policies, March 2013
- CD 2/13 BCC Policies Map, March 2013
- CD 2/14 NSC Site and Policies Plan, February 2013
- CD 2/15 National Infrastructure Plan 2011
- CD 2/16 National Infrastructure Plan 2013
- CD 2/17 White Paper 2011: Creating Growth, Cutting Carbon
- CD 2/18 Transport: An Engine for Growth, August 2013
- CD 2/19 Scheme Layout Sheet 1 of 5
- CD 2/20 Scheme Layout Sheet 2 of 5
- CD 2/21 Scheme Layout Sheet 3 of 5
- CD 2/22 Scheme Layout Sheet 4 of 5
- CD 2/23 Scheme Layout Sheet 5 of 5
- CD 2/24 NSC Executive Minutes, 3 September 2013

- CD 2/25 BCC Cabinet decision, 29 May 2013
- CD 2/26 West of England Report to the Joint Transport Executive Committee, 20 September 2012
- CD 2/27 West of England Report to the Joint Transport Executive Committee, 1 July 2011
- CD 2/28 Joint Promotion Agreement, January 2013
- CD 2/29 Report to Joint Transport Executive Committee, February 2010
- CD 2/30 Report to Joint Transport Executive Committee, October 2009
- CD 2/31 Planning Officer's report to NSC planning committee
- CD 2/32 Planning Officer's report to BCC planning committee
- CD 2/33 NSC Executive Minutes, 15 April 2014
- CD 2/34 Bristol Joint Strategic Needs Assessment 2012 Strategic Summary

### **CD 3 - HIGHWAY, ENGINEERING AND TRANSPORTATION DOCUMENTS**

- CD 3/1 Joint Local Transport Plan, 2006
- CD 3/2 Joint Local Transport Plan 3, 2011
- CD 3/3 Greater Bristol Strategic Transport Study, 2006
- CD 3/4 Major Scheme Business Case, March 2010
- CD 3/5 Best And Final Bid, September 2011
- CD 3/6 DfT Guidance on Transport Assessments, March 2007
- CD 3/7 SBL Demand Model Report, March 2010
- CD 3/8 SBL Forecast Report, March 2010
- CD 3/9 SBL Highway Assignment Model (HAM) Local Model Validation Report (LMVR), March 2010
- CD 3/10 SBL Data Collection Report, August 2011
- CD 3/11 Atkins: Unlocking Our Potential: The Economic Benefits of Transport Investment in the West of England, November 2012
- CD 3/12 Atkins: South Bristol Link Economic Benefits Study, June 2013
- CD 3/13 Mott MacDonald Initial Review Report, June 2007
- CD 3/14 Mott MacDonald Option Appraisal Report, February 2009
- CD 3/15 Data Collection Report (April 2013)
- CD 3/16 Highway Assignment Model Local Model Validation Report (April 2013)
- CD 3/17 Public Transport Assignment Model Validation Report (April 2013)
- CD 3/18 Demand Model Report (April 2013)
- CD 3/19 Forecasting Report (April 2013)

### **CD 4 - ENVIRONMENTAL STATEMENT**

- CD 4/1 Volume 1: Non-Technical Summary
- CD 4/2 Volume 2: Main Text
- CD 4/3 Volume 3A: Appendices
- CD 4/4 Volume 3B: Appendices
- CD 4/5 Volume 3C: Appendices
- CD 4/6 Volume 4: Supporting Statements
- CD 4/7 Volume 5: Application Drawings

### **CD 5 - TECHNICAL GUIDANCE (NON-TRANSPORTATION)**

#### **Air Quality**

- CD 5/1 Defra 'The air quality strategy for England, Scotland, Wales and Northern Ireland: Volume 1', July 2007
- CD 5/2 BCC Air Quality Action Plan for Bristol: local transport plan chapter on air

- quality, March 2011
- CD 5/3 BCC Air Quality and Land Use Planning Guide, March 2013
- CD 5/4 BCC Local Air Quality Management Reports, Various
- CD 5/5 BCC Air Quality Data, Various
- CD 5/6 NSC Local Air Quality Management reports, Various
- CD 5/7 Defra "Local air quality management: Technical guidance LAQM.TG(09)", February 2009
- CD 5/8 Defra "Trends in NOx and NO2 emissions and ambient measurements in the UK", March 2011
- CD 5/9 Defra Local Air Quality Management tools (various)
- CD 5/10 Highways Agency "Design Manual for Roads and Bridges" Volume 11 Section 3 Part 1 "Air Quality" HA 207/07, May 2007
- CD 5/11 Environmental Protection UK "Development Control: Planning for Local Air Quality (2010 Update)", April 2010
- CD 5/12 Institute of Air Quality Management "Significance in Air Quality, November 2009"

### **Noise**

- CD 5/13 Noise Policy Statement for England, March 2010
- CD 5/14 Building Bulletin 93 Acoustic Design of Schools, February 2004
- CD 5/15 DMRB HD213/11 Revision 1, November 2011
- CD 5/16 World Health Organisation Guidelines for Community Noise, 1999
- CD 5/17 Tag Unit A3 – Environmental Impact Appraisal, DfT Transport Analysis Guidance (WebTAG), January 2014 (in respect of noise only)
- CD 5/18 "Converting the UK traffic noise index LA10, 18h to EU noise indices for noise mapping", 2002
- CD 5/19 World Health Organisation Night Noise Guidelines for Europe, 2009

### **Ecology**

- CD 5/20 Biodiversity offsetting. Technical paper: proposed metric of the biodiversity offsetting pilot in England (Defra, July 2011)
- CD 5/21 A Habitats Translocation Policy for Britain (JNCC, 2003)
- CD 5/22 DMRB Volume 10 Environmental Design and Management: Section 4 The Good Roads Guide – Nature Conservation
- CD 5/23 Guidelines for Ecological Assessment in the United Kingdom (IEEM, 2006)

## **CD 6 - LEGISLATION AND REGULATIONS**

- CD 6/1 Highways Act 1980 (extracts)
- CD 6/2 Acquisition of Land Act 1981
- CD 6/3 Compulsory Purchase (Inquiries Procedure) Rules 2007
- CD 6/4 The Highways (Inquiries Procedure) Rules 1994
- CD 6/5 ODPM Circular 06/2004
- CD 6/6 The Environmental Noise Regulations 2006
- CD 6/7 The Noise Insulation Regulations 1975
- CD 6/8 The Human Rights Act 1998
- CD 6/9 The European Convention on Human Rights
- CD 6/10 Section 122 Local Government Act 1972

## **CD 7 - ECONOMICS**

- CD 7/1 GVA Impacts of Major Transport Schemes (Atkins, 2012)
- CD 7/2 West of England Local Enterprise Partnership Strategic Economic Plan, 2014

- CD 7/3 The Eddington Transport Study (Sir Rod Eddington, 2006)  
CD 7/4 Transport and the Economy (House of Commons Transport Committee, Third Report of Session 2010–11) (Volume 1)  
CD 7/5 Transport and the Economy (House of Commons Transport Committee, Third Report of Session 2010–11) (Volume 2: Additional Written Evidence)

### **APPENDIX 3 – INQUIRY DOCUMENTS (including documents submitted during the Inquiry)**

#### **INSPECTOR’S DOCUMENTS**

- INSP/1 Inspector’s Pre-Inquiry Note

#### **PROMOTING AUTHORITY’S DOCUMENTS**

- NSC/1/1 Mr Karuna Tharmananthar – Proof of Evidence – Overarching case  
NSC/1/2 Mr Karuna Tharmananthar – Appendices  
NSC/1/2a Mr Karuna Tharmananthar – Appendices – enlarged versions of Appendix 2 and Appendix 4  
NSC/1/3 Mr Karuna Tharmananthar – Summary proof  
NSC/2/1 Mr Philip Paterson – Proof of Evidence – Engineering  
NSC/2/2 Mr Philip Paterson – Appendices  
NSC/2/3 Mr Philip Paterson – Summary proof  
NSC/2/4 Mr Philip Paterson – Errata Sheet  
NSC/2/5 Mr Philip Paterson – Technical Note on traffic signal installations  
NSC/2/6 Mr Philip Paterson – Response to LAPC proposed questions for 16 July 2014  
NSC/3/1 Mr Robert Thompson – Proof of Evidence - Transport  
NSC/3/2 Mr Robert Thompson – Appendices  
NSC/3/3 Mr Robert Thompson – Summary proof  
NSC/3/4 Mr Robert Thompson – Rebuttal to OBJ43 Mr & Mrs Walker  
NSC/4/1 Mr Ilias Drivylas – Proof of Evidence – Economics  
NSC/4/2 Mr Ilias Drivylas – Appendices  
NSC/4/3 Mr Ilias Drivylas – Summary proof  
NSC/5/1 Mr Nicholas Rowson – Proof of Evidence – Landscape & Exchange Land  
NSC/5/2 Mr Nicholas Rowson – Appendices  
NSC/5/2a Mr Nicholas Rowson – Appendices – amended versions of Appendix 11 (fig 5 amended) and Appendix 15 (fig 1-3)  
NSC/5/3 Mr Nicholas Rowson – Summary proof  
NSC/5/4 Mr Nicholas Rowson – Rebuttal to OBJ10 Long Ashton Parish Council  
NSC/5/5 Mr Nicholas Rowson – Rebuttal to OBJ43 Mr & Mrs Walker  
NSC/5/6 Mr Nicholas Rowson – Common Land & Open Space certificates Quantum & Drawing No.5103087/E/F/350/1  
NSC/5/7 Mr Nicholas Rowson – Addendum to rebuttal to OBJ10 LAPC  
NSC/5/8 Mr Nicholas Rowson – Addendum No2 to rebuttal to OBJ10 LAPC  
NSC/6/1 Mr Matthew Bowell – Proof of Evidence - Ecology  
NSC/6/2 Mr Matthew Bowell – Appendices  
NSC/6/3 Mr Matthew Bowell – Summary proof  
NSC/6/4 Mr Matthew Bowell – Errata to Proof of Evidence  
NSC/7/1 Mr Adam Lawrence – Proof of Evidence - Noise

NSC/7/2	Mr Adam Lawrence – Appendices
NSC/7/3	Mr Adam Lawrence – Summary proof
NSC/8/1	Mr Andrew Talbot - Proof of Evidence – Air Quality
NSC/8/2	Mr Andrew Talbot – Appendices
NSC/8/3	Mr Andrew Talbot – Summary proof
NSC/9/1	Mr Paul Wright – Proof of Evidence – Agriculture
NSC/9/2	Mr Paul Wright – Appendices
NSC/9/2a	Mr Paul Wright – Appendices – amended versions of Appendix 9 and Appendix 11
NSC/9/3	Mr Paul Wright – Summary proof
NSC/10/1	Ms Janette Shaw – Proof of Evidence – Planning
NSC/10/2	Ms Janette Shaw – Appendices
NSC/10/3	Ms Janette Shaw - Summary
NSC/10/4	Ms Janette Shaw – Rebuttal to OBJ32-35 Mr & Mrs James
NSC/10/5	Ms Janette Shaw – Additional Docs – Non Material amendments – letter 8 July 2014 & Plan on repositioning of a detention pond
NSC/11/1	Mrs Elaine Bowman – Proof of Evidence – Public Rights of Way
NSC/11/2	Mrs Elaine Bowman – Appendices
NSC/11/3	Mrs Elaine Bowman – Summary proof
NSC/11/4	Mrs Elaine Bowman – Rebuttal to OBJ11 Mr Ives
NSC/11/5	Mrs Elaine Bowman – Addendum to Rebuttal evidence
NSC/12/1	Mr John Yexley – Proof of Evidence – Land Management
NSC/12/3	Mr John Yexley – Summary
NSC/13/1	Revised Itinerary for Accompanied Site Visits
rev1	
NSC/13/2	Revised Itinerary Map
rev1	
NSC/14	Opening Statement on behalf of the Council
NSC/15	SBL - Proposed Minor Alterations to Highridge Common exchange land proposals
NSC/16	Notification & Advertising Requirements
NSC/17	Information on the Commoners on Highridge Common
NSC/18	Proposed Amendment to Common Land Exchange area
NSC/19	SBL: Environmental Statement vol 2: Health Impact, July 2013
NSC/20	Extract from the pre-planning application consultation 2013
NSC/21	Filled up CPO (including Plans)
NSC/22	Filled up SRO (including Plans)
NSC/23	Note on Modifications
NSC/24	Note on Open Space
NSC/25	Referencing of un-withdrawn objections
NSC/26	Council’s Closing Submission
NSC/27	Original objections and letters of withdrawal

## **SUPPORTERS’ DOCUMENTS**

SUP01/1/1	Mr M Knight, South Bristol Business Group
SUP02/1/1	Mr Paul Matthews, Managing Director, First Bus West of England
SUP03/1/1	Mr Alan Davies, Planning and Environment Director, Bristol Airport
SUP03/1/2	Mr Alan Davies – Statement read to Inquiry
SUP04/1/1	Mr Eric Gates, Chairman, Barrow Gurney Parish Council



SUP04/1/2 Mr Eric Gates – Statement read to Inquiry  
SUP05/1/1 Mr Richard Bagnall, Robbins Timber & South Liberty Lane & Brookgate Industrial Estates  
SUP06/1/1 Mr Philip Pope, Chairman, Cater Business Park Traders Group Ltd  
SUP07/1/1 Mel Clark, for the Executive Committee, Better Transport Links 4 South Bristol

### **OBJECTORS' DOCUMENTS**

OBJ08/1 Sackville Ltd – Letter 13 June 2014  
OBJ10/1/1 Long Ashton Parish Council  
OBJ10/1/2 LAPC – Advanced Notice of Questions to be asked of NSC witnesses  
OBJ11/1/1 Mr John Ives – Proof of Evidence  
OBJ11/1/2 Mr John Ives – Appendices (Maps)  
OBJ11/1/3 Mr John Ives - Summary  
OBJ11/1/4 Mr John Ives – Extract from DfT doc on Cycle Tracks Order  
OBJ11/1/5 Mr John Ives – Email of 15 July 2014 with Sustrans leaflet FF27 attached  
OBJ11/1/6 Mr John Ives – Closing remarks  
OBJ30/1/1 Viridor Waste (Exeter) Ltd – Position Statement dated 30 June 2014  
OBJ30/1/2 Viridor Waste (Exeter) Ltd – Proof of Evidence  
OBJ30/1/3 Viridor Waste (Exeter) Ltd – Appendices  
OBJ30/1/4 Viridor Waste (Exeter) Ltd – Summary  
OBJ32-35/1/1 Mr R & Mrs P James – Proof of Evidence & Summary  
OBJ34/1/2 Appendix – Land South West of Bristol  
OBJ34/1/2a Appendix – Core Strategy, Topic Paper, Sustainable Urban Extension  
OBJ43/1 Mr & Mrs N B Walker – Statement

### **COUNTER-OBJECTOR'S DOCUMENTS**

CO-OBJ01/1 Counter-objection from Long Ashton Cricket Club

### **OTHER PARTIES' DOCUMENTS**

DCLG01/1 DCLG letter to S19(1)(a) Objectors dated 30 June 2014 re Inquiry  
DfT01/1 DfT letter to North Somerset Council's solicitors dated 30 June 2014  
DfT01/2 DfT draft letter to S19 Objectors