



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

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 8000

By J.P. Watson BSc FCIHT MICE MCMI

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

Date: 22 March 2010

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE A45 TRUNK ROAD (A45/A46 TOLLBAR END JUNCTION IMPROVEMENT)
ORDER 200__.**

**THE A45 TRUNK ROAD (A45/A46 TOLLBAR END JUNCTION IMPROVEMENT)
(SIDE ROADS) ORDER 200__.**

**THE A45 TRUNK ROAD (A45/A46 TOLLBAR END JUNCTION IMPROVEMENT)
COMPULSORY PURCHASE ORDER (MP NO. XX) 200__.**

**NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER PARAGRAPH
6(1)(C) OF SCHEDULE 3 TO THE ACQUISITION OF LAND ACT 1981**

Dates of Inquiry: 26 January 2010 to 3 February 2010

Ref: DPI/U4610/09/53

TABLE OF CONTENTS

	Page
Case Details	1
1 Preamble	2
2 Description Of The Site And Its Surroundings	4
3 Procedural Matters	5
4 The Case For The Highways Agency	
4.1 Introduction to the Proposals	7
4.2 The Proposals	10
4.3 Effects of the Scheme	12
4.4 Planning Policy	19
4.5 Funding	22
5 The Cases For The Supporters	22
6 The Cases For The Objectors	
6.1 Optilan UK Limited	23
6.2 Mr James Pigg	24
6.3 Mr Peter Langley	24
6.4 Finham Residents' Association	28
6.5 Baginton Parish Council	29
6.6 Additional Matters Raised in Written Objections	30
6.7 Withdrawn Objections	43
7 The Cases For The Counter-Objectors and Counter-Supporters	44
8 The Response Of The Highways Agency	
8.1 Response to the Alternative Proposals	44
8.2 Response to Optilan (UK) Ltd	52
8.3 Response to Mr James Pigg	52
8.4 Response to Mr Peter Langley	53
8.5 Response to Finham Residents' Association	53
8.6 Response to Baginton Parish Council	53
8.7 Response to The Ramblers' Association	54
8.8 Response to National Grid plc	54
8.9 Response to Ms G Barr	54
8.10 Response to Mr and Mrs McCarthy	54
8.11 Response to Mr Simon Gordon	54
8.12 Response to The Campaign for the Preservation of Rural England	55

8.13	<i>Response to Mr E Williams and Mr R Hartry</i>	55
8.14	<i>Response to Listers Group Limited</i>	56
8.15	<i>Response to Manheim Auctions</i>	56
8.16	<i>Response to Mondial Investments Limited</i>	56
8.17	<i>Response to Mr Alan Yates</i>	56
9	Conclusions	
9.1	<i>General Matters</i>	62
9.2	<i>Objections To The Scheme</i>	62
9.3	<i>Effect Of The Scheme In The Green Belt</i>	71
9.4	<i>Planning Policy</i>	72
9.5	<i>Conclusion On The Principle Of The Scheme</i>	72
9.6	<i>Alternatives</i>	73
9.7	<i>Conclusions On The Draft Orders</i>	78
10	Recommendations	82
	Appendices	
1	<i>Appearances</i>	83
2	<i>Inquiry Documents</i>	84

GLOSSARY

CPO	Compulsory Purchase Order
dB	Decibel; one-tenth of a bel; a unit used in noise measurement.
dB(A)	A decibel weighted in such a way as to emulate the response of the human ear.
DMRB	Design Manual for Roads and Bridges.
PPG, PPS	Planning Policy Guidance and the more recent Planning Policy Statements, issued by the Government and applicable in England.
RPG, RSS	Regional Planning Guidance and the more recent Regional Spatial Strategy.
WebTAG	Transport Analysis Guidance, published by the Department for Transport and available on the internet.

CASE DETAILS

1 Purpose

The Orders would authorise the construction of a scheme of alterations to the A45 trunk road and the A46 trunk road near their junction at Toll Bar End in Coventry. The draft Orders were published on 26 March 2009.

2 The Line Order

- This Order is drafted under sections 10 and 41 of the Highways Act 1980 and is known as The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_.
- The Line Order would provide that certain roads which the Secretary of State for Transport proposes to construct along routes described in the Order should become trunk routes from the date upon which the Order comes into force.

Summary of Recommendation: That the Order be made.

3 The Side Roads Order

- This Order is drafted under sections 14 and 125 of the Highways Act 1980 and is known as The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_.
- The Side Roads Order would authorise the improvement, stopping up and construction of highways, and the stopping up and provision of private means of access.

Summary of Recommendation: That the Order be made.

4 The Compulsory Purchase Order

- This Order is drafted under sections 239, 240, 246 and 260 of the Highways Act 1980, as extended and supplemented by section 250 of that Act and under section 2 of the Acquisition of Land Act 1981 and is known as The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order (MP No. XX) 200_.
- The Compulsory Purchase Order would authorise the Secretary of State for Transport compulsorily to acquire the land and rights described in the schedules to the Order in connection with the road works and associated works and operations covered by the Line Order and the Side Roads Order, including the necessary mitigation of their adverse effects.

Summary of Recommendation: That the Order be modified and then made.

5 **The Exchange Land Certificate**

- A Notice of Intention to Issue a Certificate Under Paragraph 6(1)(c) of Schedule 3 of the 1981 Acquisition of Land Act: Rights Over Land at Stonebridge Meadows Nature Reserve, north of the A45 Stonebridge Highway, (document D36) published on 9 July 2009.
- The Compulsory Purchase Order would authorise the purchase of new rights over land which forms part of an open space.
- The Exchange Land Certificate would certify, under paragraph 6(1)(c) of Schedule 3, that the land effected by the rights to be acquired does not exceed 209 square metres in extent, and that the giving of other land in exchange for the rights is unnecessary, whether in the interests of persons, if any, entitled to rights of common or other rights or in the interests of the public.

Summary of Recommendation: That the Exchange Land Certificate be given as drafted.

1 ***PREAMBLE***

- 1.1 On 26 January 2010 I opened concurrent local public inquiries at the Holiday Inn, London Road, Ryton on Dunsmore, Coventry CV8 3DY to hear representations and objections regarding proposals by the Secretary of State for Transport to make Orders, and by the Secretary of State for Communities and Local Government to issue a Certificate, all as described in the Case Details. The inquiries (to which I will refer as "the Inquiry") sat for 4 days and closed on 3 February 2010.
- 1.2 A pre-inquiry meeting was held on 26 October 2009. Document X1 is the Note of the meeting. Before and during the Inquiry I made unaccompanied visits to various locations which were the subject of representations to the Inquiry. These included visits to all locations suggested by parties at the Inquiry, and it was agreed at the Inquiry by both parties who had made such suggestions that there was no need for me to make a visit while accompanied by others.

Purpose and Scale of the Proposal

- 1.3 The purpose of the proposal is to reduce congestion and delay on the A45 and A46 trunk roads. It would modify the junction of those two roads with one another and with the B4110 London Road and with Siskin Drive at Toll Bar End, most notably by the addition of an underpass at the junction. It would widen the A45 Stonebridge Highway road to the west. The length of the larger part of the scheme, measured along the A45 Stonebridge Highway and the A46 Coventry Eastern Bypass, would be 2,895 metres. There would be some alterations within the current highway boundary to the A46 Kenilworth Bypass, over a length of 200 metres.

Number of Objectors

- 1.4 At start of the Inquiry there were 22 objections to the Orders, one of

which was withdrawn during the Inquiry. One further objection was received during the Inquiry. There was no objection to the Notice of Intention. 7 parties with objections appeared or were represented at the Inquiry. These included among others Sustrans, who withdrew their objection later in the Inquiry, and the Campaign to Protect Rural England, who gave no evidence at the Inquiry but made procedural submissions.

Main Grounds for Objection

- 1.5 The main grounds for objection to the proposed Orders were that, in the view of objectors:
- a) The proposed underpass would be more expensive and slower to build than a flyover, and the flyover option had been wrongly overlooked when developing the scheme.
 - b) The Compulsory Purchase Order should be modified to exclude land used for car parking by Optilan UK Limited.
 - c) Footpath 443, that the Scheme would close, should be kept open.

Scheme Alternatives

- 1.6 Notice of the Inquiry was given by notice dated 15 October 2009 (document D43). This included a direction by the Secretaries of State that any person who intended at the Inquiry to submit that
- (a) any highway or proposed highway to which any of the draft Orders relates should follow an alternative route, or
 - (b) instead of improving, diverting or altering a highway to which a draft Order relates, a new highway should be constructed on a particular route,
- should send to them by 21 December 2009 sufficient information about their proposal to enable its route to be identified. Alternative proposals that were so sent are presented in document HA1. The Highways Agency published details of those alternatives and, where appropriate, those whom the Alternatives might affect were notified.

Statutory Formalities

- 1.7 The Highways Agency confirmed that it had complied with all necessary statutory formalities.

Written Representations

- 1.8 In addition to submissions by those who appeared at the Inquiry, there were 71 written representations before the Inquiry. They include 9 statements of support, 16 objections and 46 other representations.

Scope of this Report

- 1.9 This report contains a brief description of the site and its surroundings, a report of procedural matters raised at the Inquiry, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances and documents are attached. Proofs of evidence and other statements by the parties are identified; these may have been added to or otherwise extended at the Inquiry, either during examination

in chief or cross examination.

2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Figures 1.1 and 1.2 of document D16 illustrate the context of the scheme.
- 2.2 The site of the scheme is on the south-eastern side of Coventry. The A46 Coventry Eastern Bypass trunk road leads broadly northwards from the site. The A45 London Road trunk road leads eastwards away from the site to a grade-separated junction with the A423 Oxford Road, and on to the M45 motorway. The two trunk roads meet at the Tollbar End roundabout, and the A45 Stonebridge Highway trunk road runs broadly westwards from there, crossing the River Sowe and the River Sherbourne, to the Stivichall grade-separated junction; from which the A46 Kenilworth Bypass trunk road runs broadly south and west towards Warwick. The A45 continues beyond Stivichall as a local road, past the Finham Roundabout and on towards Birmingham; and the A444 runs broadly northwards into Coventry from the Stivichall junction, as a continuation of the Kenilworth bypass's alignment. All the roads so far mentioned are dual carriageways, except the A423.
- 2.3 The B4110 London Road leads north and west from the Tollbar roundabout into the Willenhall area of Coventry. Montgomery Close is a residential cul de sac on the eastern side of London Road, a short distance north of the roundabout, and the Orchard Retail Park lies behind it with Pleydell Close yet further back. Willenhall is largely residential and extends south to the Stonebridge Highway. Selsey Close approaches the trunk road but does not connect with it. Stonehouse Lane connects Willenhall to the trunk road. Between Willenhall and the A444 road, and bounded on its southern side by the Stonebridge Highway, is an area of open country, much of which is used as school playing fields or as nature reserves. Open country also lies to the south of Stonebridge Highway for a length of about a kilometre on the eastern side of the Stivichall junction, but further east still the road passes parallel to the northern side of the Stonebridge Trading Estate and then turns to proceed past a modest parcel of open land to the Tollbar Roundabout.
- 2.4 The fifth and final arm of the Tollbar roundabout leads south into Siskin Drive which, a short distance to the south, meets Rowley Road at another roundabout. Rowley Road runs from here to the west, giving access to the Stonebridge Trading Estate and leading to the village of Baginton, about one-and-a-half kilometres west of the Tollbar Roundabout and a few hundred metres south of Stivichall. Siskin Drive continues broadly southwards from its junction with Rowley Road, leading to the Middlemarch Business Park and to Coventry Airport. The Airport is on land to the south of Rowley Road and its single runway is aligned toward the southern side of the Tollbar Roundabout.
- 2.5 Commercial premises occupy the land between Siskin Drive and the A45 London Road near the Tollbar roundabout. Facing those, on the eastern side of London Road, stand a group of houses, a petrol filling station and, nearest the Tollbar Roundabout, the Glengary Hotel. The hotel and some of the houses in this group take access from a short service road. To the south of the group, roughly 200 metres from the roundabout, Brandon

Lane turns away from the A45 trunk road and runs north and east.

2.6 The eastern arm of the Tollbar roundabout, the A46 Coventry Eastern Bypass, runs between the Glengary Hotel and (on the fringe of Willenhall) the Orchard Retail Park, and on into open country.

2.7 Cycleways/footways are to be found on both sides of the Stonebridge Highway: that on the south side connects cycleway/footway facilities at the Tollbar roundabout with those at the Stivichall junction, but that on the north side starts at Tollbar but stops short of Stivichall. The facilities at Tollbar include signal-controlled crossings for pedestrians and cyclists across each carriageway of the Stonebridge Highway, A45 London Road and A46 Coventry Eastern Bypass. Crash barriers on the central reservation face each carriageway of the Stonebridge Highway throughout the length between Tollbar and Stivichall. Footpath 443 runs broadly south from Stonebridge Road (which it meets about 200 metres from the Tollbar junction) to Rowley Road (which it meets opposite the Airport perimeter fence).

3 PROCEDURAL MATTERS

3.1 Various procedural matters were the subject of submissions to the Inquiry.

3.2 *CPRE Statement to the Inquiry: 2 January*

3.2.1 Document OBJ/13/P sets out a submission made by the Campaign to Protect Rural England (CPRE), as follows. The Secretary of State's Statement of Case (D33), and supporting evidence, is wholly based on the assumption that a flyover solution at Tollbar End is barred by the flight path requirements of Coventry Airport. Coventry Airport closed on 8 December 2009, its Aerodrome Traffic Zone is suspended indefinitely, and the Aerodrome Licence is suspended pending revocation. There will be considerable uncertainty for some time as to whether or not the Airport will reopen, and as to the scale and type of operation if it does reopen. A flyover solution at Tollbar End (rather than the underpass which the Scheme proposes) should now be fully appraised, so that the Secretary of State can decide whether to publish such a proposal in place of the current Scheme. The Secretary of State's Statement of Case, and supporting evidence, are no longer valid because the fundamental assumption on which the published scheme is based does not now apply. A new Statement of Case is required. Until this is issued on behalf of the Secretary of State by the Highways Agency, there is no basis for any evidence being submitted by objectors.

3.2.2 CPRE also submitted an application for adjournment of the Inquiry (OBJ/13/2, dated 26 January 2010) on similar grounds and adding others: there had been no public consultation on a flyover solution, revocation of the Aerodrome Licence and the Aerodrome Traffic Zone had been made permanent, there was no proof that the airport would reopen or that the whole runway length would be required and in the absence of any evidence or witness statement from Coventry City Council (the airport's sole owner) the airport should be considered an irrelevant issue in the design of the Scheme. If there was new evidence from the Council on this matter then objectors should be offered the opportunity to consider, respond to and test it.

-
- 3.2.3 The Highways Agency replied at the Inquiry that it did not intend to issue a new Statement of Case.
- 3.2.4 I responded to the Inquiry and (through the Programme Officer) in writing to CPRE as follows. The Highways (Inquiries Procedure) Rules 1994 (D124) provides an interpretation of the term Statement of Case. I consider that the Highways Agency has produced a Statement of Case and a body of evidence that are broadly consistent one with another. A purpose of Inquiries such as this is to test evidence so that faulty evidence can be exposed. Such tests can be applied in evidence, in examination and in submissions, and it is for each party to decide whether and how to do that. I found the situation that CPRE described to be no impediment to my reporting to the Secretaries of State, and no impediment to the continuation of the Inquiry.
- 3.2.5 Flyover options for the Tollbar roundabout were promoted by CPRE (File OBJ/13) and by others, were the subject of evidence given to the Inquiry by others (Mr Yates, Mr Langley and others in support of a flyover, and the Highways Agency and others against the flyover proposals) and were the subjects of public consultation as Alternatives to the Scheme proposal (HA1 and HA47). The gist of that evidence appears later in this report. There was no contention that the arrangements made by the Highways Agency in respect of the publication of Alternatives failed to meet the statutory requirements.
- 3.3 ***CPRE Request That I Invite Coventry City Council To Attend The Inquiry To Give Evidence***
- 3.3.1 Note 51 of the Pre-Inquiry Meeting (document X1) records an exchange with CPRE on the matter of obtaining evidence. It concludes: "The Inspector would not solicit evidence (apart from questions of clarification that he might put to witnesses at the Inquiry) but would hear an application for a witness summons if any party wished to make one."
- 3.3.2 Coventry City Council gave evidence to the Inquiry by written representation [5.2.2, 5.2.3]. After the Inquiry had adjourned at the end of business on 26 January 2010, CPRE delivered a letter to the Inquiry (file Obj/13) in which they asked that I ask Coventry City Council to appear at the Inquiry to give evidence and be examined on the subject of Coventry Airport. CPRE considered that the only material sourced from the City Council that was before the Inquiry at that time was inadequate. Subsequently, the Inquiry received document Sup9/1W in which the Council provided more information on the matter of the Airport. The Inquiry was adjourned from the close of business on 27 January (on which day CPRE did not attend) until 2 February, on which day I raised the matter at the start of business. I said that, in the light of document Sup9/1W and all the circumstances, I did not see a need for the Council to appear; but that I would hear any application for a witness summons. CPRE replied that they did not intend a witness summons to be issued. CPRE had not asked the Council to attend the Inquiry, and considered laughable the suggestion that they should call a Council officer as a witness. I explained that I did not at that time find attendance by the Council at the Inquiry necessary for me to make a proper report, and would therefore not invite the City Council to give evidence at the Inquiry; and that I would reconsider the matter if CPRE wanted to make
-

a further representation in the light of document Sup9/1W then I would consider it.

- 3.3.3 CPRE made no further representation on the matter. I remain of the view that sufficient information was provided to the Inquiry to enable me to report on the relevant issues.

3.4 ***Other Applications for Adjournments***

- 3.4.1 A timetable for the production of evidence was established at the Pre-Inquiry Meeting (Document X1, Annex E). The Highways Agency was to arrange for objectors who provide timely Proofs of Evidence to receive written rebuttals before the end of 19 January 2010. In the event, the Agency's rebuttal evidence was not issued until 21 January. Two objectors, Mr Yates and Mr Langley, applied for adjournment of the Inquiry (Documents OBJ/21/1 and OBJ/23/1) to allow them the time envisaged at the Pre-Inquiry Meeting to prepare their responses to the rebuttal evidence. The Highways Agency responded that sufficient time remained on 21 January for responses to be prepared by Mr Yates and Mr Langley before their appearances at the Inquiry, originally programmed for 28 January. I was not satisfied that that was the case, particularly by virtue of the complexity and range of the Highways Agency's response, and allowed an adjournment until 2 February to accommodate later appearances by Mr Yates and Mr Langley.
- 3.4.2 Mr Langley sought a further adjournment because he found deficiencies in the Highways Agency's response to his evidence. He sought an adjournment of sufficient length to enable the Highways Agency to provide the extra information he sought. The Highways Agency responded that it did not have the information sought, that it had done all that it reasonably should and more than it was required to, and that it was for objectors to bring their own evidence in support of their objections. The Agency agreed to make available to Mr Langley such additional information as they had (for example, regarding the locations of public utility plant in the area of interest to Mr Langley). I deferred a decision on this application until the third day of the Inquiry, by which time the responses to public consultation on the Alternative supported by Mr Langley were available to him. Those responses were few and not complex and would require little time for Mr Langley to respond to. In the light of that and the representations previously made I did not allow a further adjournment, beyond the 5 calendar days previously allowed as a result of the late production of the Highways Agency's rebuttal evidence.

4 THE CASE FOR THE HIGHWAYS AGENCY

The material points were:

4.1 **Introduction To The Proposals**

Policy and Context

- 4.1.1 The Governments' long-term strategy for the transport network was set out in the July 2004 White Paper "The Future of Transport: a Network For 2030" (D403). The White Paper identifies the following policy measures, which will provide the basis for improving the road network:
- i) New capacity where it is needed, assuming that any

-
- environmental and social costs are justified;
 - ii) Locking in the benefits of new capacity;
 - iii) Government leading the debate on road pricing;
 - iv) Better management exploiting the potential of new technology to avoid problems and deal with them rapidly if they occur; and,
 - v) Using new technology to keep people informed before and during their journey.
- 4.1.2 The trunk road programme contributes to the first of these. It has been developed in the policy framework set out in the July 1998 White Paper "A New Deal For Transport: Better For Everyone" (D406). The 1998 White Paper identified the following key functions for trunk roads:
- i) Linking main centres of population;
 - ii) Providing access to major ports, airports and rail termini;
 - iii) Providing access to peripheral regions;
 - iv) Providing key cross-border routes to Scotland and Wales; and,
 - v) Classification as part of the Trans-European Road Network.
- 4.1.3 The 1998 White Paper also set out proposals for the preparation of Regional Transport Strategies as part of the regional planning process.
- 4.1.4 The Scheme that is the subject of this Inquiry ("the Scheme") forms part of the West Midlands Regional Transport Strategy for National and Regional Networks and helps to deliver Policy T9 (D411), which aims to improve the competitiveness of the region, improve journey time reliability and maintain access for essential movements.
- 4.1.5 Tollbar End junction is a principal interchange between the A45 and A46 trunk roads. It also provides a secondary link for traffic moving between the West Midlands and the South East, using the A45 London Road with its connections to the A423 Oxford Road and the M45. The A45 Stonebridge Highway between Stivichall Junction and Tollbar End Junction carries two major national routes: the east-west A45 route from Birmingham in the west to Rugby and the M45 in the east, and the north-south A46 route from Warwick and M40 in the south to Leicester, the M69 and the M1 in the north. There are also links to local roads.
- The Need For The Scheme***
- 4.1.6 This part of the network is operating above its design capacity, resulting in variable queues and delays. The key problems are:
- i) Traffic conflicts reduce the performance of the junction, causing variable delay and queues during peak hours.
 - ii) The roundabout is too small to be fully signalised, and the interim solution implemented in 2001 shows signs of stress.
 - iii) Traffic delays and queues cause increased driver stress.
 - iv) In the 5 years 2004 to 2008 inclusive there were 64 accidents within 30 metres of the Tollbar End junction, and 538 accidents
-

including 9 deaths in the study area.

- v) When congestion occurs on the M6 (between the M42 and the M1), traffic transfers from the M6 to routes which pass through Tollbar End.
- vi) Greater traffic volumes caused by planned development will worsen conditions at the junction. A diagram on the third page of document HA2 shows the locations of major committed development near the Scheme.

4.1.7 The Government's key objectives for the scheme are:

- i) To provide relief from traffic congestion and improve the safety of the A45 Tollbar End Junction in accordance with the relevant targets in the 1998 White Paper, and
- ii) To ensure there is no significant worsening of the Appraisal Summary Table sub-criteria and to improve them over the existing conditions where possible.

Background To The Proposals

4.1.8 Initial work on options to improve conditions at the Tollbar End junction and the Stivichall junction started in 2000. Three options were the subject of public consultation in November 2001:

- i) The "yellow" option – loop roads around the Tollbar End junction, with associated road closures;
- ii) The "green" option – enlargement of the Tollbar End roundabout, with a tunnel or underpass beneath to link the A45 Stonebridge Highway to the A46 Coventry Eastern Bypass; and,
- iii) The "purple" option – enlargement of the Tollbar End roundabout with an underpass linking the A45 Stonebridge Highway to the A45 London Road.

4.1.9 As a result of comments received from the public, the "yellow" and "purple" options were pursued no further and the "green" option was developed into the "Option 8" proposal. The "Option 8" proposal offers various benefits over and above the "green" option:

- i) Improved buildability;
- ii) No impact on statutory allotment land;
- iii) Reduced impact on residential properties in Selsey Close and Stonehouse Lane;
- iv) Improved use of existing carriageways;
- v) Avoids a need to demolish two properties north of the junction;
- vi) Reduced impact on Orchard Retail Park;
- vii) Reduced extent of retaining walls; and,
- viii) Better options for bridge construction.

4.1.10 The scheme was further modified after a Cost Challenge Workshop held in February 2006.

-
- 4.1.11 In April 2003 the scheme was included in a list of schemes added to the original Targetted Programme of Improvements that resulted from the Government's "A New Deal For Trunk Roads In England" (D416).
- 4.2 **The Proposals**
- 4.2.1 The scheme proposals as they stood at the start of the Inquiry are shown by document D3.
- 4.2.2 Stonebridge Highway would be widened asymmetrically from two lanes in both directions to three lanes in both directions. The widening would be to the south. Tollbar End junction would be improved by enlarging the roundabout and by building a dual two-lane carriageway underpass beneath the roundabout to link A45 Stonebridge Highway with A46 Coventry Eastern Bypass. Slip roads would connect the roundabout to the Stonebridge Highway and the Bypass, thus retaining all turning movements at the junction. Traffic flows at the roundabout would be controlled by traffic signals at each entrance to the roundabout, and the roundabout would be larger than that which exists now. The scheme also includes a new signalised junction between Siskin Drive and Rowley Road.
- 4.2.3 Road markings to the northbound carriageway of the A46 Kenilworth Bypass will be modified at the turnoff to the Stivichall junction, and new sign gantries provided.
- 4.2.4 The exit from Stonehouse Lane to Stonebridge Highway would be closed, to accommodate the eastbound diverge from Stonebridge Highway to the modified Tollbar End roundabout. Alternative access is available via B4110 London Road.
- 4.2.5 The published Scheme includes an arrangement whereby traffic emerging from Montgomery Close into B4110 London Road could do so only by turning left. Following representations by local residents, the road layout proposed here has been changed so as to allow traffic emerging from Montgomery Close to turn left or right. There would be no right turn into Montgomery Close, but people wishing to make that movement could instead proceed a very short distance to a roundabout in London Road, from which they could return and turn left into Montgomery Close.
- 4.2.6 As to non-motorised travellers:
- i) At the proposed Tollbar End junction, a shared circulatory footway and cycleway facility is to be provided on the outer edge of the central island of the roundabout with signal-controlled crossings providing links to the B 4110 London Road and A45 London Road, Siskin Drive and the A45 Stonebridge Highway. There would also be signal-controlled crossings of the roundabout exits to A45 London Road and Siskin Drive.
 - ii) A new bridge is proposed over the River Sowe on the south side of the Stonebridge Highway, immediately east of Stivichall Junction, to carry the re-routed existing combined footway and cycleway.
 - iii) A combined footway and cycleway is proposed along the full length of the southern side of the Stonebridge Highway. On the northern side, existing provision for pedestrians and
-

cyclists would be retained; but this route is discontinuous, requiring cyclists to use some 200 metres of the main A45 carriageway and cross a slip road. During the Inquiry the Highways Agency decided to retain the northern footway/cycleway east of a point where planned off-road cycleway provision associated with the neighbouring Whitley Business Park could connect to it, thus allowing a continuous route for cyclists and pedestrians. The Agency's letter dated 29 January 2010 on file Obj/007 refers.

- iv) Footpath 443 is proposed to be closed, because pedestrians have been seen crossing the Stonebridge Road at this location despite the lack of crossing facilities there. This is unsafe. Closure of the footpath (from which no property takes access) would discourage pedestrians from attempting to cross the road here. The combined footway/cycleway on the south side of the new slip road would be significantly below existing ground level. The section of Footpath 443 between Rowley Road and the scheme would thus be redundant.

4.2.7 Minimal works are required at Stivichall junction as part of the scheme, but some works are expected to be carried out by others before construction of the Scheme starts. Those works would be carried out as part of the nearby Whitley Business Park development, which is currently under construction and which is the subject of a planning obligation by which its developer is required to provide the alterations needed to the Stivichall junction. These third-party works include measures necessary for the satisfactory functioning of the scheme, and include the introduction of traffic signal control at three entrances to the circulatory carriageway at the Stivichall junction within the existing highway.

4.2.8 Surface water drainage from the scheme would be via three storm-water wetlands at sites along the Stonebridge Highway and a buried attenuation tank south of the A46 Coventry Eastern Bypass. The tank replaces an earlier proposal for a bio-retention basin at the same site. The proposal was changed because the bio-retention basin would form a large open area of standing water which would be attractive to birds and therefore considered to be of high risk with regard to bird-strike with aircraft using nearby Coventry Airport, either immediately after take-off or immediately prior to landing. A pumping station would be needed to take water from the underpass, and this would drain into the River Avon via the attenuation tank.

4.2.9 The scheme has been designed to avoid any significant effects on the environment. Measures to reduce, as far as possible, adverse environmental impacts would also include:

- i) Earth mounds and noise fences;
- ii) Low-noise road surfacing;
- iii) Replacement street lighting throughout the scheme designed to current standards to minimise light spillage outside the road corridor;
- iv) Landscape planting of trees, shrubs and hedges common to the

location, to reinstate vegetation, within highway land, along sections of the highway boundary; and,

v) New habitats for wildlife.

4.2.10 The scheme has been the subject of road safety audits, which were before the Inquiry (documents D1, D2, D13).

4.2.11 Document D11 correlates the land that would be acquired compulsorily and the Scheme. All of the land and interests proposed to be acquired are needed for the Scheme.

4.3 **Effects Of The Scheme**

Effects On Road Users

4.3.1 A traffic model for the area was developed in accordance with current Government guidance using traffic flows measured in the base year. The traffic model has been calibrated against observed traffic count and journey time data. The model has also been validated against independently observed survey data and has achieved an acceptable level of accuracy as specified in the Design Manual for Roads and Bridges ("DMRB", D340). The model is therefore a reliable foundation for the forecasting of future traffic.

4.3.2 Future traffic models have been constructed for the 2014 opening year, the 2029 design year and the year 2021 used for the economic appraisal. The traffic model forecasts were assembled to represent a "most likely" growth scenario for each future year. The approach followed DMRB and Transport Appraisal Guidance ("WebTAG") guidance (D305). This scenario represents a best judgement of conditions that will prevail in future years, in terms of traffic and economic growth, network improvement and land use change. The most likely outcome was reported to the Inquiry. The future year models were completed for the same weekday AM peak, inter-peak and PM peak time periods as for the base year.

4.3.3 The Do-Minimum scenarios were constructed by projecting forward the base 2008 situation and incorporating four further adjustments, which were:

- i) Background growth of existing traffic movements;
- ii) New trips associated with likely land use change;
- iii) Likely changes to the road network that are not connected with the proposed Scheme (the only change modelled was the introduction of development-related traffic signals at the A428/A46 roundabout on the Coventry Eastern Bypass); and,
- iv) "Variable demand" effects that entail travellers reacting to network congestion and changes in the ease of travel.

4.3.4 Passengers using Coventry Airport have been assumed as 1 million annually, the level of use for which planning permission has been granted.

4.3.5 A similar approach has been adopted for modelling future year conditions with the proposed Scheme in place – known as the "Do-Something" case.

- 4.3.6 The modelling is based on a SATURN model refined by using variable demand modelling as required by the Government's Transport Analysis Guidance. Detailed simulation and signal control were then modelled using VISSIM (for micro-simulation), TRANSYT (for linked signal control on the Tollbar roundabout) and LINSIG (for the Rowley Road/Siskin Drive junction). The modelling finds that:
- i) Stonebridge Highway is required to be widened to a dual three-lane carriageway to accommodate the mainline flows and weaving traffic between the Stivichall Junction and Tollbar End junction.
 - ii) The Stivichall junction, the modified Tollbar End junction and the modified Rowley Road/Siskin Drive junction will accommodate the peak hour design year flows.
 - iii) Over a 60-year assessment period, the standard COBA software indicates a saving of 319 accidents due to the scheme, involving a reduction of 9 serious injuries and 381 slight injuries.

- 4.3.7 The 60-year summary central case economic evaluation for road users, determined using the standard software TUBA (for travel time and vehicle operating costs and benefits), COBA (for accident costs and benefits) and QUADRO (for construction and routine maintenance delay costs) is set out in the following table.

Appraisal Item	Value (£M) at 2002 Values
<u>BENEFITS</u>	
Road user non-exchequer travel time/vehicle operation impact (TUBA)	385.873
Accident savings (COBA)	6.545
Net construction and maintenance delay costs (including travel time, vehicle operating cost, carbon emissions and accidents only) (QUADRO)	-14.753
Present Value of Benefits (PVB)	377.665
<u>COSTS</u>	
Capital Expenditure Costs and Indirect Tax Revenues (Central Government)	
Funding investment costs	99.059
Funding net maintenance expenditure	N/A
Indirect tax impact – TUBA	0.494
Indirect tax impact – QUADRO	0.156
Do Something – Do Minimum maintenance costs	1.402
Present Value of Costs (PVC)	101.110
<u>OVERALL IMPACT</u>	
Net Present Value (PVB-PVC)	276.555
Benefit/Cost Ratio (PVB÷PVC)	3.74

- 4.3.8 The Scheme will be justified on economic grounds, since the present value of benefits for road users considerably outweighs the present value of costs to Government. Congestion and delay would be reduced. The Benefit/Cost ratio indicates that the Scheme would fulfil its objectives in terms of safety and economy. Reference to the DfT "Guidance on Value

for Money" (July 2007) (D304) confirms that the scheme would provide strong value for money, since the ratio exceeds the value of 2.0 specified as a threshold by the DfT for a high value scheme.

Wider Economic Impacts

- 4.3.9 The transport economics of the scheme capture all economic effects of the scheme other than the extra value which would accrue if there were benefits in designated regeneration areas. The Economic Impact Report (Document HA6) identifies that a regeneration area incorporating Coventry and the borough of Nuneaton and Bedworth extends to the site. The Report concludes that it has not been possible to quantify any increase or reduction in employment resulting from the junction improvements as a result of any increase in accessibility to employment opportunities; but, given the scale and scope of improvements, it is unlikely that there would be significant benefits for local regeneration areas.

Noise and Vibration

- 4.3.10 Traffic noise levels for the Scheme have been calculated in accordance with Government procedures for Do-Minimum situations in 2014 and 2029, and Do-Something situations in the same years. The predicted noise levels take account of specific noise mitigation in the form of some localised noise barriers, and the use of a low noise surface on new carriageways.
- 4.3.11 The changes in noise level are largely due to the diversion of traffic flows onto the new underpass through the Tollbar End roundabout, which is further away from dwellings than the existing roundabout, and in a cutting. Other influences are changes in traffic flows on the wider road network (both increases and decreases), the use of low noise surfacing on the scheme's carriageways and the addition of noise screening at A45 London Road and Selsey Close.
- 4.3.12 Comparing the Do-Minimum and Do-Something situations, more receptors are predicted to experience decreases in noise and noise nuisance with the scheme than without it. These decreases would also be of a greater magnitude with the scheme than without it. For example, in the Do-Minimum, the greatest predicted decreases are between 0.1 and 0.5 dB(A) whereas in the Do-Something case the greatest predicted decreases are of more than 5 dB(A). At night, 2436 dwellings would experience a reduction in noise with the scheme compared to 1000 without the scheme. 146 dwellings would experience perceptible night-time noise decreases of greater than 3dB, compared with none without the scheme. There is no dwelling predicted to experience increases in noise levels that would establish eligibility for noise insulation.
- 4.3.13 The results of the noise assessment for other sensitive receptors (schools and community facilities) indicate that, with the scheme, there would again be more noise decreases than increase.
- 4.3.14 The scheme would also reduce the levels of vibration at most dwellings adjacent to the scheme, because of the new smooth road surface and the greater separation distances between dwellings and road traffic.

Air Quality

- 4.3.15 An air quality assessment has predicted the effect of the scheme during construction and operation. Mitigation measures for the construction period would be established in the Construction Environmental Management Plan.
- 4.3.16 Nitrogen dioxide is a key traffic-related pollutant. The baseline nitrogen dioxide concentrations near the scheme have been measured by air quality monitoring. Current nitrogen dioxide concentrations exceed the annual average Air Quality Strategy Objective.
- 4.3.17 The air quality assessment has predicted the pollutant concentrations at sensitive receptors most likely to be affected by the scheme. There has been detailed air quality modelling of nitrogen dioxide using ADMS (Roads) (a detailed dispersion model) because of the current concentration of that pollutant. The remaining Air Quality Strategy Objective pollutants have been assessed using the DMRB air quality screening model.
- 4.3.18 As a result of the operation of the Scheme there is predicted to be a reduction in the number of properties that exceed the annual average nitrogen dioxide EU Limit Value. There are no predicted exceedances of the Air Quality Strategy objectives or EU Limit Values for carbon monoxide, benzene, 1,3-butadiene or PM₁₀ particulates at any modelled receptor.
- 4.3.19 Overall, the Scheme would be beneficial in terms of air quality since there would be a reduction in the number of properties that will exceed EU Limit Values. The scheme, by alleviating congestion at Tollbar End, is likely to give rise to greater improvements than the models suggest, since the models cannot estimate changes in air quality caused by congested traffic.

Landscape Effects

- 4.3.20 A landscape and visual impact assessment has been undertaken in accordance with guidance issued by the DfT, the Landscape Institute and Institute of Environmental Management and Assessment, and jointly by the Countryside Agency and Scottish Natural Heritage. Warwick District Council, Rugby Borough Council, Warwickshire County Council, Coventry City Council and Natural England were consulted during the work.
- 4.3.21 The study area includes semi-rural landscape and urban fringe townscape on the southern edge of the City of Coventry. The area is influenced by the existing major roads. The area from which the scheme would be visible is constrained by built form to the north and by topography and vegetation to the south.
- 4.3.22 The main elements of the scheme that could result in significant landscape and visual impacts include the proposed carriageway widening and associated vegetation clearance, slope treatments, structures (including the over-bridges and gantries), signage, drainage and lighting.
- 4.3.23 Landscape mitigation proposals have been developed taking into account local landscape character and the Warwickshire Landscape Guidelines Management Strategy. The landscape mitigation proposals are shown on sheets 1-10 of figure 7.9 of Document D19, with one exception. Further

survey work has found that it would be possible to retain the vegetation between properties in Selsey Close and the Stonebridge Highway so that the existing view from those properties would not change. Gaps in the existing hedge would be reduced with new planting.

- 4.3.24 Overall, the significance of effects on regional and local landscape character, and on townscape character, as a result of the scheme in its first year would be slight adverse, but the mitigation measures would reduce this to neutral by Year 15.
- 4.3.25 The visual effects of the scheme with its mitigation measures have been the subject of a visual impact assessment, and full details are provided in the Environmental Statement (D19, Appendix 7.2). The effects have been assessed at residential properties, commercial properties, recreation areas and on public footpaths. During the first winter in which the Scheme would be in operation, there would be a slight adverse visual effect at 115 such receptors, and none at the other 161 receptors considered for this case. By Year 15 the visual effects of the scheme would be neutral at each of the 310 receptors considered in that case.
- 4.3.26 The scheme would introduce more lighting columns, but these would be shorter than those now present and would be of a type that restricts light spillage. It is unlikely that there would be a perceptible or adverse change from the existing situation in terms of night-time lighting effects at nearby dwellings. Nor would the proposed gantries harm night time views.
- 4.3.27 The site of the proposed Jaguar Whitley Business Park is near the Scheme, to the north east of the Stivichall junction. Together with the Scheme, the Business Park is likely to have an adverse cumulative landscape and visual impact on the character of the area, but it is also likely that the cumulative impacts could be substantially mitigated through planting.
- 4.3.28 Overall, the Scheme would have a slight adverse effect on visual receptors when first opened but, by virtue of the mitigation planting proposed, that effect would reduce to neutral by Year 15.

Ecology And Nature Conservation

- 4.3.29 No sites of international or national importance for nature conservation lie in close proximity to the Scheme.
- 4.3.30 Regionally or locally important sites of interest for nature conservation are shown in the Environmental Statement (Document D20, figure 8.1). These include sites identified as a Local Nature Reserve, Coventry Nature Conservation Sites, proposed Sites of Importance for Nature Conservation and "Ecosites" (non-statutorily designated sites in Rugby Borough or Warwick District).
- 4.3.31 Mitigation measures are proposed which include:
- i) Landscape planting and habitat creation as identified in Document D19 Figure 7.9 Sheets 1-10, which would form the principal mitigation for habitats lost as a result of site clearance.
 - ii) To compensate for the loss of terrestrial habitat, 0.18 hectares

-
- of land has been identified for newt mitigation to the east of the Tollbar End roundabout (Plot 7D, document D11)
- iii) Monitoring of specific mitigation measures would be carried out after construction in order to be able to implement prompt remedial measures where these are required, and review levels of success. The monitoring strategy for great crested newts would be developed with Natural England.
 - iv) Improvements to the highway drainage system (such as the introduction of storm water attenuation ponds) would create the potential for a beneficial effect on the water quality of nearby watercourses – the River Sowe and the River Sherbourne.
- 4.3.32 During the construction phase, the scheme would be expected to have some short-term effects on features of nature conservation value. A residual impact of Slight Adverse significance would be expected on the “Tollbar End Near Roundabout” Ecosite, although those would reduce to Neutral in the long term as the replacement planting matures. The Scheme would also impact on plantation woodland and this would take longer (30 to 50 years) to reduce to Neutral. But the impacts on other receptors would be expected to reduce to Neutral more quickly (15 to 20 years), particularly because they are already highly modified habitats adjacent to an existing road.
- 4.3.33 Following construction of the scheme there would be a residual effect of Slight Beneficial significance on semi-improved grassland, and amphibians. It is likely that these beneficial effects would be realised in a relatively short time (5 to 10 years). The mitigated scheme would give rise to no adverse operational impacts. Residual effects of Slight Beneficial significance would be expected for the River Sowe pSINC and the River Sherbourne Ecosite due to expected improvements in water quality.
- 4.3.34 Overall, the ecological benefits the Scheme would bring are likely to balance the residual adverse effects. While there may be an overall Slight Adverse effect on ecological receptors in the short term, this would be expected to be reduced to Neutral in the longer term (15 to 20 years) as replacement planting matures.
- Cultural Heritage***
- 4.3.35 There are no Scheduled Monuments inside the Scheme footprint, although the Lunt Roman Fort and King’s Hill deserted medieval village are nearby. The effects of the Scheme on these would be mixed and slight, with slight adverse visual effects and slight beneficial traffic noise effects.
- 4.3.36 No Grade I or Grade II* listed buildings lie in the study area; six Grade II listed buildings are present in the visual envelope or the noise assessment area of the Scheme. A slight beneficial effect would result from the restoration of context to a Locally Listed boundary post. Overall, the effect of the scheme on historic buildings is considered to be slight adverse.
- 4.3.36 Where it has been possible to assess physical effects on archaeological
-

remains, they were of slight adverse significance at worst. Some effects remain uncertain, including those on an area where crop marks are present, and areas of land acquisition on gravels and alluvium. The Scheme's effect on archaeological remains is therefore assessed to be slight adverse.

4.3.37 All effects on the historic landscape would be neutral, and so the overall effect would also be neutral.

4.3.38 Overall, considering the Cultural Heritage resource as a whole, the effect of the Scheme would be slight adverse.

Water Quality and Drainage

4.3.39 Such risks to water quality and drainage as would otherwise arise during construction of the Scheme would be avoided or mitigated by implementation of the Construction Environmental Management Plan, which would incorporate relevant good practice measures.

4.3.40 Flood Risk Assessments have shown that the Scheme would have no effect on 100-year water levels on the River Sherbourne or the River Sowe. An inadequate culvert beneath the Stonebridge Highway currently causes flooding but would be replaced with one that functions satisfactorily.

4.3.41 The Scheme is underlain by Minor Aquifers and by Major Aquifers but there is no proposal to discharge runoff to groundwater.

Land Use

4.3.42 Document D23 presents the findings of the Environmental Statement with regard to land use. The assessment method used is that of the DMRB.

4.3.43 The Scheme would involve the permanent loss of a total of 4.3 hectares of Best and Most Versatile agricultural land. But since the Scheme has been designed as a on-line widening, the impacts on agricultural land are limited. There would be no additional permanent severance, and only small negative permanent effects on agricultural businesses. Any harm caused is a matter for compensation.

4.3.44 The Scheme would require the demolition of one property – the Glengary Hotel. In the terms of the DMRB, the impact would be of moderate significance. Land take from VRS/Manheim Auctions on the Stonebridge Trading Estate would be of slight significance.

4.3.45 Some land is required from the King Henry VIII School playing fields, and this would be of slight significance by virtue of the scale of the land take, its position on the periphery of the playing fields and the improved access that the Scheme would provide from the Stonebridge Highway.

4.3.46 Land in the Stonebridge Meadows Local Nature Reserve ("LNR") would be needed during the construction period and the draft Compulsory Purchase Order takes rights for this work (Document D7, plot 1/4). The Scheme would require work to be undertaken on the existing bridge over the River Sowe and access to the bridge would be needed via the LNR. The LNR is considered to be "open space" as defined in section 19(4) of the Acquisition of Land Act 1981. The area over which rights are proposed to be acquired is 185 square metres. The Secretary of State

for Communities and Local Government is being asked to certify that, by virtue of the effects of the works, it is unnecessary to give other land in exchange.

- 4.3.47 No land defined in the terms of the Countryside and Rights of Way Act 2000 as Open Access Land would be lost as a result of the Scheme.

Pedestrians, Cyclists, Equestrians and Community Effects

- 4.3.48 The Environmental Statement shows the current provision of footpaths, signed cycle routes/footways and bridleways or tracks where cycling is permitted, all within 500 metres of the Scheme (Document D24, figure 12.1). There is an established bridleway, which the Scheme would not affect, at Stivichall junction and usage surveys found no equestrians in the 500-metre study area. Footpaths and cycleways in this area would be affected by the Scheme in three ways:

- i) Footpath 443 would be stopped up, and a convenient diversion provided.
- ii) The footpath/cycleway along the south side of the Stonebridge Highway would be temporarily closed during the works, and re-opened on a new alignment to connect to the footpath network at Stivichall junction.
- iii) Provision for pedestrians and cyclists at the Tollbar End junction would be modified, as previously described.

- 4.3.49 The Scheme would not sever other existing local routes. Closure of Footpath 443 would slightly extend journey times for people wishing to use this route. But this, and the temporary closure of the southern footway/cycleway along Stonebridge Highway would be of minor significance.

- 4.3.50 Arrangements would be made for access to premises and for bus stops on affected routes during the construction period, and would be set out in detail in the Construction Environmental Management Plan.

- 4.3.51 Overall, the Scheme would have a slight adverse effect on pedestrians, cyclists and other non-motorised road users.

4.4 Planning Policy

- 4.4.1 The site of the Scheme is in the West Midlands. Part of it is in Coventry City, part in Warwick District and part in Rugby Borough. The scheme also enters the Green Belt.

- 4.4.2 The January 2008 *Regional Spatial Strategy for the West Midlands* (D411) sets out current adopted regional planning guidance and incorporates the Regional Transport Strategy. This identifies the diminishing ability of the Region's transport network as a whole to meet the demands placed upon it, leading to increasing congestion in the major urban areas and strategic transport corridors. Consequently a number of transport studies have been commissioned by the Government, including one at the Scheme site. The Spatial Strategy seeks to create more development opportunities in major urban areas and among those identifies "improving the quality of transport networks to reduce social exclusion, improve economic performance and facilitate a more sustainable pattern of development". The Strategy identifies the

A46 road to be part of the South West to North East corridor and explains the importance of that corridor and, in paragraph 9.67, identifies improvements at A45/A46 Tollbar End among the measures to support the corridor's function as an inter-regional route.

- 4.4.3 Policy T12 of the adopted RSS sets out regional transport priorities, which include the Scheme among the "National and Regional Priorities". In April 2009 the West Midlands Regional Assembly reviewed transport priorities within the Strategy (document D624) as part of the Phase 2 of the RSS Revision. The Revision has been the subject of Examination in Public and the Panel Report (document HA26) retains the Scheme in Policy T12 as a committed scheme.
- 4.4.4 Saved policy AM15 of the Coventry Development Plan (Document D603, adopted on 9 December 2001) identifies road schemes promoted by the local highway authority, and saved policy AM16 lists "other" road schemes supported by the Plan. The Scheme is listed by Policy AM16.
- 4.4.5 Whilst the Scheme would impinge on land in Warwick District and land in Rugby Borough, these are relatively minor areas and consequently neither of these two Local Plans refers to the Scheme. Both the District and the Borough are in Warwickshire. The Warwickshire Local Transport Plan 2006-2011 (document D610) sets out, among other strategic priorities, Strategic Priority 3 which is to support the long-term economic stability and prosperity of the West Midlands region: and the Scheme is identified among the transport and infrastructure measures needed to support that Priority.
- 4.4.6 The Scheme complies with and is supported by policies at the National, Regional and Local levels.

Green Belt

- 4.4.7 Figure 6.1 of Document D18 shows the relationship between the Scheme and the Green Belt. The Scheme would include development, in the form of road widening, in the Green Belt to the west of the Stonebridge Trading Estate (close to the northern edge of the Green Belt: the southern boundary is some miles away at Leamington) and to the east of the Tollbar End junction (where slip roads, embankments and an attenuation tank would be formed in the Green Belt, on the edge of the Green Belt where it is more than 6 miles (9.6 km) wide).
- 4.4.8 National policy guidance in paragraph 3.12 of Planning Policy Guidance 2 *Green Belts* ("PPG2", document D344) defines developments in the Green Belt as inappropriate, unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 4.4.9 By virtue of its tight alignment with the existing Stonebridge Highway and Tollbar Junction and its nature as an asymmetrical widening, the Scheme avoids any significant impact on openness as it follows as far as possible the existing alignment of the road.
- 4.4.10 As to the purposes of including land in Green Belts set out in PPG2:
- i) The Scheme would not lead to unrestricted urban sprawl or the merging of one town with another.
 - ii) The Green Belt would continue to prevent Coventry from

-
- merging with neighbouring villages, including Baginton.
- iii) The Green Belt would continue to assist in safeguarding the City from encroachment by development; and thereby would also continue to support the City's urban regeneration, by encouraging the recycling of derelict and other previously developed urban land.
- 4.4.11 Therefore, the proposed Scheme would not constitute inappropriate development for the purposes of PPG2 and relevant Development Plan policies; and the proposal would have no effects on the openness of the Green Belt.
- 4.4.12 Notwithstanding those findings, there are additional benefits associated with the Scheme that individually or cumulatively would amount to very special circumstances sufficient to outweigh the harm to Green Belt policy, namely:
- i) Support for the Scheme at a national, regional and local level;
- ii) The sustainability of the Scheme; and,
- iii) The absence of significant impacts on the countryside, landscape, agriculture and playing fields.
- 4.4.13 The Regional and local policy support for the Scheme has already been described. Policy makers were aware that the Scheme would impinge on open land in the Green Belt. Planning Policy Guidance 13 *Transport* ("PPG13", document D178) sets out Government policy with regard to transport and land use. It recognises that quality of life depends on transport and access to jobs, shopping, leisure facilities and services. The scheme would bring significant benefits for those living and working in the sub region and locally, through improved access, reduced congestion and improved journey times. And, while PPG13 does have a strong emphasis on sustainable transport modes and reducing the need to travel it does accept that for some journeys travel by car would remain the only real option.
- 4.4.14 In considering the objectives of sustainability policies it is often not possible for any one scheme or project to meet all the objectives: social, economic and environmental. Therefore, a balance has to be struck. Considering the scheme objectives, the economic, social and quality of life benefits need to be balanced against the environmental disbenefits, particularly in regard to the small loss of habitat and Green Belt. Significant mitigation measures have been proposed to lessen any adverse environmental impacts. One should also weigh in the balance the important role of the A45 and A46 as part of the Strategic Road Network. On balance, the Scheme complies with sustainable development policies at a national, regional and local level.
- 4.4.15 The effects of the Scheme on the countryside, landscape and agriculture are described elsewhere in this case. As to playing fields, there would be some loss of land from the King Henry VIII School playing field but this would not compromise pitch use since pitches at the site could be rearranged as shown on document HA23 so as to maintain the current number and size of pitches.
-

4.5 **Funding**

- 4.5.1 The scheme budget is based on the Highways Agency's ranged estimate of costs, which gives an estimate of between £109 million and £150 million, with a central budget of £130 million. This budget includes past costs, works costs, lands costs, risk and the costs of inflation. The scheme budget has been agreed with the Department for Transport and the West Midlands Regional Assembly, and assumes that the scheme would be constructed in 42 months between spring 2011 and autumn 2014.
- 4.5.2 The Scheme is viewed as a high priority by the Department for Transport, the West Midlands Regional Assembly and the Highways Agency, and as such these resources would be made available following the successful completion of the Order-making process.
- 4.5.3 The Highways Agency has carried out a number of surveys and discussed the scheme with all relevant statutory bodies in order to understand the constraints in the area. Consequently, following the successful completion of the statutory process, implementation of the Scheme is unlikely to be blocked by any unforeseen impediment.
- 4.5.4 The programme to start works in spring 2011 is ambitious and contains very little float. Any delays would have a corresponding effect on the construction start date, and consequently on the cost of the project.

5 THE CASES FOR THE SUPPORTERS

5.1 Introduction

- 5.1.1 No party other than the promoter appeared at the Inquiry in order to support the scheme. The gist of additional points, not present in the promoter's case, that were made in written representations submitted by supporters of the scheme is set out in the following paragraphs.

5.2 Additional Matters In Support Of The Scheme Raised In Written Representations

- 5.2.1 Advantage West Midlands (file Sup08) believes that the improved junction would benefit major employment sites in the area, such as Ansty Park, the Ryton Peugeot plant site, the Jaguar Whitley site and provide upgraded access to Coventry Airport.
- 5.2.2 Coventry City Council (file Sup 09) considered the Scheme at a meeting of its Cabinet on 2 June 2009. The Cabinet resolved to support the Scheme and to send a letter of general support to the Highways Agency.
- 5.2.3 Coventry City Council owns Coventry Airport but does not operate the airport itself. West Midlands International Airport Limited (file Obj010) previously operated the site, and made written representations during the objection period and after, but ceased operations at Coventry Airport before the Inquiry opened. At the time of the Inquiry, the Council issued a press release (which it submitted to the Inquiry as document Sup09/1W) describing negotiations that the Council had entered with Airport Development Partners, a private company specialising in development at regional airports across Europe. The Leader of the Council expresses confidence that a contract will be concluded between

the two organisations that will see the long term future of the airport in safe hands, developing the airport's substantial potential for business aviation, cargo, and maintenance, repair and overhaul operations.

6 THE CASES FOR THE OBJECTORS

The material points were:

6.1 Optilan (UK) Limited

Introduction

6.1.1 Optilan (UK) Limited ("Optilan", file Obj005) occupies premises on the Stonebridge Trading Estate and is identified in the draft Compulsory Purchase Order as having a leasehold interest in plots 5/3, 5/5, 5/5A and 5/5B. Optilan UK Limited is a separate company from Optilan Property Partnership, and the two companies' representations to the Inquiry are entirely separate.

6.1.2 Optilan employs some 250 people at its site on the Trading Estate, places work with some 50 subcontractors and has an annual turnover of about £35 million. It is a flourishing and developing company. 61 parking spaces are available on Optilan's site and Optilan leases a further 52 spaces from the neighbouring unit. The Scheme would provide a retaining wall across the northern end of Optilan's own site, next to the Scheme, but no such wall would be provided at the adjacent land Optilan leases (Draft CPO plot 5/3) and so the highway boundary would be set further back onto that land, causing a loss of parking space for Optilan.

Optilan's Objection

6.1.3 Optilan objects to the Scheme on the following grounds:

- i) The Scheme would involve Optilan losing car parking space for its employees, contractors and visitors, an effect on the business that monetary compensation would not be sufficient to remedy. Optilan would lose between 20 and 40 parking spaces. The local authority parking ratio for properties such as this sets a target of 155 parking spaces. Parking on the site is already tight and Optilan has taken all necessary measures to address this, including taking part in a Cycle to Work Scheme, leasing unused spaces from another unit, and encouraging employees to car share where possible. Optilan is concerned that the shortage of parking the Scheme would bring would reduce employees' willingness to work at Optilan, harm the environment as employees park wherever they can, and increased health and safety risks of trying to ensure access to the site for emergency vehicles where the access routes are choked with cars. These difficulties would affect the company's performance and so company relocation would be required.
- ii) Apart from the parking issue, the Scheme would have a significant adverse operational effect on the business during the construction phase and afterwards. There would be traffic delay, and the security of the Optilan site – important due to the technical nature of Optilan's work and the high cost of

products used - would be compromised. Construction traffic would be noisy and green areas around the site would be lost.

- iii) The Scheme would not improve traffic flow along the southern carriageway of the Stonebridge Highway, which affects Optilan (Optilan is on the southern side of the Scheme) as this is already adequate with minimal traffic delays. The Scheme may worsen conditions elsewhere, for example at the A428/A46 roundabout on the Coventry Eastern Bypass.

6.1.4 Optilan therefore proposes these potential solutions:

- i) The Highways Agency to provide additional car parking space.
- ii) The Scheme proposal for the Tollbar End junction be modified to not increase the exit onto the A46, or to not provide a slip road from the roundabout past the Optilan site.
- iii) Extend the retaining wall, currently proposed on the southern boundary of draft CPO plot 5/5, to continue across the space on the neighbouring site currently rented for parking by Optilan. (This was published by the Highways Agency as Alternative 16, in document HA1.)

6.1.5 Optilan occupies its building on a 6-year lease, with an option to renew. The terms of the Company's tenure of the neighbouring land it uses for parking were not known to the Company's chief executive officer, who gave evidence to the Inquiry.

6.2 Mr James Pigg (*File Rep/24*)

Introduction

6.2.1 Mr Pigg lives in Sedgemoor Road, which gives access to Stonehouse Lane. Stonehouse Lane provides a connection between B4110 London Road and the A45 Stonebridge Highway.

Mr Pigg's Objection

6.2.2 Stonehouse Lane should not be closed at its junction with Stonebridge Highway, as the Scheme proposes, because all traffic coming out of the Sedgemoor Road/Stonehouse Lane area that wishes to go south would have to turn right onto the B4110. That manoeuvre would be unsafe, in comparison with the left turn that can currently be made from Stonehouse Lane to the Stonebridge Highway. Mr Pigg has lived in the area for some 40 years does not recall any accidents having taken place at the Stonehouse Lane/Stonebridge Highway junction. Development of 43 dwellings is proposed for the Sedgemoor Road/Stonehouse Lane area and the traffic associated with that would increase the risk associated with use of the Stonehouse Lane/London Road junction.

6.3 Mr Peter Langley

Introduction

6.3.1 A major improvement of the Tollbar End junction is required, but the published scheme is not necessarily the best way to make an

improvement.

Weaknesses in the Scheme

- 6.3.2 The Promoter's evidence makes it clear that the Scheme suffers from a number of serious weaknesses.
- 6.3.3 The Scheme cost is very high and, allowing for differences in the bases on which costs were expressed at different stages, has risen substantially during the Scheme's life. And, despite the checks that the Promoter makes, it is very probable that costs will rise still further during the remainder of the process.
- 6.3.4 It is also clear that the benefits of the Scheme are not optimal. Other options with superior present value of benefits and benefit-cost ratios have been discarded during the process leading to the choice of the preferred option. Direct comparisons over time are difficult, because of major changes in modelling and assumptions. But the key evidence is in the following table, taken from page 7 of document D51 (a Final Report dated September 2002 to the Highways Agency by their erstwhile consultants White Young Green):

Summary of Economic Assessment Results, 2002

	PVC (£m)	PVB (£m)		NPV (£m)		BCR	
		LG	HG	LG	HG	LG	HG
Option 5 (Yellow)	17.6	87.0	166.8	63.9	140.9	4.6	9.0
Option 6 (Green)	32.9	103.1	186.9	64.3	143.9	3.0	5.4
Option 7 (Purple)	31.5	108.3	129.0	70.4	88.2	3.2	3.8
Option 8 (All Green)	24.1	60.9	127.9	33.9	98.3	2.4	5.1
Note: PVC = Present value of costs. PVB = present value of benefits. NPV = Net present value. BCR = benefit:cost ratio. LG = Low growth case. HG = high growth case.							

- 6.3.5 Option 8, which formed the basis of the subsequent Scheme, was more expensive than Option 5, had lower benefits than all three other options under consideration, and had a Net Present Value and a Benefit:Cost Ratio inferior to those of all three options. Nevertheless, Option 8 was taken forward, largely on the basis of public consultation in 2001. In examination, the Highways Agency referred to the table on page 10 of the Public Consultation Report (Document HA45) to show that the Green

option was comparatively more popular than Purple or Yellow. The table shows that 61% of the 127 local respondents preferred the Green option, 31% preferred the Purple option, and 8% preferred the yellow option. However, according to HA45 the sample size was small and it is difficult to regard this as a conclusive expression of the opinion of users of the junction as well as local residents. Even if it had been, it is surprising to find the Highways Agency so strongly influenced by public opinion in the face of telling differences in the economics of the options.

6.3.6 In two specific aspects, the choice of the preferred option has not been adequately justified:

- i) The decision to grade separate the Tollbar End junction instead of adopting an at-grade solution. The Promoter's Do-Minimum traffic forecasts suggest that on normal capacity assumptions an at-grade solution could work; and that was the form of the Yellow option.
- ii) The decision to provide grade separation for the Stonebridge Highway/Coventry Eastern Bypass flows, rather than the Stonebridge Highway/A45 London Road flows. The Promoter's Do-Minimum forecasts show 30% more traffic to follow the A45 through the junction (than turns between the A45(west) and the A46), and Do-Something forecasts are not likely to outweigh such a large flow disparity.

6.3.7 The most striking feature of the history of the Scheme's costs and benefits is their volatility. Although the Promoter claims that the latest Appraisal Summary Table (Document HA22) is sound, it is the case that overall benefits and impacts on particular items still fluctuate wildly. There is no reason to believe that this AST is either stable or superior to any of its 26 predecessors.

6.3.8 The Promoter's traffic witness made it clear that the scheme economics are closely linked to assumptions about future traffic flows. Lower growth forecasts could arise from a combination of lower-than-forecast background traffic and local factors such as the absence of passenger flights at Coventry Airport, and they could lead to a striking decline in the benefit:cost ratio of the Scheme. It is not the case that any scheme with a benefit:cost ratio higher than 1.0 will be funded: competition for funding is intense.

Affordability

6.3.9 The UK's public finances are under severe pressure and it appears that the Regional Funding Allocations (which are advice to Government, not a "decision" on funding) may carry less weight in future than they do now. The current apparent commitment to fund the scheme may change, and the Highways Agency did not dispute that. And the Scheme is likely to be subject to further cost rises, for example as a result of delay to the project.

Coventry Airport

- 6.3.10 The airport is currently closed to commercial traffic and no longer has a licence. If the airport remained closed, there would be no reason for the design of the Tollbar End scheme to be constrained by an Obstacle Limitation Surface ("OLS"). If it reopened, the future of the OLS would depend on the level and nature of operations at the airport. Reduced use of the airport (for example for general aviation) would be compatible with use of a much shorter runway than is currently available. There is no dispute that the present OLS would not leave room for a flyover to be built at Tollbar End, but an OLS starting from a different position potentially would.
- 6.3.11 Coventry City Council has issued a news release (HA33) indicating that a potential operator of the airport has been identified. Uncertainty about the future of the airport remains, because the position the news release describes does not necessarily mean that the airport will reopen.
- 6.3.12 Housing development is currently proposed on Green Belt land at Finham, but that development would more appropriately be located (if it is needed) on the Airport site. To provide for such an eventuality, the Tollbar End improvement should be designed so as to accommodate a future link between the airport site and the City of Coventry.

Alternative 7

- 6.3.13 Alternative 7 would provide a flyover at the Tollbar End junction instead of the underpass that the Scheme proposes. The flyover would connect the A46 Coventry Eastern Bypass with the A45 Stonebridge Highway. The design was developed by the Highways Agency in response to objections by Mr Langley and others. But the work is incomplete, and so there is not enough information for a full like-for-like comparison with the published Scheme.
- 6.3.14 The Agency give no reason why they could not undertake further work if further time was made available. They conclude that the costs of Alternative 7 would be of a similar order to those of the published Scheme. But they have made no attempt to cost potential savings in statutory undertakers' works and their consideration of earthworks is only a preliminary one. Therefore two major cost items have not been examined. Nor does the Highways Agency make allowance for the saving in construction time due to reduced statutory undertakers' works. Nor is a full economic analysis provided. The comments on the environmental effects are superficial and unsubstantiated by evidence. For example, Tollbar End and its surroundings are urban in character and there would be no significant visual disadvantage from a flyover as opposed to an underpass – although the Agency contends to the contrary.
- 6.3.15 The Agency argued that there would be a significant delay to the process if Alternative 7 were taken forward. Although the Agency's assessment may be unrealistically pessimistic (for example, a new CPO might not be needed), a significant delay would arise. But that should be seen in

context. The Scheme has already taken about ten years to reach this stage. A further delay is a price worth paying to get the optimum scheme, and not one which has developed through a series of obscure and questionable decisions. Nor does the Agency's evidence establish that a delay would increase delivery risk.

6.3.16 Alternative 7 offers two benefits over the promoted Scheme, and they are cost savings and a shorter construction period.

6.3.17 If the published scheme is considered not suitable to be taken forward, this presents the opportunity to re-examine earlier options, rejected without good reason, in the light of the latest available information.

Conclusion

6.3.18 Insufficient information is available at this stage for Alternative 7 to be shown to be demonstrably superior to the published scheme, because of the way the process has operated and the short time allowed between the deadline for the submission of alternatives and the start of the Inquiry. Equally, it cannot be concluded on the basis of the evidence that the published scheme is superior to the Alternative. The uncertainty surrounding the future of Coventry Airport is a further factor arguing for a pause.

6.3.19 The Orders should therefore not be made at this stage, in order that further study of alternatives (including Alternative 7) can take place.

6.4 Finham Residents' Association (*File Obj/22*)

Introduction

6.4.1 Finham is a residential area to the west of the Stivichall junction and to the south of the A45. The Finham Residents' Association ("the Association") has extensive membership in that area.

Finham Residents' Association's Objection

6.4.2 The Association does not object to the principle of the Scheme. But the Scheme involves undesirable loss of facilities, and misses some opportunities to improve the area.

6.4.3 Traffic signals were introduced at the Stivichall junction a few years ago but there have been no improvements since and it remains a cause for concern.

6.4.4 The A45, including the Stonebridge Highway and the further length of the A45 to the west of the Stivichall junction, is very difficult for pedestrians to cross and has been for many years. Consequently, Finham is isolated from the rest of Coventry. A pedestrian priority crossing of some sort should be provided on the A45, especially near the Finham Roundabout. The proposed dual 3-lane carriageway road will be even more difficult to cross and, if the land to its south were to be redeveloped for housing, similar problems of severance would arise there as are experienced now at Finham. There should be pedestrian access across this section of the

A45. The whole area around the A45 has very few footpaths for constitutional strolls and these do not include crossing the A45; currently, walking is largely confined to up and back along one or other side of the A45. And the proposed cycleway arrangements on the north side of the Stonebridge Highway would be discontinuous and therefore should be improved.

- 6.4.5 When initially built, the A46 Kenilworth Bypass was surfaced in a way that generated too much tyre noise, and a low-noise surfacing should be used for the Scheme so as to avoid disturbing nearby residents. Also, care should be taken in the design of the gantry lighting so as to not cause a nuisance to residents.
- 6.4.6 The Association identified a number of improvements that could be made to the Stivichall junction and its traffic management features, but agreed that those were independent of the Scheme proposals.
- 6.5 **Baginton Parish Council** (file Rep/46)
- 6.5.1 The Parish Council supports the principle of the Scheme. Residents local to the Tollbar roundabout have suffered major traffic congestion for many years and so the Council is pleased that work is scheduled to remove the bottleneck there.
- 6.5.2 But the Council has concerns too. The Contractor's depot for the works would be in the Parish, on Rowley Road, and the foundations for new sign gantries on the Kenilworth Bypass would be in the Parish.
- 6.5.3 Rowley Road forms part of various routes that drivers find useful when there is congestion at Tollbar End. Traffic calming humps were installed in the village in 2000/1 but they are ineffective and do not slow or restrict the traffic. Residents therefore suffer from excessive traffic "rat running" through the village.
- 6.5.4 The Parish Council has co-operated with the Highways Agency's contractor to accept a temporary movement of Coventry Airport's runway 170 metres to the south whilst piling work is undertaken at the Tollbar site. This temporary movement is necessary to allow enough space between the top of the piling rigs and aircraft landing or taking off from the Airport.
- 6.5.5 The Parish Council has several concerns that should be taken into account:
- i) The Highways Agency's contractor must make every possible attempt to eliminate the need or the ability for motorists to divert to routes that pass through the village.
 - ii) All construction traffic must be banned from village roads.
 - iii) Night work must be controlled so that noise and light intrusion from site or depot areas has no impact on village residents.
 - iv) Communication from the contractor on issues relating to the project that may affect village residents could be through the Parish Council, which circulates a monthly newsletter throughout the village.

-
- 6.5.6 Conditions should be imposed on the Highways Agency and its contractors that make the protection of the village mandatory.
- 6.6 **Additional Matters Raised In Written Representations By Objectors**
- 6.6.1 The gist of additional points that were made in written representations submitted by objectors to the scheme is set out in the following paragraphs.
- The Ramblers' Association** (File Obj/002)*
- 6.6.2 Footpath 443 should not be closed because there is no convenient alternative. The route is needed so that residents can walk to the countryside in this area, or to the factories and warehousing on Rowley Road. Government policy is to encourage people to leave their cars at home, particularly for short journeys such as going to work.
- 6.6.3 Footpath W161 crosses the Coventry Eastern Bypass just outside the Scheme limits. The crossing is at grade and is impossible to use due to the volume and speed of traffic. The path should be diverted to use an existing underpass (inside the Scheme limits). The present proposals will make matters worse since traffic will not have to stop at the Tollbar End roundabout. The Side Roads Order should divert footpath W161 through the existing underpass.
- National Grid plc** (File Obj/003)*
- 6.6.4 National Grid plc ("the Company") has gas pipes and equipment in the area affected by the proposed works. It is concerned that consent should not be given for the Scheme without its apparatus being properly protected, and therefore objects to the Orders.
- 6.6.5 The Company has been in discussion with the Highways Agency about the Scheme since November 2003. Agreement has not been reached regarding the relocation of apparatus and the installation of a gas governor. The Highways Agency has indicated concern about the safety in traffic terms of a proposed gas governor which, if built as proposed by the Company, would in the Agency's view be unsafe to access and wrongly located relative to the main carriageway. The Company asks that if the Agency is unable to provide the necessary and appropriate protection for the Company's apparatus, which is in National Grid's view the installation of a gas governor on land to be provided by the Agency, the Orders forming the Scheme should not be made.
- Optilan Property Partnership** (File Obj/004)*
- 6.6.6 The Optilan Property Partnership is identified in the draft CPO Schedule as owning plots 5/5, 5/5A and 5/5B. Mr Allen, Mrs Smith, Mrs Yarwood, Mrs Ward, Mrs Kler, Mrs McFadden and Mrs Buckland are partners in the Optilan Property Partnership.
- 6.6.7 In addition to objections raised by Optilan UK Limited, the Partnership is concerned that the Scheme proposals would oblige Optilan UK Limited to relocate and thereby cause the Partnership to lose its sole source of income and suffer a seriously devalued property, and that the Partnership might be held to ransom over the value of replacement land.
-

Ms G Barr (File Obj/006)

- 6.6.8 Ms Barr attended an exhibition held by the promoter on 25 April 2009. She is concerned that access to her property on B4110 London Road should be maintained so that a removal van or builder's lorry can get up to her house. Providing alternative access from Montgomery Close would be dangerous and silly. The existing arrangements for access to Ms Barr's property should remain.

Mr and Mrs McCarthy (File Obj/008)

- 6.6.9 Mr and Mrs McCarthy live in Montgomery Close and attended an exhibition held by the promoter on 25 April 2009. The traffic island proposed in London Road opposite Montgomery Close would prevent residents of Montgomery Close from turning right toward the centre of Coventry. The bus stop in London Road would, if relocated as proposed, obstruct the view to the right from Montgomery Close of approaching traffic. The proposed pumping station should be properly enclosed to prevent its noise from disturbing residents at night.

West Midlands International Airport Ltd (File Obj/010)

Introduction

- 6.6.10 Coventry Airport was formerly operated by West Midlands International Airport Ltd ("WMIA"). The airport closed on 8 December 2009. Document HA52 indicates that the Official Receiver was appointed to wind up WMIA pursuant to an Order made on 9 December 2009.

Position of WMIA

- 6.6.11 West Midlands International Airport Ltd ("WMIA") objected to the scheme by letter dated 11 June 2009. The Scheme at that time included a Bio-Retention Basin which would have included an open body of water close to the flight path of aircraft going to or from Coventry Airport. WMIA objected to this on the grounds that the resulting possibility of bird strike would lead to an unacceptable risk of an aircraft accident. The Highways Agency produced an alternative design for the water retention element which would use buried tanks instead of an open body of water. Drawing K100-158 on file Obj/010 shows this. By letter dated 10 August 2009 WMIA confirmed that they had no objection to the proposal which involves the use of buried tanks as long as it is constructed "as per" drawing K100-158.

Mr Simon Gordon (File Obj/011)

- 6.6.12 The construction of the scheme would cause additional delay and congestion to the surrounding road network, especially London Road, for up to three years, and that is disproportionate to the scheme life of 15 years.
- 6.6.13 The policy of predict and provide has been proven not to work. It is wrong to increase network capacity. The money would be better spent on maintaining the existing highway network or on sustainable travel – either walking, cycling, bus priority or railways.
- 6.6.14 The scheme would cost a very large sum of money that is not justified by the potential benefits. The road becomes congested only when there is an accident or breakdown and at other times the degree of congestion is

quite acceptable, even at peak times. The accident savings could be secured much more cheaply by signalling the currently unsignalled approaches to the Tollbar End roundabout.

- 6.6.15 The proposed arrangements for cyclists at the Tollbar End junction would increase the number of crossing points and delay, compared to the existing facilities.

Campaign To Protect Rural England (File Obj/013)

Objections

- 6.6.16 The traffic justification for the Scheme appears to include provision for Coventry Airport to operate at 2 million passengers per annum. There is now no scheduled passenger traffic and the Scheme should be appraised assuming only the existing use of the airport (in 2009).
- 6.6.17 There is no safe or continuous foot or cycle route through the junction. The only route offered requires the crossing of heavily-used carriageways. A separate foot and cycle route between the Willenhall area of Coventry and Middlesmarch Business Park is required.
- 6.6.18 The trunk road improvements fail to meet the needs of local traffic. Brandon Lane would be left as a left-in, left-out junction close to the interchange. The Side Road Order should provide for it to be given more convenient as well as safer access.
- 6.6.19 The mini-roundabout adjacent to the interchange (Rowley Road/Siskin Drive) appears to be too close to the main gyratory.
- 6.6.20 Certain properties close to the interchange are given unsatisfactory access – Montgomery Close and London Road (north side).
- 6.6.21 The proposed landscaping should be improved.

Alternatives Submitted

- 6.6.22 **Alternative 1** – A foot and cycle bridge over the A45 west of Tollbar End connecting Footpath 443 with Stonebridge Lane. It is currently possible to cross the A45 on foot between Stonebridge Lane and footpath 443.
- 6.6.23 **Alternative 2** – A road bridge including cycle track over the A45 west of Tollbar End linking London Road and Rowley Road. This would be justified for the eventuality that the site of Coventry Airport (which is now closed) becomes used for housing. A proposal for housing on the southern side of Coventry (3500 houses in Warwick District) is damaging to the Green Belt, and housing use of the airport site would be better.
- 6.6.24 **Alternative 3** – A road bridge as Alternative 2, but also incorporating a link from Rowley Road to Siskin Drive south of the present junction.
- 6.6.25 **Alternative 4** – A bridge over the A45 east of Tollbar End, linking Brandon Lane with Siskin Drive to allow all-movements access to Brandon Lane.
- 6.6.26 **Alternative 5** – A temporary flyover, two lanes, slow speed, for the A45 (Stonebridge Highway) to A46 (Coventry Eastern Bypass) movement, with the existing gyratory left largely unaltered. A flyover here instead of an underpass would be very much less costly, less disruptive during construction, and take significantly less time to build, and closure of the

airport removes the constraints on height that required an underpass only to be considered.

- 6.6.27 **Alternative 6** – A permanent flyover, two-lane with slow speed, for the A45 (Stonebridge Highway) to A46 (Coventry Eastern Bypass) movements. A flyover here instead of an underpass would be very much less costly, less disruptive during construction, and take significantly less time to build, and closure of the airport removes the constraints on height that required an underpass only to be considered .
- 6.6.28 **Alternative 7** – A dual 2-lane flyover for the A45 (Stonebridge Highway) to A46 (Coventry Eastern Bypass) movement, with the gyratory junction rebuilt. A flyover here instead of an underpass would be very much less costly, less disruptive during construction, and take significantly less time to build, and closure of the airport removes the constraints on height that required an underpass only to be considered .
- 6.6.29 **Alternative 8** – Service roads to the north and south of A45 east of the Tollbar End junction, to reduce/remove direct access from frontages onto/off the trunk road.
- 6.6.30 **Alternative 9** – Omit the widening of A45 Stonebridge Highway between Stivichall junction and Tollbar End: retain as dual 2-lane, with management of trees and new planting to improve appearance. The form of widening here as part of the Scheme would be damaging to the character and appearance of the road and would remove many trees along the south side of it.
- 6.6.31 **Alternative 10** – Revise the dual 3-lane widening of Stonebridge Highway to add one lane each side, with management of trees and new planting to improve appearance.
- 6.6.32 **Alternative 11** – Relocate the cycle/foot track along the Stonebridge Highway between Stivichall junction and Tollbar End junction to the north side instead of the south side.
- 6.6.33 **Alternative 12** – Replace the access to King Henry VIII School playing fields off the eastbound A45 carriageway with access through City Council-owned land to the north.
- 6.6.34 **Alternative 13** – Replace the proposed on- and off-accesses onto Stivichall junction for the proposed Jaguar-Whitley plant redevelopment with access onto the A444 Stivichall-Cheylesmore Bypass.
- 6.6.35 **Alternative 14** – Provide foot and cycle bridge over the A45 west of Stivichall junction to replace the unsatisfactory and insecure facilities provided through the Stivichall junction.
- 6.6.36 **Alternative 15** – Close the existing access from B4110 London Road to Montgomery Close and create an entrance from the Orchard Retail Park access instead.

Mr E Williams and Mr R Hartry (file Obj/014)

Introduction

- 6.6.37 Mr E Williams and Mr R Hartry are the freehold owners of the Glengary Hotel (Draft CPO Plots 6/5, 6/6 and 6/6A).

Objections

- 6.6.38 Objection 1: There is an alternative means of reducing traffic congestion. Much of the current congestion occurs at peak times from local commuter traffic. An alternative scheme to carry local traffic, Phase Three of the Coventry North South Road (from Binley Road to the London Road/A46 junction, Whitley), has yet to be completed by Coventry City Council.
- 6.6.39 Objection 2: Since the original junction improvement scheme the Peugeot factory at Ryton has closed thus reducing the employee commuter traffic at shift change-over times and reducing the originally predicted traffic flows at this junction.
- 6.6.40 Objection 3: The design requirement to build over the service road access could have been mitigated by the provision of a service road leading off Brandon Lane to give rear vehicular access to the block of properties (699 to 721 London Road) that includes the Hotel. This would enable Mr Williams and Mr Hartry to retain their business and the Scheme to proceed without demolishing the Glengary Hotel, which is an established business located in a prime position.
- 6.6.41 Objection 4: The Scheme objectives do not take into account the impact on local residents and local businesses.
- 6.6.42 Objection 5: The Scheme specifically disregards the human rights of the freehold owners of those properties to be compulsorily acquired, and/or those freehold owners who have retained property standing immediately adjacent to the scheme.
- 6.6.43 Objection 6: The business of the Hotel is particularly susceptible to disruption caused by planning blight, and the Hotel is already showing a loss of repeat business during testing trading conditions, as a consequence of the length and scale of the planning consultation process. Overall there has been a marked downturn in trading performance. The Hotel's prominent roadside location at a trunk road intersection is a key factor in the growth of this profitable business. The Scheme would acquire most but not all of the property, but the effect would be to make the remainder non-viable, and relocation would be difficult to achieve to a comparable roadside position at a realistic capital cost.

Listers Group Limited (Files *Obj/015*, *Obj/016* and *Obj/017*)

Introduction

- 6.6.44 Listers' objections related to three sites: Listers Lexus, A45 London Road (Obj/015), Listers Toyota, Siskin Drive (Obj/016) and Avondale Honda, 540 London Road (B4110) (Obj/017).

Objections

- 6.6.45 Objection 1: Phase Three of the Coventry North South Road has yet to be completed and would make the Scheme unnecessary.
- 6.6.46 Objection 2: Allowance has not been made for the closure of the Peugeot plant at Ryton.
- 6.6.47 Objection 3: The construction works for the Scheme would interfere with access to Listers' premises, disrupting business activity and causing loss

of business and increased operating costs due to restricted access, noise, dust and dirt from the works.

6.6.48 Objection 4 (Obj/015 and Obj/016 only): The Siskin Drive Relief Road that formerly was included in the Scheme proposals is now omitted. The proposed Siskin Drive/Rowley Road junction will lead to further traffic queues and delays, and those would worsen should activity at Coventry Airport increase.

6.6.49 If the programme of works for the Scheme were to affect the use and enjoyment of Listers' freehold property rights at these sites, which would reduce the value of the property then such actions may be considered to be a breach of the Articles of the European Convention on Human Rights.

Assurances Sought

6.6.50 On 9 December 2010, agents acting on behalf of Listers wrote to seek written assurance from the Highways Agency that certain concerns of Listers' would be met. Such reassurance would enable Listers to formally withdraw their Objections before the Inquiry. Their concerns were that:

- a) Access to Listers' premises should be maintained at all times for customers and delivery vehicles; and,
- b) The Highways Agency's contractors should use their best endeavours to mitigate the dust and dirt pollution throughout the projected three- to four-year construction period.

Manheim Auctions (File Obj/018)

Introduction

6.6.51 Manheim Auctions ("Manheim") are identified in the draft CPO as having interests in plots 5/7 and 5/9.

Objection

6.6.52 The proposed compulsory purchase would, by reducing the size of the remaining site, reduce the efficiency of Manheim's business in the storage and sale of motor vehicles. Manheim has no alternative space of its own, either nearby at its other site in Rowley Road, or further afield. Attempts to buy more land locally, from Coventry City Council, have been unsuccessful; and a multi-storey car park cannot be built on the site because of the proximity of Coventry Airport.

Mondial Investments Limited (File Obj/019)

Introduction

6.6.53 Mondial Investments Limited ("Mondial") is identified in the draft CPO as having interests in plots 7/2, 7/2A, 7/2B, 7/2C, 7/2D, 8/1, 8/1A, 8/2 and 8/3.

Objection

6.6.54 The land that is the subject of the draft CPO was bought by Mondial for its development potential and with a view to promoting the land through consultation with relevant local authorities. The land:

- a) Is ideally suited for employment-led development;
- b) Has been assessed as suitable for removal from the Green Belt

following the Joint Green Belt Study;

- c) Has been, and continues to be, promoted for development within relevant Local Development Frameworks and Spatial Strategies;
- d) Has been the subject of potential occupier interest and the subject of considerable effort by Mondial; and,
- e) Would be very difficult to develop if the draft CPO land were taken out of Mondial's control.

6.6.55 The land is not suitable for the proposed bio-retention basin.

Mr Alan Yates (*File Obj/21*)

Objection

6.6.56 The projected cost of the Scheme (central estimated cost of £130 million) would be unacceptable, particularly when Government debt must be reduced dramatically.

6.6.57 There would be traffic disruption through the very long duration of the work (42 months), when users of Tollbar End will experience considerable disruption and delay.

Alternative 7

6.6.58 Relief would be welcome from regular congestion and the consequent pollution.

6.6.59 For many years, the operation of Coventry Airport imposed a major restraint on the design of the Tollbar End scheme because of the need to keep clear of the Obstacle Limitation Surfaces associated with the use of Coventry Airport. But scheduled passenger flights ended at Coventry in 2008 and in December 2009 the airport operating company entered compulsory liquidation and Coventry Airport closed. Coventry Air Traffic Zone is now suspended indefinitely and the aerodrome licence is suspended pending revocation. This effectively means no use of Coventry Airport (except by emergency services). There is now an opportunity to pursue a lower cost and quicker scheme based on a flyover rather than an underpass.

6.6.60 The future of the airport is highly uncertain. Coventry City Council has consistently been over-optimistic about the airport's potential, but the Council's Director of Strategic Planning and Partnerships has been quoted as recognising the need to down-grade operation of the airport. If in the future a new airport operator applies to the Civil Aviation Authority for a licence, it could be based on a shorter runway, such as "General" aviation usually uses. If necessary, the runway could be shortened to accommodate a flyover at Tollbar End. Cost, time and disruption could be reduced through use of a lower-cost and simpler flyover instead of an underpass at Tollbar End. But no flyover has been considered until Alternative 7 was suggested, a very short time before the Inquiry.

6.6.61 As a result of the promotion of Alternative 7, the Highways Agency undertook to carry out an outline cost and programme assessment to inform the Inquiry, but said that in the time available it would not be possible to carry out this assessment to the same rigour as the Scheme

and the comparison would not be on a like for like basis. If a rigorous assessment of alternatives has not been completed, there can be no assurance that the published scheme represents best value for money. The result of the Highways Agency's work is set out in documents HA/Alt7/R1 and HA/OBJ21/R1.

Response to HA/Alt7/R1 and HA/OBJ21/R1

(Mr Yates's response is set out in his "Supplementary Proof of Evidence", document Obj21/P2.)

- 6.6.62 **Scheme Objectives:** Document D52 outlines the objectives for the scheme. An overall objective of the Scheme is that it should be affordable and deliver high value for money in resolving the problems associated with congestion of this section of the Trunk Road Network. There is a distinction between "high value for money" and "affordability". There is no dispute that the Scheme could be subject to Government spending reviews. Therefore, the cost of the Scheme should be examined independently of its Benefit:Cost Ratio.
- 6.6.63 Document HA/GPO/P contains a different set of "Government's key objectives for the Scheme". The first is linked to "A New Deal For Trunk Roads In England" (D416), and the second is to "ensure there is no significant worsening of the Appraisal Summary Table sub-criteria and to improve them over the existing conditions where possible, within the constraints of the Brief, taking into account any special requirements."
- 6.6.64 Government guidance (D316, paragraph 2.1) is that there should be a clear understanding of the objectives which are to be met. This requirement is not met when there are two different sets of objectives under the same title. And the nature of the objectives in HA/GPO/P causes more concern: they are not self-contained (referring to other documents) and they depend on comparative and subjective criteria such as "worsening" and "significant". Nor has cost minimisation been addressed adequately in the HA evidence, although Government guidance (D316, paragraph 2.12) is that it should be. And the Appraisal Summary Table presented in HA/GPO/P shows an increase in carbon emissions, which is a worsening and not an improvement and contrary to the Climate Change Act.
- 6.6.65 There is no evidence that the published scheme meets all the Government's objectives, whichever set of objectives is used.
- 6.6.66 **Tollbar End Options:** Among the objectives for the Scheme in D52 is: "To seek continuous improvement throughout the development phases in terms of delivering value for money and performance against objectives in the AST". The following table summarises the process of continuous improvement for the Scheme:

<u>Date</u>	<u>Scheme</u>	<u>Key change from previous scheme</u>
2001	Option 1	
2001	Option 6	Added A46/A45 at-grade link. Added Siskin Drive link.
2002	Option 8	Removal of A46/A45 at-grade link
2005	Scenario 0	Tollbar End roundabout moved slightly south
2006	Scenario 3	Siskin Drive link dropped
2006	Scenario 3A	None
2008	Published Scheme	Minor changes to residential roads near Tollbar End

6.6.67 Over a five-year period, the preferred scheme returned to a configuration very similar to one that had been rejected at the start. And no reason is given for the reasons why Option 7 was dropped while Option 6 was pursued.

6.6.68 **Evolution of Costs:** The following table summarises the changes in the estimated cost of the scheme since 2001:

<u>Date</u>	<u>Scheme</u>	<u>Key change from previous scheme</u>	<u>Cost (rounded)</u>
2001	Option 1		£21m
2001	Option 6	Added A46/A45 at-grade link. Added Siskin Drive link.	£34m
2002	Option 8	Removal of A46/A45 at-grade link	£25m
2005	Scenario 0	Tollbar End roundabout moved slightly south	£85m
2006	Scenario 3	Siskin Drive link dropped	£72m
2006	Scenario 3A	None	£74m
2009	Published Scheme	Minor changes to residential roads near Tollbar End	£130m

6.6.69 There is no evidence explaining the 3-fold increase in cost between 2001 and 2006. And a further increase of £57m follows, between 2006 and 2009, also unexplained. By contrast, if a standard annual construction cost inflation of 4.5% were applied (as recommended in RFA Transport Advice), an initial cost of £21m would inflate to about £30m over 7 or 8 years.

6.6.70 The published scheme (costing £130m) is functionally similar to Option 1 (costing £21m). Costs have not been brought under control and when the Scheme is the subject of forthcoming Government spending reviews, it is very likely to be killed.

6.6.71 **Tollbar End Capacity:** One of the reasons given by the Highways Agency for rejecting Alternatives 5 and 6 is that they lack the required traffic capacity.

6.6.72 Daily traffic flow figures presented in the Environmental Statement

- (D15/1) and in document HA/GPO/P make it appear that the proposed scheme is a major generator of traffic on top of the large growth of traffic between 2008 and 2029. It is hard to reconcile this increase with Government policy to reduce the need to travel, especially by car.
- 6.6.73 Peak hour traffic flows shown in Figures 10 and 11 of HA/TRA/P indicate that the scheme creates a 19% increase in the morning peak and a 28% increase in the afternoon peak. No explanation is given for why there is such a large increase because of the scheme in the afternoon peak.
- 6.6.74 One of the reasons given in document D51 (issued in 2002) for rejecting Option 1 was because it did not have the capacity required (at that time) for 2020. The assessment then was that Option 6 could cope, but that was because of the provision of extra at-grade links, which have since been taken away. The published Scheme, claimed to have sufficient capacity in 2029, is very similar in configuration to Option 1. No explanation of this is offered by the Highways Agency. Either there is a huge modelling error or the Scheme is generating a very substantial increase in traffic, counter to Government policy.
- 6.6.75 **Traffic Forecasts for Tollbar End:** Figure 10 in HA/TRA/P provides forecast 2029 Do-Minimum peak hour flows at the junction. The figures clearly show that an A45-A45 link would take substantially more traffic away from the Tollbar End roundabout than the proposed A45-A46 link would. The published Scheme is not the optimum scheme in order to reduce congestion.
- 6.6.76 In HA/OBJ21/R1, section 3.2.5 rejects more modest flyover options because they might exceed the maximum flow per lane of 1600 vehicles per hour. But the figures in HA/TRA/P Figure 10 show that none of the A45(west) to A46 peak flows does exceed this limit in the 2029 Do Minimum case. The highest forecast figure is 88% of the stated maximum.
- 6.6.77 **Coventry Airport's Effect On Traffic At Tollbar End:** Planning permission exists for the Interim Passenger Facility at the airport, for up to 980,000 passengers per year. Permission was granted by the Secretaries of State retrospectively. The planning permission brought into force a Section 106 Agreement and a Section 278 Agreement with the Highways Agency. These require the operator to pay for traffic signal improvements at Tollbar End, specifically including the signalisation of the Siskin Drive/Rowley Road entry to the junction and a LINK/MOVA system. The Secretaries of State said that these would reduce congestion and queuing at the junction, and at the Coventry Airport inquiries the Highways Agency positioned this improvement as an interim one.
- 6.6.78 There are two implications of this:
- i) The Do-Minimum case should include the signalisation of the Rowley Road/Siskin Drive arm of the Tollbar End roundabout: but there is no evidence that this has been modelled. The airport passengers are included in the Do-Minimum, but not the improvement that they make necessary and so the Do-Minimum is too pessimistic.

-
- ii) Extra signalisation of the Tollbar End roundabout was clearly considered feasible by the Highways Agency and the Secretaries of State. If so, then it should also be acceptable for the B4110 London Road arm. There is no evidence of analysis to test this option.
- 6.6.79 **Obstacle Limitation Surfaces:** The document known as CAP 168 is published by the Civil Aviation Authority to regulate the licensing of aerodromes (Appendix 10 of Obj21/P2). It specifies that obstacle limitation surfaces are particular to a runway and its intended use. Since the airport is currently unlicensed with no air operating company, it is impossible to determine the use currently intended. Also, the type of air traffic at the aerodrome is a consideration, and is also unknown. A single specific OLS is not an absolute prohibition.
- 6.6.80 If Coventry Airport secures a new operating company and if this company secures a new Aerodrome Licence, many factors have to be considered when drawing up a new OLS. It is therefore misleading to claim that a flyover at Tollbar End would mean that the runway length would have to be reduced by 400 metres, as the Highways Agency claims. A flyover could be compatible with a General Aviation airport.
- 6.6.81 **Other Coventry Airport Considerations:** The airport set many challenges for the design of the Scheme, such as: clusters of extra traffic generated by passenger flight, Public Safety Zone constraints, the need to cover the bio-retention basin to reduce the risk of bird strike, and height restrictions for lighting, pile driving and so on. The Public Safety Zone has influenced the traffic signal design, but the PSZ used for that purpose is not described. There are three PSZ definitions for Coventry Airport, but none applies to the current situation. The extent of the PSZ cannot be determined because the airport is unlicensed.
- 6.6.82 **Size of Roundabout at Tollbar End:** HA/TRA/P asserts that "The roundabout is too small to have signals and traffic is frequently stopped on the circulating carriageway". The implied causal link is missing.
- 6.6.83 The Scheme Assessment Report (D4) describes the "existing" traffic flow in 2003. There is no description of queues on the circulatory carriageway. Surveys were therefore undertaken in January 2010.
- 6.6.84 The main finding is that use of signalised pedestrian crossings to cross exit roads from the roundabout was the primary cause of queuing on the roundabout. Very few pedestrians are needed to cause traffic hiatus. For pedestrians, Tollbar End is dangerous, unpleasant and very time consuming.
- 6.6.85 Even if traffic were removed from the roundabout by an underpass, the forecast growth in traffic to Year 15 means that the remaining (non-underpass) traffic on the roundabout would grow back to current levels. The Scheme does not address the basic conflict between high traffic flows and non-motorised users because it still proposes at-grade pedestrian crossings, and they are not compatible with high traffic loads at a complex roundabout like Tollbar End.
- 6.6.86 Enlarging the roundabout increases land take, but that could be avoided by the adoption of other methods, such as extending and upgrading
-

traffic signals, and building underpasses or overpasses for pedestrians.

- 6.6.87 **Noise:** The Highways Agency provides no evidence to support its assertion in HA/Obj21/R1 that most of the noise benefits associated with the underpass would be lost with a flyover. And evidence in HA/NOI/P shows that the basis for this claim is fallacious.
- 6.6.88 The Highways Agency's evidence is that introducing a low-noise surface is expected to reduce noise by 3.5dB. Paragraph 4.1.1 in HA/NOI/P specifies noise mitigation measures for the Scheme, including the introduction of low-noise surfaces. The receptors reported in Table 4.1 of HA/NOI/P all show noise reductions of less than 3.5 dB as a result of the scheme. It is very unlikely that the existing trunk roads would not need resurfacing by 2029 and, when resurfacing does occur, low-noise surfacing should be used. The Do-Minimum case should therefore include the effect of low-noise surfacing. The Highways Agency's assessment of the noise effects of the scheme is misleading.
- 6.6.89 **Air Quality:** There are a number of apparent errors in the Highways Agency's case:
- a) The 2029 Do Minimum scenario includes reducing traffic speeds due to increased congestion. Slow traffic generates fewer carbon emissions than does faster traffic. Therefore it is illogical to claim a decrease in emissions as a result of the Scheme, which would speed traffic up.
 - b) The small percentage decrease in carbon emissions, that the Highways Agency claims, is within the normal range of modelling error. As there is a significant increase in carbon emissions in 2014 and no clear reason for a change in trend over the following 15 years, a precautionary approach should be applied as specified in Planning Policy Statement 1.
 - c) Coventry City Council has been monitoring nitrogen dioxide concentrations at Tollbar End for some years. Tollbar End meets the criteria to place it in an Air Quality Management Area and it should be assessed by AQMA standards, requiring action plans to reduce emissions.
 - d) Reductions in concentrations of nitrogen oxides at Tollbar End presented in the Environmental Statement are not as a result of the scheme. External factors make a greater difference than detailed road configurations. Traffic growth is the critical factor.
- 6.6.90 **Environment and Land Use:** Tollbar End has an urban, not a rural, ambience and would become more so if Coventry Airport operated at its permitted limit.
- 6.6.91 The Scheme proposal includes planting broad-leaved woodland to the south of Stonebridge Highway. This will take longer to mature than is assessed in the Landscape Assessment. The proposed removal of trees would cause the Stonebridge Trading Estate to extend the urban landscape for the foreseeable future. And the Highways Agency presents a circular argument regarding the Scheme's effect on the Green Belt, and that does not constitute evidence.

-
- 6.6.92 The proposed closure of Footpath 443 is not consistent with Planning Policy Guidance 13, which seeks the creation of “more direct, safe and secure walking routes ... to reduce the actual walking distance between land uses”. The Scheme fails to provide a more direct walking route between housing in Willenhall and employment near Rowley Road.
- 6.6.93 The scheme would cause a loss of access to the Stonebridge Meadows Nature Reserve, which can currently be reached from a layby on the Stonebridge Highway that the Scheme would remove.
- 6.6.94 **Planning Policy:** The Regional Sustainable Development Framework Version Two July 2006 (D621) sets out sustainable development objectives for the West Midlands. Objective 2.3 is to “Minimise the Region’s contribution to the causes of climate change by reducing emissions of greenhouse gases from transport, domestic, commercial and industrial sources”. The Appraisal Summary Table in HA/GPO/P Appendix C shows that carbon emissions would be increased by the Scheme, which therefore does not comply with policies at regional level at least.
- 6.6.95 Planning Policy Statement 1 *Delivering Sustainable Development* says that, in preparing development plans, planning authorities should seek (among other things) to reduce the need to travel. But the published scheme appears to generate traffic.
- 6.6.96 **Economy:** No evidence has been presented on the specific cost of carbon over the 60-year evaluation period. Whatever cost is assumed, table 5.1 (in HA/TRA/P) shows a positive benefit of £90,000 from carbon emissions. Yet the Appraisal Summary Table in HA/GPO/P Appendix C shows that carbon emissions would be increased by the Scheme. And Table 5.3 (in HA/TRA/P) shows a negative cost of carbon emissions. Quite apart from the questions of double counting of costs and benefits, the economic assessment of increased carbon emissions is clearly wrong.
- 6.6.97 The analysis, in HA/TRA/P, of wider economic impacts is wholly wrong because it is based on the statement that “the Coventry and Nuneaton Regeneration Zone has its nearest border over 15 km from the [Tollbar End] junction”, whereas in fact the Zone includes the Willenhall and Binley ward of Coventry and extends up to the site.
- 6.6.98 **Alternative 7:** When comparing a flyover with an underpass, there should be a natural cost advantage of building upwards rather than downwards. This advantage should be magnified at Tollbar End because it is in a natural dip. The Environmental Statement (D15/1) estimates that construction of the proposed underpass would generate approximately 170,000 cubic metres of spoil, which would be likely to go to landfill. The cutting would be up to 9.5 metres deep (over 4 metres below the water table), with a pumping station, a maintenance layby and a buried attenuation tank. All utilities would have to be diverted. Traffic management during construction would be complex. All this complexity adds to works cost and duration.
- 6.6.99 It is therefore very surprising that the Highways Agency claims that the works cost of Alternative 7 is of a similar order to the published scheme. Detailed costings would be needed to verify this claim.
- 6.6.100 In any event, the two proposals should be compared on a like for like
-

basis. Weighing down any new proposal with the cost of changing from the previous proposal is simply a way of ensuring that once a preferred scheme has been chosen by the Highways Agency it will always remain so, however flawed. No justification has been provided for the claimed 2-year delay or the associated cost, or for the perceived delivery risk.

6.6.101 More work is needed on the feasibility of A45 to A45 links, both flyovers and underpasses, because:

- i) The evidence indicates that an A45-A45 link could provide more relief at Tollbar End than the published scheme.
- ii) The evidence is that such a link would require much less change to the Tollbar End roundabout.
- iii) Better separation between pedestrians and traffic would enhance capacity at Tollbar End.
- iv) Avoiding enlargement of the roundabout would reduce land take and is likely to reduce environmental impact.
- v) The complex geometry required for the curved link in the published scheme is likely to be simplified greatly by a much straighter A45-A45 link.
- vi) The evidence does not necessarily rule out lower-capacity solutions.

6.6.102 These options should be evaluated alongside further evaluation of the flyover alternatives already put forward, and more work should be done on Alternative 7 to find ways of reducing its cost.

6.6.103 **Conclusion:** The errors, contradictions and inconsistencies that have been identified in the Highways Agency evidence make the case for the published scheme unsound. It is not reasonable to commit large sums of public money to a non-optimum scheme because of potential costs in looking for better alternatives.

6.6.104 Insufficient work has been done on alternatives that could potentially provide a lower cost and less disruptive solution.

6.6.105 Without this work, the draft Orders cannot be shown to be optimum. They fail the statutory tests in that the scheme has not been proved to be expedient, and there is not a compelling case for compulsory purchase.

6.7 **Withdrawn Objections**

6.7.1 Objections made by the following parties were withdrawn before or during the Inquiry:

Bubbenhall Parish Council

Mr P J George

Whitley Abbey School

Sustrans.

7 THE CASES FOR THE COUNTER OBJECTORS AND COUNTER SUPPORTERS

- 7.1 No party appeared at the Inquiry to give evidence in objection to, or in support of, the various Alternatives promoted at the Inquiry. The gist of written representations made in response to the publication of the Alternatives (Document HA2) is set out in the following paragraphs.
- 7.2 Alternative 1: Mr Billington (file ObjAlt1) expressed general support for this Alternative.
- 7.3 Alternatives 5, 6 and 7: Mr and Mrs Hill (file ObjAlt3) live on London Road near the junction and consider a flyover would be visually intrusive. Mr and Mrs Lapworth of Montgomery Close (file ObjAlt4) refer to noise and air pollution, which they consider a flyover would make worse than an underpass. Mr Billington (file ObjAlt1) expressed general support for Alternatives 6 and 7.
- 7.4 Alternative 9: Mr Billington (file ObjAlt1) supports Alternative 9, which would accommodate the traffic satisfactorily while requiring less land than the Scheme.
- 7.5 Alternative 11: Sustrans (file ObjAlt6) strongly objects to the omission of the cycle path on the south side of the A45, since the path is required for access to the commercial properties on the south side of the road.
- 7.6 Alternative 12: The King Henry VIII School (file ObjAlt8) is satisfied with the existing access arrangements. The Alternative would be inconvenient for staff and for visiting parents. It would introduce school buses into a densely populated housing area with narrow roads and few passing places.
- 7.7 Alternative 15: Mr and Mrs Lapworth of Montgomery Close (file ObjAlt4) are satisfied with the Scheme proposals for Montgomery Close and consider Alternative 15 unnecessary. Mr and Mrs McCarthy of the Close (file ObjAlt7) consider Alternative 15 unnecessary, conducive to anti-social behaviour and disruptive. Two further residents of the Close (files ObjAlt9 and ObjAlt10) made general objections to Alternative 15.

8 THE RESPONSE OF THE HIGHWAYS AGENCY

The material points were:

8.1 Response To The Alternative Proposals

Alternative 1

- 8.1.1 This Alternative would involve building a foot and cycle bridge over the A45 Stonebridge Highway west of Tollbar End roundabout to link Stonehouse Lane with Footpath 443. Footpath 443 would be widened to accommodate a foot and cycle route to Rowley Road, and diverted over the northern part of its length. To accommodate the proposed bridge, the eastbound slip road from A45 Stonebridge Highway to the proposed Tollbar End roundabout would be realigned and lowered.
- 8.1.2 There is no existing pedestrian or cycle crossing facility near the proposed bridge.

-
- 8.1.3 In addition to the bridge proposed as part of the Alternative, modifications or changes to the Scheme would be needed:
- i) Additional retaining structures.
 - ii) Additional traffic management and/or diversions.
 - iii) Changes to the proposed statutory undertaker service diversions.
 - iv) Increased risk to existing trees on the adjacent highway boundary.
- 8.1.4 The bridge would provide a more direct route between the residential area of Willenhall and the Stonebridge Trading Estate, and it would provide the opportunity for recreational journeys. This would represent a benefit for local pedestrians and cyclists.
- 8.1.5 This Alternative would increase the Scheme cost by £5.5 million. Construction of the Scheme would take 12 weeks longer with the Alternative than without it. The increased scheme cost and increased scheme delivery time would risk losing the Regional Funding currently allocated to the project.
- 8.1.6 Modification of the Orders would be needed, to accommodate the slip road realignment, the footpath diversion and the extra land that would be needed.
- 8.1.7 The Scheme provides for all pedestrian and cyclist movements at Tollbar End roundabout. The non-motorised user survey recorded a total of 300 such users. No more than that number of people would use the bridge per day.
- 8.1.8 The cost of the bridge is not justified.

Alternative 2

- 8.1.9 This alternative would see the provision of a road bridge including cycle track over the A45 Stonebridge Highway west of Tollbar End roundabout linking B4110 London Road and Rowley Road.
- 8.1.10 Base year forecast and traffic flows (one way) between London Road and Rowley Road in the AM peak are 213 passenger car units in 2008 and 219 in 2029. The Scheme proposal would direct this traffic to the new roundabout, which would have enough capacity to accommodate the traffic.
- 8.1.11 It would be necessary to rebuild Stonebridge Highway at a lower level than exists so as to allow it to pass beneath the proposed bridge. The bridge would be likely to be a significant four-span structure. Compulsory purchase of either of, or both of, the Toyota and Volvo showrooms on London Road would be necessary. Replacement allotment land would be required. Residents of Stonehouse Lane and B4110 London Road would be subject to additional noise, vibration and visual intrusion. Land would be taken from allotment gardens and agricultural fields south of Stonebridge Highway. Alternative 2 might provide marginally improved access between Rowley Road and B4110 London Road, thereby reducing severance.
- 8.1.12 There is no measurable potential benefit of Alternative 2 that would

warrant its construction and consequent human and environmental impact.

Alternative 3

- 8.1.13 This alternative would see the provision of a road bridge including cycle track over the A45 Stonebridge Highway west of Tollbar End roundabout linking B4110 London Road and Rowley Road, plus including a link road from Rowley Road to Siskin Drive south of their present junction.
- 8.1.14 Rowley Road currently meets Siskin Drive at a roundabout immediately south of the Tollbar End junction. Without further explanation from CPRE, the Highways Agency has not identified any cost effective, beneficial aspect to a new link road from Rowley Road to Siskin Drive. In all other respects, the Highways Agency's analysis of Alternative 2 applies to Alternative 3.
- 8.1.15 There is no measurable potential benefit of Alternative 3 that would warrant its construction and consequent human and environmental impact.

Alternative 4

- 8.1.16 This Alternative would see the provision of a road bridge over the A45 London Road, east of Tollbar End roundabout, linking Brandon Lane with Siskin Drive to allow all-movements access to Brandon Lane. Brandon Lane is currently accessed as a left-in, left-out junction on the eastbound carriageway of the A45 London Road. The nearby grade-separated junction with the A423, with its roundabout, allows traffic from Brandon Lane to travel west, while traffic approaching from the A45 east can use the Tollbar End roundabout to reach Brandon Lane. Each of these manoeuvres takes in the order of 2 minutes. Alternative 4 would reduce journey times for those travellers by around 2 minutes.
- 8.1.17 Traffic flows from Brandon Lane to Siskin Drive are low and do not warrant the provision of a direct road link. Similarly the traffic flows in and out of Brandon Lane are low, and the additional travel times previously described would not have a material effect on traffic flows.
- 8.1.18 The bridge over the A45 road would probably be a significant 4-span structure. New junctions onto Brandon Lane and Siskin Drive would be needed. Residents of Brandon Lane and the caravan park off Siskin Drive would be exposed to more noise, vibration and visual intrusion. The new road would impact on businesses along Siskin Drive and in Middlemarch Business Park, and on the farm operating east of Brandon Lane. Compulsory purchase of agricultural land would be needed. Alternative 4 might provide marginally improved access from Brandon Lane to Siskin Drive and Tollbar End junction.
- 8.1.19 There is no measurable, potential benefit of Alternative 4 that would warrant its construction and consequent human and environmental impact.

Alternative 5 and Alternative 6

- 8.1.20 Instead of the underpass proposed as part of the Scheme, these Alternatives would provide a two-lane single carriageway flyover with a slow speed restriction over the existing roundabout. The primary

objective of Alternative 5 and Alternative 6 is to reduce costs, reduce the construction programme and reduce disruption to traffic during construction.

8.1.21 The DMRB (TD22/06, document D322) requires that the maximum flow per lane for a grade-separated junction on an all-purpose road is 1600 vehicles per hour. The flyover is forecast to carry up to 2129 vehicles in one direction during the 2029 peak hour. As the higher figures significantly exceed the 1600 vph lane capacity, it would be inappropriate to promote a two-lane single carriageway flyover as is proposed under Alternatives 5 and 6. The standards in the DMRB provide for considerations of safety, maintenance and operation and the Highways Agency would not be prepared to promote the Departures from these Standards that would be required to achieve either temporary flyovers or slow speed road elements at Tollbar End as is proposed as Alternatives 5 and 6. Nor is it feasible to design a flyover of the existing roundabout as is proposed under Alternative 5.

8.1.22 For these reasons, the Highways Agency has not identified any version of Alternative 5 or Alternative 6 that it would be prepared to promote.

Alternative 7

8.1.23 This Alternative would replace the proposed underpass at Tollbar End roundabout with a dual two-lane flyover between A45 Stonebridge Highway and the A46 Coventry Eastern Bypass. The horizontal alignments for Alternative 7 would be similar to the published Scheme and the Tollbar End roundabout would be improved as per the published Scheme and would remain at the same level, close to existing road levels.

8.1.24 An open span structure of approximately 300 metres would provide an aesthetic appearance to a flyover at Tollbar End. It is possible to achieve a design with acceptable forward visibility and stopping sight distance. There would be no need for a pumping station (as the underpass would have) with its small but inherent risk of failure and flooding.

8.1.25 A flyover would create an impact on the operation of flying aircraft from Coventry Airport runway. At its highest point, the flyover would be approximately 8 metres above existing ground levels. Where lighting columns would impact on the obstacle limitation surfaces at Coventry Airport, these would be of the same height as those used now at the site. Hence, the highest flyover element would be 8 metres higher than the equivalent underpass element. Since the Airport obstacle limitation surfaces have a gradient of 2%, this would require the useable runway length to be reduced by 400 metres. The runway is currently 2,008 metres long.

8.1.26 The flyover would provide equivalent traffic capacity to the proposed underpass.

8.1.27 The key environmental disciplines relevant to a comparison between flyover and underpass schemes are noise, landscape and visual impact. Effects on other environmental disciplines are small and not considered here.

8.1.28 Placing the through traffic on an elevated structure over the A45 Tollbar

End junction, even with the use of noise barriers along the edge of the structure, will increase the dispersion of traffic noise compared to the underpass. Most of the noise benefits associated with the underpass would be lost with a flyover, and the likelihood is that an alternative scheme with a flyover would generate more noise increases than decreases. This would affect local residents on B4110 London Road, A45 London Road, users of the allotments to the north, and local businesses.

8.1.29 Unlike the proposed underpass, the flyover would dominate the character of the Tollbar End roundabout, making the wider area feel more urban. The flyover and associated traffic would form a large proportion of views from local dwellings on London Road and obscure existing views across the junction. Middle-distance views from properties on Montgomery Close and fronting the B4110 London Road are also likely to be affected, although filtered by vegetation. Views are also likely to be available to users of the allotments, and from the rear of properties on Stonehouse Lane and Pleydell Close. Any barriers introduced to reduce noise impacts from traffic on the flyover would increase its visual impact. At night, the flyover would have a greater impact on views and character than the published Scheme would. Headlight glare and street lighting would be much more noticeable and would affect a wider area.

8.1.30 The cost and programme implications of Alternative 7 are:

- i) It would be necessary to return the project to an Assessment of Options stage. The resulting statutory process would be expected to include public consultation, preferred route announcement, publication of new draft Orders and an Environmental Statement, which could be expected to lead to a further public inquiry. This process is estimated to take around 2 years. In response to Mr Yates' challenge to this, a detailed Gantt chart was produced showing the activities and durations involved (Appendix A, HA/Obj21/R2).
- ii) It is possible that some statutory undertakers' diversions might be avoided with a flyover. This cannot be stated with any certainty but it is likely that diversions would be shorter and that some features would no longer be needed.
- iii) The construction period for a flyover at this site is forecast to be 3 years, some 6 months less than for an underpass.
- iv) Excluding savings in statutory undertakers' costs, which have not been estimated, the works cost in today's prices of Alternative 7 is estimated to be around £50.27 million, around £0.66 million more than the proposed Scheme. The works cost of a flyover scheme and that of the underpass scheme are of a similar order. The whole cost of statutory undertakers' works for the published Scheme is estimated to be some £5.5 million.
- v) When considering all Scheme Costs on this basis, the corresponding Scheme Cost of the proposed Scheme is £102.9 million. The equivalent estimated Scheme Cost for Alternative 7, including the cost of developing the scheme through a further 2-year process and an allowance for construction inflation from today's process for a later works start, is £110.5

million. The cost of developing an alternative scheme outweighs the potential benefit of a cheaper Works Cost should one be identified.

- vi) In the event of a 2-year delay to the project, or an increase in the forecast scheme cost, there would be a significant risk of losing the Regional Funding currently allocated to the project.

8.1.31 The Highways Agency therefore does not support Alternative 7.

Alternative 8

8.1.32 This alternative would provide service roads to run in parallel with both carriageways of the A45 London Road (southeast of Tollbar End roundabout) to reduce or remove direct accesses from commercial and residential frontage on to the A45.

8.1.33 The three residential and two business properties which front directly onto the A45 London Road do not materially impede traffic flows along the road, nor would they materially benefit from the provision of a service road.

8.1.34 New service roads on A45 London Road would require land take from three residential properties (727 to 731 London Road), a petrol filling station, a Lexus showroom and two businesses operating from Siskin Drive.

8.1.35 Alternative 8 offers no measurable benefit that would warrant its construction and consequent human and commercial impact.

Alternative 9

8.1.36 This alternative omits the widening of Stonebridge Highway between the Stivichall junction and Tollbar End roundabout. Instead, the road would be retained as a dual 2-lane carriageway with management of trees and new planting to improve its appearance.

8.1.37 The widening is needed to accommodate the forecast year 2029 traffic flows and to provide for the traffic weaving movements between the two junctions.

8.1.38 Alternative 9 would not provide the traffic capacity needed to achieve the scheme objectives.

Alternative 10

8.1.39 This alternative would revise the propose asymmetrical widening of the A45 Stonebridge Highway between Stivichall junction and Tollbar End roundabout to dual 3-lanes, to be a symmetrical widening of the existing carriageway with the addition of one lane each side and the management of trees and new planting to improve its appearance.

8.1.40 Symmetrical widening would require more land on the northern side of Stonebridge Highway (from the Stonebridge Meadows Nature Reserve, King Henry VIII School playing fields and the Sowe Valley Baginton Fields Nature Reserve, and residential properties in Willenhall adjacent to Selsey Close and Stonehouse Lane) with the associated increased removal of hedgerow and mature trees. Less land would be needed on the south side, from Optilan (UK) Ltd and Manheim Auctions, and there would be less need for a retaining wall in front of Optilan's premises.

-
- 8.1.41 Removal of mature vegetation from both sides of the Stonebridge Highway would increase habitat loss and increase the long-distance views of the road, particularly in the short term. Symmetrical widening would necessitate earthworks and construction activities in the Stonebridge Nature Reserve.
- 8.1.42 Asymmetric widening to the south, as proposed in the Scheme, provides benefits in terms of ease of construction and traffic management and safety during construction. Symmetrical widening would negate those benefits and present problems in terms of buildability of the scheme.
- 8.1.43 Alternative 10 would provide no advantage over the proposed asymmetrical widening.

Alternative 11

- 8.1.44 This alternative omits provision of the un-segregated footway and cycleway between Stivichall junction and Tollbar End roundabout on the south side of the A45 Stonebridge Highway and instead provide the same facility on the north side of the Stonebridge Highway.
- 8.1.45 Independently of the published Scheme, proposals by St Modwen Developments Limited for the development of Whitley Business Park include a footbridge over the River Sowe into the Stonebridge Meadows Nature Reserve and a footpath to link the Whitley Business Park to the existing foot/cycle routes through Stivichall junction (document HA/Alt2/R1, Appendix A).
- 8.1.46 The only existing continuous footway from Tollbar End to Stivichall junction runs along the southern verge of the Stonebridge Highway. The published Scheme would re-create this, and would also provide a northern footway from Stonebridge Meadows Nature Reserve to Tollbar End junction which, if the Whitley Business Park were to proceed, would be extended to the existing foot/cycle routes through Stivichall junction.
- 8.1.47 Alternative 11 would require the construction of considerable footpath infrastructure around Stivichall junction by the Highways Agency when this is already included in the Whitley Business Park scheme, which has planning permission. It would remove the existing footway provision along the southern verge of Stonebridge Highway. The Highways Agency would not choose to remove the existing route, and sees no benefit in Alternative 11.

Alternative 12

- 8.1.48 This alternative would replace the access to the King Henry VIII school playing fields from the eastbound carriageway of Stonebridge Highway with access through land owned by Coventry City Council from the north.
- 8.1.49 The published Scheme proposal would keep the school playing fields access close to that which now exists and minimises the scheme impact there while promoting the safety of road users. An access from the north to the school playing fields is not necessary. It would require considerable further construction with associated impacts on property, local residents and the environment. Access would still be required from the Stonebridge Highway to maintain the proposed stormwater wetland.

Alternative 13

- 8.1.50 This alternative would see the replacement of the proposed on and off accesses at Stivichall junction for the proposed Whitley Business Park with an access on to Stivichall-Cheylesmore Bypass A444.
- 8.1.51 Access to the Stivichall junction from the proposed Whitley Business Park are part of the proposals for that development, which has received planning permission. The Highways Agency is not responsible for the accesses and is not in a position to change the planning permission. Any alternatives regarding the development of the Whitley Business Park should be discussed with St Modwen Properties PLC.

Alternative 14

- 8.1.52 This alternative would see the provision of a foot and cycle bridge over the Stonebridge Highway west of Stivichall junction.
- 8.1.53 The construction of any such foot and cycle bridge would be outside the Scheme's limits and scope. This section of the Stonebridge Highway is not managed by the Highways Agency.

Alternative 15

- 8.1.54 This alternative would see the closure of the existing access from B4110 London Road to Montgomery Close and create an entrance from Orchard Retail Park instead.
- 8.1.55 The proposed access from London Road to Montgomery Close has been the subject of detailed scrutiny by the Road Safety Auditor. The recommendations of the Road Safety Auditor were accepted. The Road Safety Auditor also provided his opinion of some issues that some may consider to be road safety issues but the Road Safety Auditor did not (document D13).
- 8.1.56 The proposed access to Montgomery Close would be safe and would provide for all required traffic movements. Alternative 15 would require land acquisition from residential properties in Montgomery Close, it would require the removal of semi-mature vegetation and it would change the quiet character of the cul-de-sac. It would create unnecessary disruption for no overall benefit.

Alternative 16

- 8.1.57 This alternative would see an extension to the proposed retaining wall near the businesses of Optilan and Showerlux based to the south of the Stonebridge Highway.
- 8.1.58 The published Scheme would result in the loss to Optilan (UK) Limited of 17 parking spaces. If Alternative 16 were adopted then land in CPO Plots 5/3 and 5/2B could be returned to use for car parking. Optilan (UK) Limited is the Lessee of Plot 5/3, which is used as an overspill car park. The owner of Plot 5/3 (Stockfalcon Properties Limited) raises no objection to the Scheme.
- 8.1.59 An extended retaining wall could be built and maintained within plot 5/5, plot 5/4, plot 5/2B and plot 5/3 of the draft CPO. With Alternative 16, actual land requirements would be different, and s250 Rights would be

required to parts of plot 5/2B and plot 5/3 instead of the acquisition shown in the draft CPO.

8.1.60 The construction cost of Alternative 16 is estimated as £105,357. The Alternative would have no impact on the overall duration of the construction programme.

8.1.61 The construction cost is not justified.

8.2 **Response to Optilan (UK) Limited**

8.2.1 On the Stonebridge Highway the current two lanes are, at peak traffic flows, operating in excess of capacity for two lanes and so widening is required. Widening is also needed to accommodate the correct weaving length for traffic between the Stivichall junction and the Tollbar End roundabout. The proposed carriageway widths at the exit from the Tollbar Roundabout and the underpass are similarly needed to accommodate the expected traffic flows.

8.2.2 The Highways Agency has secured developer led improvements to the A46/A428 roundabout (Appendix C, document HA/Obj5/R1), subject to the associated development going ahead. The Highways Agency is also working with developers on a local improvement proposal for the A46 Walsgrave roundabout (the next easterly roundabout).

8.2.3 The scheme design recognises the permanent effect on Optilan (UK) Limited land and has minimised this impact by including a retaining wall. The temporary use of land for construction, and the duration of that use, are kept to the lowest practicable level. A 4.3-metre wide strip of land is needed at Plot 5/3 between the edge of the earthworks cut and the proposed highway boundary to provide a necessary ditch and maintenance access strip. The Highways Agency acknowledges the concerns expressed by Optilan (UK) Limited about the loss of land and associated parking, and these matters would be taken into consideration in determination of compensation due as a result of the proposed compulsory acquisition. The Highways Agency is unable to provide replacement land.

8.2.4 All practical measures would be taken to retain the security of Optilan (UK) Limited. Permanent fencing and temporary fencing would be of the same specification as current security arrangements. Temporary fencing would be erected to isolate Optilan from construction works and the Highways Agency's contractor would co-operate with Optilan so as to not prejudice security and operation at Optilan's premises.

8.2.5 Optilan would benefit from traffic noise reduction that the Scheme would bring, primarily by the inclusion of low-noise surfacing in the Scheme. An Outline Construction Environmental Management Plan (appended to document D17) has been prepared, which would be developed into a Construction Environmental Management Plan, which would codify arrangements to take all reasonably practicable measures regarding the temporary effects of construction.

8.3 **Response to Mr James Pigg**

8.3.1 If access was retained from Stonehouse Lane to Stonebridge Highway, it would form an access onto the off-slip from Stonebridge Highway to the Tollbar End roundabout. That would be unsafe, because drivers not

familiar with the area would not expect a vehicle to turn onto the slip road from Stonehouse Lane, and collisions may result. Such an arrangement is not permitted by the DMRB, and a departure from standard cannot be justified.

- 8.3.2 The alternative route that would be available from Stonehouse Lane to Tollbar End would be via B45110 London Road. Assessment of the Stonehouse Lane/London Road junction using the government approved programme PICADY for the 2029 design year finds adequate capacity there for the extra traffic that the proposed closure would bring, even allowing for the extra development in the area that Mr Pigg mentions.
- 8.3.3 There have been no recorded accidents in the period 2001 to 2008 in the vicinity of the Stonehouse Lane/London Road junction. One accident was reported, in 2005, at the Stonehouse Lane/Stonebridge Highway junction.
- 8.4 **Response to Mr Peter Langley**
- 8.4.1 **Affordability:** The Scheme cost estimate and its funding have been agreed by the Department for Transport and by the West Midlands Regional Assembly. Funding is committed. A Benefit:Cost Ratio of 3.74 represents strong value for money.
- 8.4.2 **Coventry Airport:** The Warwick District Local Plan covering the period to 2011 was adopted in 2007, and its policies remain in force until September 2010. Within the Local Plan the airport site is substantially located in the Green Belt. The established land use status of the Coventry Airport site is that of an airport. Until the site is granted planning permission for an alternative use and this is implemented, or the site is considered and approved for alternative uses following public examination into the Local Development Framework (currently being progressed by Warwick District Council) the existing planning permission for an airport remains. Therefore, the Highways Agency cannot make provision for potential development which does not have any planning status. Nor are there any planned developments which would lead to traffic forecasts that would justify a direct link from the airport site to Coventry City, and the Highways Agency does not provide for potential development which does not have either planning approval or appear in any planning document.
- 8.5 **Response to Finham Residents' Association**
- 8.5.1 Further improvements to Stivichall junction are expected. Improvements to the A46 Kenilworth bypass northbound off-slip are part of the published Scheme, and improvements to the roundabout at the junction will be undertaken by St Modwen Properties PLC. The A45 road west of the Stivichall roundabout is the responsibility of Coventry City Council. Pedestrian access across the Stonebridge Highway is the subject of Alternative 1. Crossings of the A45 for pedestrians are provided at Stivichall junction and at Tollbar End. Together with proposals by St Modwen Properties PLC, the Scheme will provide a foot/cycle route between Tollbar End and Stivichall junction.
- 8.6 **Response to Baginton Parish Council**
- 8.6.1 The Scheme would reduce the problem of "rat-running" through the

village, by reducing congestion at Tollbar End. But it does not aim to eliminate the ability of motorists to drive through Baginton.

8.6.2 As to construction traffic routeing, the Highways Agency would introduce and manage all practical measures to avoid construction traffic passing through Baginton village.

8.6.3 By fulfilling legal obligations and taking all practical measures, light and noise nuisance caused by night-time working would be at the lowest practical level.

8.6.4 The Highways Agency's contractor would provide effective communications with residents of Baginton and the Parish Council.

8.7 **Response to the Ramblers' Association**

8.7.1 The speed limit on the section of the A46 that crosses footpath W161 would be reduced from 70mph to 50mph in conjunction with the Scheme. No diversion of footpath W161 is planned because this footpath is outside the scope of the Scheme.

8.7.2 The footpath referred to at the Inquiry as footpath W161 is now listed by Warwickshire County Council as footpath R341.

8.8 **Response to National Grid plc**

8.8.1 The Highways Agency will continue to work with all affected Statutory Undertakers regarding works needed for the diversion or protection of apparatus made necessary by the Scheme, so as to find the most appropriate and least-cost solution. The Highways Agency and its contractors are committed to safely building the Scheme taking cognisance of protection of Statutory Undertakers apparatus.

8.8.2 Section 85 of the New Roads and Street Works Act 1991 deals with the procedure to be undertaken where an undertaker's apparatus in the street is affected by major highway works. In short, the undertaker is to be reimbursed for the costs of works to their apparatus. Whether the Highways Agency and National Grid reach agreement on an expensive or a cheap means of relocating the apparatus is a matter between those two parties. In the absence of agreement, section 84 of the Act provides for arbitration.

8.9 **Response to Ms G Barr**

8.9.1 The Highways Agency replied to Ms Barr by letter dated 22 June 2009. It will be necessary for adjustments to be made to the access to Ms Barr's property, as part of the Scheme. Access to Ms Barr's property would be available via Montgomery Close.

8.10 **Response to Mr and Mrs McCarthy**

8.10.1 The proposed access arrangement to and from Montgomery Close has been modified to allow the right turn Mr and Mrs McCarthy seek. The revised proposed bus stop location has been considered by the Road Safety Auditor and found satisfactory. The pumping station would be of a type known to cause no discernible noise.

8.11 **Response to Mr Simon Gordon**

8.11.1 The economic impact of traffic delays during construction has been

assessed and would be less than 4% of the overall benefits of the Scheme.

8.11.2 The traffic appraisal has followed the appropriate methods: particularly, it has followed Department for Transport requirements as set out in the DMRB and Transport Analysis Guidance.

8.11.3 The Scheme would save 319 personal-injury accidents over 60 years.

8.11.4 The Scheme would address the needs of non-motorised users, including cyclists.

8.12 **Response to the Campaign To Protect Rural England**

8.12.1 The scheme cost estimate has been agreed by the Department for Transport and by the West Midlands Regional Assembly. Its Benefit:Cost Ratio represents strong value for money.

8.12.2 The underpass would carry all trunk road traffic between Stonebridge Highway and Coventry Eastern Bypass. This traffic would be removed from the Tollbar End roundabout, so reducing conflicts with local traffic. Local traffic would also benefit in that the entrances to the Tollbar End roundabout from B4110 London Road and from Siskin Drive would become signal-controlled. Local traffic would also benefit in that the junction of Siskin Drive and Rowley Road would become signal-controlled, reducing congestion there.

8.12.3 The scheme includes combined foot/cycle routes along the southern side of Stonebridge Highway and along the northern side from Tollbar End to the Stonebridge Nature Reserve. Signal-controlled crossings would be provided to accommodate all cycle/pedestrian movements at Tollbar End junction. These are all suitable facilities for the site.

8.12.4 CPRE says, in its statement to the Inquiry (Obj13/P) that "The Secretary of State's Statement of Case, and the evidence submitted and circulated on his behalf in November 2009, are no longer valid because the fundamental assumption on which the published scheme is based does not now apply. A new Statement of Case is required. Until this is issued on behalf of the Secretary of State by the Highways Agency, there is no basis for any evidence being submitted by objectors." The Secretary of State's Statement of Case (D33) was served on 23 November 2009 in accordance with clause 6(1)(b) of the Highways (Inquiries Procedure) Rules 1994. It sets out the case the Secretary of State intended to put forward at the Inquiry. The Secretary of State Statement of Case remains valid.

8.13 **Response to Mr E Williams and Mr R Hartry**

8.13.1 Phase Three of the Coventry North South Road has been abandoned by Coventry City Council due to changes in the Council's transport policies, environmental issues, and costs relating to that scheme.

8.13.2 The former Peugeot factory site has been granted planning permission for redevelopment, subject to a condition that the new uses should generate no more traffic than did the Peugeot factory under full production. That traffic volume has been included in the design of the Scheme.

8.13.3 The service road suggested on behalf of the Hotel would not take away

the need to acquire the interests shown in the draft CPO.

8.14 Response to Listers Group Limited

8.14.1 Permanent works to the A45 London Road terminate before the access/egress to Listers premises, and so they are not affected by the draft CPO or Side Roads Order. Access to businesses and properties will be maintained during the construction period.

8.14.2 The original proposals for a new relief road to connect Siskin Drive to the A45 London Road were found to have a negative effect on traffic (the associated costs outweighed the benefits) and so those proposals were withdrawn.

8.14.3 All practicable measures would be taken by the Highways Agency's contractor to minimise disruption and inconvenience to Listers that the works might otherwise cause.

8.15 Response to Manheim Auctions

8.15.1 The loss of land through Compulsory Purchase Orders and the effect of that on businesses would be considered by the District Valuer during the lands cost validation for the Scheme. It is not Highways Agency policy to find or provide alternative facilities in such circumstances: that would be a matter for compensation.

8.16 Response to Mondial Investments Limited

8.16.1 The loss of land through Compulsory Purchase Orders and the effect of that on businesses would be considered by the District Valuer during the lands cost validation for the Scheme.

8.17 Response to Mr Alan Yates

8.17.1 **Scheme Objectives:** The scheme has been subjected to various governance and investment decision review processes which are parts of the Project Control Framework ("PCF") used by the Department for Transport and the Highways Agency. The PCF defines what is expected of a project at each stage and also defines the quality checks and reviews to be undertaken. These exist in the context of financial governance arrangements defined by the Highways Agency Investment Control Framework and the Department for Transport Investment Appraisal Framework. The project has also been the subject of review by the Project Investment Control Group and the Highways Investment Board. Between February 2006 and 2 December 2009 the scheme was the subject of 21 governance and investment decision reviews, in accordance with Department for Transport and Highways Agency governance processes and the PCF. The cost estimate has been found to provide acceptable value for money.

8.17.2 **Tollbar End Options:** The Highways Agency has applied continuous improvement to the scheme against the objectives listed in the Appraisal Summary Table. In 2001, Option 1 was assessed as having insufficient capacity. Option 6 was seen as the option which best addressed the forecast traffic flows. In 2002 it was recognised that the A46 to A45 London Road link could be removed to generate Option 8. By 2005 improvements to the layout and signalisation of the Siskin Drive/Rowley Road/Tollbar End junction (Scenario 0) enabled the A45 London Road to

Siskin Drive Link to be removed (Scenario 3A).

- 8.17.3 **Evolution of Costs:** The original estimates for options 1 and 8 were estimates of construction cost and land costs only. They did not represent the total scheme costs. They were quoted in 2001 prices. The current midrange estimate of £130 million represents the total cost of the Scheme and has been calculated from first principles and where possible includes actual quotations from the contractor's supply chain.
- 8.17.4 The main reason for the increase in works cost is due to programme slippage rather than changes to scope. Preparation, supervision and construction costs have all been reassessed from first principles. Allowance has been made for risk, V.A.T., optimism bias and inflation.
- 8.17.5 **Tollbar End Capacity:** Tollbar End roundabout in the Do Minimum Scenario acts as a constraint in the future year and operates above capacity. Removing this constraint with the inclusion of an underpass relieves congestion, and as a result more traffic is induced into using the junction. That is the cause of the traffic increases of 19% in the AM peak and 28% in the PM peak. Any scheme that would alleviate traffic congestion at Tollbar End would have a similar effect.
- 8.17.6 This part of Coventry experienced in gross terms no traffic growth between 2001 and 2005. The rebased model used 2008 counts to calibrate and validate the model and showed similar characteristics. Thus growth was only forecast to occur from 2008. This, combined with the improvements to roundabout geometry and control systems, indicates that the improvement has sufficient capacity to 2029 – even though similar in some ways to Option 1.
- 8.17.7 **Traffic Forecasts For Tollbar End:** Mr Yates suggests that an A45-A45 link would be more beneficial than the A45-A46 link that the Scheme would provide. But there was a marked preference for an A45/A46 link at the scheme's Public Consultation, and an A45/A46 link provides diversion when incidents occur on the M6 between the M69 and the M5. Furthermore, the south-facing slips of an A45-A45 route through the junction would lead to (or from) the north-facing slips of the A45/A423 grade-separated junction, and there would not be enough weaving space between the two junctions. An A45-A45 link would either be very expensive (by virtue of changes needed to the A45/A423 junction) or impractical.
- 8.17.8 Although the 2029 Do-Minimum flows on an A45-A46 movement would not exceed the maximum flow per lane of 1600 vehicles per hour, the act of adding a new link would be to move away from Do-Minimum to Do-Something, with the traffic induction effect previously described.
- 8.17.9 **Coventry Airport's Effect On Traffic At Tollbar End:** The LINK/MOVA system mentioned in the section 106 agreement attached to the planning permission for the airport's Interim Passenger Facility was not installed. Instead the impact of the additional traffic at Tollbar End was mitigated by an agreement with the Airport on the timing of flights arriving and departing so as to reduce the airport traffic during traffic peak periods.
- 8.17.10 The present geometry allows insufficient space for queuing between Siskin Avenue and Tollbar End roundabout, such that a queue would form

across the A45 London Road entrance to the junction. This is not acceptable and so the Do-Minimum case cannot include signal control there.

- 8.17.11 **Obstacle Limitation Surfaces:** The established land use status of the Coventry Airport site is as an airport. Therefore, the airport OLS should be considered a constraint on the scheme design. Drawing K100-51-BM01157 issue 8 (Appendix E, HA/DES/A) accurately shows the location and dimensions of the Obstacle Limitation Surface.
- 8.17.12 **Other Coventry Airport Considerations:** The Public Safety Zone 1:100,000 and 1:10,000 risk contours are shown on document HA46. This shows that traffic queues would form outside the 1:10,000 risk contour.
- 8.17.13 **Size Of The Roundabout At Tollbar End:** The roundabout size is controlled by the traffic forecasts for 2029 and the need to accommodate queuing traffic. The proposed scheme reduces the inflow into Tollbar End roundabout by removing underpass traffic. Pedestrian crossing facilities are proposed under signal control at each entrance to the roundabout, allowing crossing of the central island to preferred exits with no delay caused to traffic leaving the junction. The Toucan crossing on the A45 London Road exit from the roundabout has been retained as an existing facility, but because pedestrian numbers there are very small it would not have any effect on traffic flows and delays.
- 8.17.14 **Noise:** It is wrong to assume that, because the noise reductions in the London Road area are generally less than 3.5 dB, and because the low noise road surface is expected to reduce noise by 3.5 dB, the predicted noise reductions in this area are mainly due to the low noise road surface.
- 8.17.15 Rather, the do-minimum and do-something noise levels are derived from calculations that take account of the noise contributions from a large number of different road segments including, among other things, traffic beyond the scheme limits and existing roads that do not have a low-noise surface. Examples of other relevant factors are distance attenuation, angle of view and screening effects. As a consequence, the effect of the low noise surface is not the only or dominant factor. Low noise road surfacing reduces tyre noise but not engine/exhaust noise, and so the effect of low noise surfacing is less noticeable where dwellings are close to roads where traffic is moving more slowly.
- 8.17.16 For dwellings in B4110 London Road, noise reductions due to the Scheme would arise from a combination of effects that include the main carriageways moving away from the dwellings to the north, screening provided by the underpass walls and by the intervening buildings, and also the low noise surface where it would be used. It is incorrect to assume that the noise reductions are mainly due to the low noise surfacing and, therefore, that these effects would materialise in future anyway when the main carriageways are routinely resurfaced.
- 8.17.17 Document HA51 shows the assumptions made in respect of the application of low-noise surfacing. New carriageways created by the Scheme would be surfaced with low-noise material in the Do-Something case. In the Do-Minimum case, hot rolled asphalt (not a low-noise

surface) has been assumed throughout. It is possible that, without the Scheme, some sections of carriageway might be resurfaced with a low noise surface before 2029 but it cannot be determined, now, that all roads would be resurfaced. In any event, for all of the reasons outlined above, the presence of any low noise surfacing would not mean that the noise benefits predicted to arise from the Scheme would not materialise. The new alignment and the screening provided by the underpass would continue to provide additional and often greater noise effects when compared to a baseline situation.

- 8.17.18 When considering the potential effects of a flyover, the physics of sound transmission dictate that noise above ground level is more difficult to attenuate and will spread over a larger area compared to noise generated below ground. Even with noise barriers along the side of a flyover, these cannot be as high as the walls of the underpass and therefore provide less noise attenuation. Once sound has passed over the flyover parapets there are also generally no further noise barriers between the road and the receptors, whereas for the underpass there are often many other buildings and so on between the road and the receptors, or ground attenuation effects, which enhance the screening effects of having the road below ground level.
- 8.17.19 A flyover cannot provide the same degree of noise benefits that the proposed underpass is capable of providing.
- 8.17.20 **Air Quality:** The estimated emissions are based only on links that are triggered by the DMRB criteria (for the regional assessment in the opening year) and not on the whole traffic network. Estimations of emissions may be slightly distorted as the model does not account for very congested periods which cause higher emissions when vehicles travel at very low speeds.
- 8.17.21 As a result, the emissions in the Do Minimum case are likely to be higher than is presented in the Environmental Statement, due to the current congestion around Toll Bar End. In addition to the DMRB guidance, emissions of carbon have been calculated by the traffic model in accordance with the WebTAG guidance. The traffic model assesses the whole of the traffic network and conducts an appraisal of emissions over a 60 year period, and therefore includes more years and a larger traffic network than assessed in the air quality chapter of the Environmental Statement. This approach indicates that there would be a reduction in carbon over the 60 year period. Therefore the Scheme would be consistent with policy to reduce carbon emissions.
- 8.17.22 Coventry City Council has declared the area to be an Air Quality Management Area ("AQMA"). The air quality assessment presented in the Environmental Statement was undertaken to a detailed level appropriate to an AQMA.
- 8.17.23 The background concentrations used in the air quality modelling are the same for Do-Minimum and Do-Something scenarios. The modelled changes in pollutant concentrations and reduction in the number of properties that exceed EU Limit Values are directly as a result of the Scheme.
- 8.17.24 The Appraisal Summary Table was updated to reflect these findings and

is presented in document HA22.

- 8.17.25 **Environment and Land Use:** Currently, Tollbar End roundabout is indeed urban in character. Landscape character is determined by the individual elements that make up the landscape. The creation of a flyover structure approximately 8 metres high would introduce an urban element that is not currently present, thereby extending the urban influence of the scheme to neighbouring residential areas north and south of the roundabout.
- 8.17.26 The majority of the existing planting to the south of the Stonebridge Highway in front of the westernmost 470 metres of the Trading Estate would be retained, continuing to screen that part of the Estate from view. The easternmost 400 metres of the Trading Estate would lose its screening vegetation, but new planting there would start to provide screening in 10 to 15 years.
- 8.17.27 As to the Green Belt, considerations for assessing impact on the Green Belt (which were set out in the cancelled ODPM Circular 11/2005, document D430) include:
- i) The degree of sensitivity of the land to harm from new development;
 - ii) prominence in the landscape at the development site;
 - iii) proximity to residential development, or valued resource; and,
 - iv) attractiveness of open countryside or landscape.
- 8.17.28 Widening of the Stonebridge Highway would be an incremental change over the existing dual carriageway, set in a low landscape position. The Scheme would not be prominent in the landscape. Existing screening vegetation to the north of the A45 would be retained. In the medium to long term, the southern side of the road will be reintegrated with the surrounding countryside as landscape planting matures. The nearest residential development is Baginton, approximately 500 metres to the south west. Therefore, the Scheme would not have an impact on the openness of the Green Belt.
- 8.17.29 The Scheme is incompatible with one of the ten considerations in paragraph 27 of PPS1 (D352), in that it would not reduce the need to travel. But the scheme also contributes towards the achievement of the majority of the ten considerations listed there, and it is often necessary to consider a number of competing objectives:
- i) Promoting national, regional, sub-regional and local economies.
 - ii) Promoting urban and rural regeneration.
 - iii) Promoting communities which are inclusive.
 - v) Providing improved access for all.
 - vi) Promoting more sustainable patterns of development.
 - viii) Promoting the more efficient use of land.
 - ix) Enhancing and protecting biodiversity, natural habitats, the historic environment and landscape and townscape character.

-
- 8.17.30 The Scheme would provide a safe, direct route for pedestrians wishing to walk between Willenhall and the Stonebridge Trading Estate. As now, pedestrians would be able to cross the A45 at Tollbar End and then walk along Rowley Road.
- 8.17.31 Laybys would be lost to the Scheme but alternative service areas are available nearby. The impact on travellers would be outweighed by improved journey times, better road design and clearer signage.
- 8.17.32 **Economy:** Correct data on carbon emissions is included in the updated Appraisal Summary Table, dated 16 December 2009 (HA22). The Economic Impact Report (HA6) acknowledges that much of Coventry is a regeneration zone, including the area nearest to Tollbar End. Any improvement at Tollbar End would assist in the regeneration of south-east Coventry.
- 8.17.33 **Alternative 7:** The Highways Agency does not support Alternative 7, for the reasons previously given.
- 8.17.34 Document HA45 is a public consultation report, prepared in 2002. The subjects of consultation were:
- The Green option – An underpass at Tollbar End from A46 Coventry Bypass to A45 Stonebridge Highway plus a new A45/A46 link. The link would connect the A46 north-east of the junction with the A45 south-east of the junction. The link would meet the A45 at a signal-controlled junction, and a continuation of the link would extend to Siskin Drive.
- The Purple option – An underpass at Tollbar End from A45 London Road to A45 Stonebridge Highway, plus a new A45/A46 link. The A45/A46 link would be similar to that in the Green option.
- The Yellow option – The Tollbar junction would remain solely at ground level and new sections of road would be built between the B4110 and the A46, the A46 and the A45 (south east), the A45 and Siskin Drive, and from Rowley Road passing under the Stonebridge Highway to the B4110.
- 8.17.35 Of the 34 non-local responses summarised on page 12 of HA45, 73% preferred the Green option, 18% preferred the Purple option, and 9% preferred the Yellow option.
- 8.17.36 Document D41 is the economic assessment report prepared in 2002 to consider the Green, Purple and Yellow options and Option 8. This includes TUBA assessment of all four options, including sensitivity tests. The results of the TUBA analysis are shown in Table 2 of D41, which is the same as that taken from document D51 and reproduced in Mr Langley's evidence [6.3.4 of this report].
- 8.17.37 The Highways Agency's response to Alternative 7 is set out at paragraph 8.1.23 of this report.
- 8.17.38 All feasible options have been assessed and no further evaluation is required for either the flyover options or for the A45-A45 link.
-

9 CONCLUSIONS

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

I consider general matters first. I then conclude on objections to the Scheme that is the subject of the draft Orders that were before the Inquiry. My next sections deal with the effect of the scheme in the Green Belt, planning policy, and the principle of the Scheme. I then consider the proposed Alternatives to the Scheme, and finally I conclude on the draft Orders.

9.1 General Matters

Environmental Assessment

- 9.1.1 The Environmental Statement (D14 to D28), its Appendices and supporting figures and photographs and related comments made by statutory consultees and others have all been taken into account in the preparation of this report, as has subsequent evidence given at the Inquiry regarding the environmental effects of the Scheme.

Appraisal Summary Table

- 9.1.2 The Appraisal Summary Table (AST) for the scheme was modified by the Highways Agency during the Inquiry. The AST in its final form is set out in document HA/22. There was no material challenge to the judgements set out in that document. The final AST has been taken into account in the preparation of this report.

9.2 Objections To The Scheme

Optilan (UK) Limited and Alternative 16

- 9.2.1 The promoter has explained the need for a roundabout at Tollbar End of the size proposed [8.17.13], the proposed widening of Stonebridge Highway and the reason for asymmetrical widening [8.2.1, 8.1.40-8.1.42], the proposed configuration of the slip road from the Tollbar End roundabout to the Stonebridge Highway [8.2.1] and how the strip of land at Plot 5/3 that would be compulsorily acquired would be used [8.2.3].
- 9.2.2 But there is no dispute that, if the retaining wall proposed by Optilan and published as Alternative 16 were built, then the Scheme could proceed without hindrance at an extra construction cost of £105,357 and Optilan's parking arrangement would remain unchanged [8.1.58-8.1.61]. Without the retaining wall, 17 or more much-needed parking spaces would be lost to Optilan [8.1.59, 6.1.3]. There is no dispute that Optilan's loss of parking would be a matter for compensation [8.2.3], although Optilan consider compensation unable to remedy the effect that the parking loss would have on them [6.1.3]. It seems to me that such compensation would be a public cost in the same way as the construction cost, and so the extra cost to the scheme resulting from Alternative 16 would be less than the construction cost identified in evidence. Optilan have not said how long their leasehold interest in Plot 5/3 has to run [6.1.5] but bring clear evidence that continued use of the parking area is important to the Company, which has taken various measures to reduce car use by its employees [6.1.3].
- 9.2.3 The evidence is that Alternative 16 and the rights that would necessarily

go with it could be accommodated within the Order land [8.1.60], from which I conclude that the necessary Modification to the CPO could be achieved by the Secretary of State without the need for re-advertisement.

- 9.2.4 If I were to recommend that the CPO be made without modification, then I would need to be satisfied that the case for acquisition of each piece of land was so compelling as to justify interfering with the human rights of those with an interest in the land, and that a balanced view was being taken between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. In the case of the land in question, and bearing in mind all considerations, I am not satisfied that there is a compelling case for acquisition. I therefore conclude that the draft CPO should be modified as described in paragraph 8.1.59 of this report so as to accommodate a retaining wall as proposed by Alternative 16.

- 9.2.5 Optilan raises other matters. I am satisfied that the measures the Highways Agency proposes in terms of the security of Optilan's site during Scheme construction would be reasonable and sufficient [8.2.4]. I am also satisfied, for the reasons I have cited, that the proposed widening of Stonebridge Highway is necessary. As to the A428/A46 junction, the evidence is that arrangements are being made for improvements there separately from the Tollbar End scheme [8.2.2].

Mr James Pigg

- 9.2.6 Mr Pigg objects to the closure of Stonehouse Lane at its junction with the Stonebridge Highway, on the grounds that the alternative route would not be reasonably convenient because it would involve the use of the junction of Stonehouse Lane with B4110 London Road [6.2.2]. But the closure is necessary for safety reasons and the Stonehouse Lane/London Road junction would have adequate capacity for the traffic expected to use it with the scheme in the 2029 design year, and no accidents are recorded to have happened there during the period 2001 to 2008 [8.3.1, 8.3.2, 8.3.3]. I conclude that a reasonably convenient alternative would be available if Stonehouse Lane were closed at its junction with the Stonebridge Highway.

Mr Peter Langley

- 9.2.7 Mr Langley considers that the Scheme suffers from a number of serious weaknesses. Some of the weaknesses he finds relate to the process by which the Scheme was developed, and to choices that were made during that process. But the purpose of the Inquiry was not to review the design process, but to consider the result of that process.
- 9.2.8 Mr Langley considers the scheme cost high, and likely to rise [6.3.3] but the evidence is that it offers strong value for money and the necessary funding would be available [8.4.1, 4.5.1-2]. He supports the principle of an improvement at Tollbar End and says that public finances are under pressure. He therefore seeks a lower-cost Alternative and supports Alternative 7, and I consider Alternative 7 later in this report.

Finham Residents' Association

- 9.2.9 The Residents' Association seek better arrangements for pedestrians to

cross the A45 [6.4.4]. They highlight a particular need near the Finham roundabout but the A45 there is not a trunk road and is beyond the Scheme limits [8.5.1]. They observe that if land to the south of the Stonebridge Highway were developed for housing, then additional pedestrian crossing arrangements would be needed on that part of the A45, so as to reduce severance [6.4.4]; but there was no evidence that such development in the Green Belt is likely to be countenanced. Alternative 1 would provide a new pedestrian and cycle crossing of the Stonebridge Highway toward its eastern end, and I consider that later in this report. It is now common ground between the Residents' Association and the Highways Agency that the cycleway on the northern side of the Stonebridge Highway should be retained so as to allow a link to the Whitley Business Park (under development at the time of the Inquiry) and, through that, to the Stivichall junction [6.4.4, 4.2.6 iii].

Baginton Parish Council

- 9.2.10 The Parish Council are concerned that the construction work necessary in providing the scheme would harm their village, and suggested a number of measures to reduce that harm [6.5.5]. The Highways Agency would develop a Construction Environmental Management Plan, and undertook to take all practical measures to keep its construction traffic out of Baginton, to minimise light and noise nuisance there from night-time working, and to maintain effective communications with residents of Baginton and the Parish Council. [8.2.5, 8.6.2-8.6.4]. The matter of public traffic diverting through the village to avoid construction-related congestion while the Scheme was being built was raised by the Council, but no remedy was identified on either side [6.5.5.i]. Once construction is finished, the Scheme would reduce such "rat-running" by virtue of reduced congestion at Tollbar End [8.6.1]; and traffic calming in the village has so far been found to not keep out such traffic [6.5.3]. The Parish Council has asked that I should recommend that the Orders should be made conditional upon the protection of the village, but no such mechanism is available to me [6.5.6].

The Ramblers' Association

- 9.2.11 The Ramblers consider there to be no convenient alternative to Footpath 443, which therefore should not be closed [6.6.2].
- 9.2.12 Footpath 443 runs from Rowley Road northwards to Stonebridge Highway. There is no pedestrian crossing facility on Stonebridge Highway; rather, a pair of crash barriers on the Highway's central reservation face the pedestrian, and it is dangerous to try to cross the road there [4.2.6iv, 2.7]. The southern end of Footpath 443 emerges onto Rowley Road opposite the Airport perimeter fence and so to progress further south one must first walk along Rowley Road, which runs broadly east-west [2.7, 2.4].
- 9.2.13 Since no pedestrian can reach the northern end of Footpath 443 from the north (across the Stonebridge Highway) they must necessarily approach from the east or the west (along the Stonebridge Highway). Those who approach from the east will do so via the Tollbar End junction, from which Rowley Road already provides a more direct route to the southern end of the Footpath. Those who approach from the west wishing to use

the Footpath and then walk east along Rowley Road would find a more convenient alternative by continuing to follow Stonebridge Highway instead. Those who approach from the west wishing to use the Footpath and then turn back west along Rowley Road would find their route extended by a few hundred metres because they would have to follow Stonebridge Highway to Tollbar End and then return along Rowley Road. That would not, in my view, be unreasonably inconvenient. Overall, I am satisfied that a reasonably convenient alternative route would be available if Footpath 443 were closed.

- 9.2.14 The Ramblers are also concerned that the Scheme would (by allowing some traffic to pass through Tollbar End through the underpass without stopping) worsen traffic conditions at an at-grade crossing of the A46 Coventry Eastern Bypass to the north-east of the Scheme, where it meets the footpath formerly numbered W161 and now listed as R341 [6.6.3, 8.7.2]. I do not agree, because the speed limit on that part of the A46 would be reduced in conjunction with the Scheme from 70mph to 50mph [8.7.1]. The scheme would not alter the opportunity for the footpath diversion the Ramblers suggest, however, and such a diversion might be a matter for the local highway authority to consider if they were satisfied that to do so was appropriate.

National Grid plc

- 9.2.15 National Grid and the Highways Agency have yet to agree arrangements to be made in respect of a gas governor and other apparatus [6.6.5]. The Highways Agency is committed to safely building the Scheme while protecting Statutory Undertakers' apparatus, and points to Section 85 of the New Roads and Street Works Act 1991 ("the 1991 Act") which requires that promoters of street works should meet the cost of works to utilities' apparatus made necessary by proposed street works [8.8.1, 8.8.2].
- 9.2.16 I am satisfied that the New Roads and Streetworks Act provides a frequently-used framework within which agreement can be reached in circumstances such as have arisen here. If agreement was not reached between the promoter and National Grid, then the 1991 Act provides for arbitration [8.8.2]. It therefore seems to me that the matter raised by National Grid does not indicate an impediment to the Scheme.

Optilan Property Partnership

- 9.2.17 I refer to my finding regarding Alternative 16 [9.2.4].

Ms G Barr

- 9.2.18 Ms Barr raised a query with the Highways Agency regarding access to her property, and they replied by letter dated 22 June 2009 [6.6.8, 8.9.1]. There has been no further correspondence from Ms Barr and she did not appear at the Inquiry. I am satisfied that satisfactory arrangements would be made in respect of access to her property.

Mr and Mrs McCarthy

- 9.2.19 Mr and Mrs McCarthy were concerned by the arrangement for access to Montgomery Close that formed part of the published scheme [6.6.9]. The Highways Agency has now modified the access proposal to allow the right turn from Montgomery Close northwards into B4110 London Road,

as requested by Mr and Mrs McCarthy [8.10.1]. The objection is not withdrawn but the substance of it is addressed and in my view it can now be disregarded. No change to the Orders is needed as a result of this.

West Midlands International Airport Ltd

9.2.20 This company (the former operator of Coventry Airport) is now in receivership, but its objection remains [6.6.10]. It deals with a matter of public safety, and so I attribute considerable weight to it.

9.2.21 By letter dated 10 August 2009, the Company confirmed that it had no objection to the proposal, providing that the open bio-retention area that formed part of the published proposal (and which would be likely to attract birds and thus increase the risk of birdstrike accidents befalling aircraft using the airport) was replaced by a closed tank [6.6.11]. The Highways Agency has modified its proposal as the company asked [4.2.8]. Although the Company's objection has not been withdrawn, I am satisfied that the modified scheme avoids the risk in the way that the Company's objection sought, and that the objection may therefore be disregarded.

Mr Simon Gordon

9.2.22 Mr Gordon considers the policy of "predict and provide" to have been proven not to work, and that the money proposed to be spent on the Scheme would be better spent on highway maintenance or on measures to support sustainable travel [6.6.13]. But the traffic appraisal has followed the appropriate methods required by Government and as set out in the DMRB and Transport Analysis Guidance [8.11.2]. Decisions by the Government on the allocation of funding between the trunk road network, local transport and indeed other transport facilities are made by Parliament and so are beyond the scope of my report. Furthermore, the Scheme is identified as a committed scheme in the Regional Spatial Strategy and is retained in the Panel Report on Phase 2 of the RSS Revision [4.4.2, 4.4.3]. It is supported by the Coventry Development Plan and the Warwickshire Local Transport Plan [4.4.4, 4.4.5].

9.2.23 Mr Gordon considers the degree of congestion at the junction to be quite acceptable, even at peak times, except when traffic is disrupted by an accident or breakdown. But others (such as Baginton Parish Council, Mr Yates and the Highways Agency [6.5.1, 6.6.58, 8.6.1]) have different experience and are clear that the congestion that occurs at the junction is not acceptable to them.

9.2.24 I am satisfied that congestion occurs at the junction to a degree that many people find unacceptable, and that the application of highway alterations to relieve that congestion is consistent with the Regional Spatial Strategy and other substantial policy documents.

9.2.25 Mr Gordon considers the value for money of the scheme to be poor, but the evidence is that, in the terms used by the Department for Transport, it offers strong value for money [6.6.14, 4.3.8].

9.2.26 Mr Gordon is concerned that cyclists using the proposed Tollbar End junction would be delayed more than at present [6.6.15]. No analysis is provided in support of that. Having used the existing arrangements on several occasions during my visits to the site, it seems to me likely that

the proposed arrangement [4.2.6i] would increase delays for some pedestrian and cyclist movements across the junction but reduce delays for others.

Campaign to Protect Rural England

- 9.2.27 CPRE objects that the traffic justification makes the wrong allowance for traffic generated by Coventry Airport, at 2 million passengers per year [6.6.16]. The promoter's traffic model includes an allowance for the level of use of the Airport for which planning permission has been granted, at 1 million passengers per year [4.3.4]. That seems to me to be an appropriate approach.
- 9.2.28 CPRE offers no evidence to support its contention that the proposed arrangements for pedestrians and cyclists at the Tollbar End junction would be unsafe. Nor does it explain why it believes that to provide pedestrians and cyclists with signal-controlled crossings of heavily-used carriageways is wrong, or why a separate foot and cycle route is needed between Willenhall and the Middlemarch Business Park [6.6.17]. The scheme has been subject to road safety audits [4.2.10] and I am satisfied that the safety matters identified by CPRE need be of no concern.
- 9.2.29 CPRE does not explain which needs of local traffic would wrongly not be met by the scheme, or why access to Brandon Lane should be altered [6.6.18]. The Scheme would remove some through traffic from the Tollbar End roundabout, and reduce congestion at the junction of Rowley Road and Siskin Drive [8.12.2]. Both of those measures would benefit local traffic.
- 9.2.30 CPRE comments that the mini-roundabout at the Siskin Drive/Rowley Road junction is wrongly placed [6.6.19], but the Scheme proposal is for signals there, not a roundabout [4.2.2].
- 9.2.31 Following representations from local residents, the access proposal to Montgomery Close was changed by the promoter from that shown in the published scheme [6.6.20, 4.2.5].
- 9.2.32 CPRE says that the proposed landscaping should be improved but offers no indication of what it has in mind or why it considers improvements necessary [6.6.21].
- 9.2.33 I consider the Alternatives submitted by CPRE later in this report.

Mr E Williams and Mr R Hartry

- 9.2.34 Mr Williams and Mr Hartry own the Glengary Hotel, which the Scheme would acquire. I refer to them here, jointly, as "the Owners".
- 9.2.35 The Owners argue that Phase Three of Coventry City Council's Coventry North South Road scheme would provide an alternative means of reducing traffic congestion [6.6.38], but that scheme has been abandoned by the Council [8.13.1] and so cannot be relied upon.
- 9.2.36 The Owners argue that allowance has wrongly been made in the traffic model for the effect of the former Peugeot site at Ryton [6.6.39] but, for the reason given by the Highways Agency [8.13.2], I am satisfied that that is not the case.

-
- 9.2.37 The Owners argue for a rear service road to the rear of the Glengary Hotel and its neighbouring properties [6.6.40], but that would not take away the need to acquire the interests shown in the draft CPO [8.13.3].
- 9.2.38 I am satisfied that the Environmental Statement (D15 to D28) and the Economic Impact Report (HA6) properly take into account the interests of local residents and local businesses, although the Owners contend that it does not [6.6.41].
- 9.2.39 The Owners contend that the Scheme “specifically disregards the human rights of freehold owners of property that would be compulsorily acquired, and/or those freehold owners who have retained property standing immediately adjacent to the scheme.” [6.6.42] They do not indicate the Article under which the alleged interference with Human Rights would, in their view, take place. But compensation would be payable if the compulsory purchase were to proceed and it seems to me that, if it were to be the case that there was a compelling case in the public interest, that sufficiently justifies interfering with the human rights of those with an interest in the land affected, then the Owners’ objection need not be an impediment to the Scheme.
- 9.2.40 The Owners’ final objection, regarding the effect of the Scheme on their hotel business, seems to me a matter to be considered in determining compensation, and that is not a matter for me.

Listers Group Limited

- 9.2.41 Listers’ three separate objections [6.6.44] each include matters that I have considered earlier in this report: the Coventry North South Road [9.2.35] and the effect of the Peugeot site at Ryton [9.2.36], and I need add nothing to my earlier findings in respect of those. No evidence is brought to support Listers’ assertion that the proposed Siskin Drive/Rowley Road junction would cause congestion [6.6.48], and the promoter’s evidence, supported by analysis, is that it would not [4.3.6]. I have no reason to doubt that.
- 9.2.42 Listers are concerned that the works might affect the use of their sites [6.6.49]. The Highways Agency would maintain access to businesses and properties throughout the works and would take all practicable measures to minimise disruption and inconvenience to Listers, whose premises are outside the area of the draft CPO and Side Roads Order [8.14.1, 8.14.3].

Manheim Auctions

- 9.2.43 The matters raised by Manheim Auctions [6.6.52] are matters that would be considered in the determination of levels of compensation, should the draft CPO be made. They need not be an impediment to the Scheme.

Mondial Investments Limited

- 9.2.44 Mondial Investments Limited brought no evidence to support their contention that the land upon which the bio-retention basin was formerly proposed is not suitable for that purpose. They themselves propose employment-led development on the land, and I see no reason why the attenuation tank that the promoter now proposes could not be built there [6.6.54, 4.2.8]. The other matters raised by Mondial Investments Limited are matters that would be considered in the determination of

levels of compensation, should the draft CPO be made. They need not be an impediment to the Scheme.

Mr Alan Yates

- 9.2.45 Mr Yates would welcome relief from regular congestion at the Tollbar End junction, and the consequent pollution [6.6.58]. He objects to the scheme on two grounds.
- 9.2.46 Mr Yates's first objection is that he finds the projected cost of the Scheme unacceptable, particularly when Government debt must be reduced dramatically [6.6.56]. But the evidence is that the Department for Transport, the West Midlands Regional Assembly and the Highways Agency view the Scheme as a high priority, and that the resources that would be needed for its implementation would be made available [4.5.2].
- 9.2.47 Secondly, Mr Yates objects that users of Tollbar End would experience considerable disruption and delay during the construction of the Scheme [6.6.57]. But the economic evaluation of the scheme makes allowance for construction delay costs (among many other factors), and finds that, even allowing for that, the Scheme offers strong value for money [4.3.7, 4.3.8].
- 9.2.48 I therefore find nothing in either of Mr Yates's objections that leads me away from a recommendation that the Orders should be made.
- 9.2.49 I consider later in this report the matter of Alternative 7, which Mr Yates says should be the subject of more work because he expects that such work would provide a solution that would cost less than the Scheme and be less disruptive [6.6.102, 6.6.104].
- 9.2.50 Mr Yates also provides a critique of the Scheme objectives, options that were considered in the development of the Scheme, and the evolution of the estimated cost of the Scheme [6.6.62-6.6.74]. But the purpose of the Inquiry was not to review the design process, but to consider the result of that process.
- 9.2.51 Mr Yates suggests that an A45-A45 link through the junction would be more effective than the proposed A45-A46 link [6.6.75-6.6.76] but the promoter has explained the reasons for the choice of the latter [8.17.7-8.17.8]. He questions the exclusion of signal control of the Rowley Road/Siskin Drive arm of the existing Tollbar junction (the subject of a section 106 agreement with the Airport) from the Do-Minimum [6.6.78] but the promoter explains that an alternative mitigation measure (in respect of the Airport traffic) has subsequently been agreed, and explains why [8.17.9, 8.17.10]. He points to the lack of evidence of tests of the effect of signalling the B4110 London Road arm of the junction, but offers no evidence himself that such tests would make a material difference to the Scheme or its characteristics [6.6.78].
- 9.2.52 Mr Yates considers at-grade pedestrian crossings, such as the Scheme would provide at each arm of the altered Tollbar End roundabout, not compatible with high traffic loads at complex roundabouts [6.6.85]. But the promoter's evidence is that the proposed roundabout with its different traffic signal installation would operate satisfactorily, and there was no reasoned challenge to that [4.3.6].
- 9.2.53 Mr Yates argues that the Highways Agency is wrong in its assessment of

-
- the effect of low-noise surfacing by not considering such effects in the Do-Minimum [6.6.88], but the evidence is that the presence in that case of any low noise surfacing would not mean that the noise benefits predicted to arise from the Scheme would not materialise [8.17.17].
- 9.2.54 As to air quality, the air quality model does not account for very congested periods which cause higher emissions when vehicles travel at very low speeds, and so it is not necessarily illogical that the scheme should decrease air pollution by speeding traffic up [6.6.89, 8.17.20-21]. The Highways Agency has explained that its approach to the estimation of carbon emissions has been updated to conform to the approach recommended by WebTAG, [8.17.21] and I find no fault with that. The air quality assessment has been undertaken to a standard appropriate to the Air Quality Management Area in which the Scheme lies [8.17.22]. The modelled changes in pollution concentrations claimed for the Scheme by the Highways Agency are directly as a result of the Scheme [8.17.23].
- 9.2.55 Mr Yates says that the landscape planting south of Stonebridge Highway would take longer to mature than is assessed in the Landscape Assessment, but does not explain why the planting in question would need to be mature to provide the screening effect claimed by the promoter 15 years after the Scheme opened. He points to the loss of access from a layby (that the scheme would remove) to the Stonebridge Meadows Nature Reserve but brings no evidence as to the frequency of use of the layby for that purpose, or the adequacy or otherwise of other means of access to the Reserve. [6.6.91, 6.6.93]. I therefore find no fault with those aspects of the Scheme.
- 9.2.56 Mr Yates challenges the Scheme's compliance with regional planning policy [6.6.94] on the basis of the Promoter's earlier assessment of carbon emissions associated with the Scheme, now replaced for the reasons given [8.17.20-21] with findings that show the Scheme to bring a net reduction in carbon emissions. He points out that the Scheme would not comply with the requirement of PPS1 *Delivering Sustainable Development* (D352) to reduce the need to travel, in that it would generate traffic [6.6.95]; but he seeks relief from regular congestion and argues for Alternative 7 not on the basis that it would constrain traffic growth – there is no evidence of that - but for other reasons relating to value for money [6.6.61]. The Scheme proposal would contribute towards the achievement of the majority of the ten considerations listed in paragraph 27 of PPS1 [8.17.29]. I return to this matter later.
- 9.2.57 By the end of the Inquiry, there appeared to be no difference between the promoter and Mr Yates on the matter of the extent of the Coventry and Nuneaton Regeneration Zone: the promoter drew attention to its economic impact report (HA6) [6.6.97, 8.17.32].
- 9.2.58 Mr Yates invites me to conclude that the matters he highlights in the Highways Agency's case make the case for the published scheme unsound. But in some cases the matters raised are answered by the promoter, in some Mr Yates provides insufficient information himself to allow me to reach such a conclusion, and the others relate simply to matters of clarification. I do not find the matters raised by Mr Yates sufficient to conclude that the Scheme proposals are unsound.
-

9.3 Effect Of The Scheme In The Green Belt

- 9.3.1 Much of the Scheme would be in the Green Belt, into which development in the form of road widening would be introduced [4.4.7]. There was no objection to the Scheme on the grounds of its effect on the Green Belt, although Mr Yates comments on the promoter's evidence regarding the Green Belt [6.6.91]. Nevertheless, if the Scheme was inappropriate development in the Green Belt then Planning Policy Guidance 2 *Green Belts* ("PPG2", document D344) establishes that such development should not be approved, except in very special circumstances.
- 9.3.2 The Promoter contends that, because the Scheme would closely follow the route of the existing Stonebridge Highway, there would be no significant effect on openness in the Green Belt there [4.4.9]. Such an approach has, in my view, two failings. It implies that a degree of loss of openness is acceptable in the Green Belt, whereas paragraph 3.12 of Planning Policy Guidance 2 *Green Belts* ("PPG2") says that engineering operations in the Green Belt are inappropriate unless they maintain openness. And it takes no account of the greater degree of widening, and associated embankments, proposed in the Green Belt toward the eastern end of the Scheme. Even though the scheme proposals would not conflict with the purposes of including land in the Green Belt [4.4.10], I am of the view that the Scheme would be inappropriate development in the Green Belt, and therefore harmful for the reason given in paragraph 3.2 of PPG2.
- 9.3.3 I therefore consider other characteristics of the Scheme proposal that I should weigh with that harm. The promoter points to the absence of significant impacts on the countryside, the landscape in the Green Belt, agriculture and playing fields [4.4.12] but, while those characteristics are not in dispute, the absence of harm is not a benefit. The promoter also highlights what is termed the sustainability of the scheme [4.4.12] but argues that to be achieved "on balance" [4.4.14], which gives little reason to weigh it heavily in the Green Belt balance.
- 9.3.4 The effects of the scheme have been considered by the promoter [4.3.1 to 4.3.51], and objectors also refer to some of those. The harms identified there include short-term slight adverse effects on the appearance of the area, a short-term slight adverse effect on ecology, a slight adverse effect on cultural heritage, an increase (but not, in my view, an unreasonable increase) in walking distance for some people who use footpath 443, and some inconvenience to road users and non-motorised users during the execution of the works [4.3.28, 4.3.34, 4.3.38, 4.3.49, 9.2.13, 4.3.49, 4.3.7]. Harm to Optilan would be mitigated if the CPO were modified and Alternative 16 implemented [9.2.4]. Mr Yates identifies that the Scheme would not comply with one aspect of PPS1, in that it would generate traffic [6.6.95], but he does not identify additional harm that would arise from that.
- 9.3.5 It seems to me that the Scheme's harm to the Green Belt, in addition to that due to its inappropriateness, would be slight, because the scheme's intrusions into the Green Belt would be at the margins of the Green Belt [4.4.7] and the loss of openness would be slight [4.4.9]. Overall, I attribute substantial weight to the harm due to inappropriateness, but only very modest weight to the other harms I have identified, all of which

would be slight.

9.3.6 The scheme has other characteristics and they weigh in its favour. It would reduce delay and congestion on part of the national trunk road network carrying two major routes [4.3.7, 4.3.8, 4.1.5]. It would save 9 serious injuries and 381 slight injuries in road traffic accidents over 60 years [4.3.6]. It would bring wider economic benefits [5.2.1, 8.17.32]. I attribute particular weight to each of those benefits. And the scheme was incorporated in regional and local planning policy in the knowledge that it would impinge on land in the Green Belt [4.4.13], and I attribute some weight to that combination of circumstances.

9.3.7 I conclude that the characteristics of the Scheme that weigh in its favour very clearly outweigh those that weigh against it, and that the totality of the circumstances I have described is very special. The fact that the Scheme would impinge on land in the Green Belt need not be an impediment to the Scheme.

9.4 **Planning Policy**

9.4.1 The promoter contends that the Scheme complies with and is supported by policies at the National, Regional and Local Levels; that (on balance) it complies with PPS1; that it is identified in the adopted Regional Spatial Strategy and the recent Panel Report on the RSS Revision; and that it is supported by the Coventry Development Plan. [4.4.6, 8.17.29, 4.4.3, 4.4.4]. That position was challenged by Mr Yates, as I have described [9.2.56], but on balance I am satisfied that the Scheme is consistent with planning policy.

9.5 **Conclusion On The Principle Of The Scheme**

9.5.1 It seems to me that a scheme to increase the capacity of the Tollbar End junction and modify as necessary the trunk roads leading to it would be beneficial to travellers since journey times would be reduced. This is of value because the junction is an important part of the trunk road network and carries two major national routes, and because there are also links to local roads [4.1.5].

9.5.2 The published Scheme would achieve a benefit:cost ratio well in excess of the Government's lower limit for schemes considered to be of high value [4.3.8]. The characteristics of the Scheme that weigh in its favour very clearly outweigh those that weigh against it [9.3.7]. There is no reasoned objection to the form of the published Scheme (as modified by the promoter at the Inquiry). The Scheme would, in the circumstances, be acceptable development in the Green Belt and it is supported by Regional planning policy [9.3.7, 4.4.3].

9.5.3 The Department for Transport, the West Midlands Regional Assembly and the Highways Agency view the Scheme as a high priority. The resources that would be needed for its implementation would be made available [4.5.2].

9.5.4 I have found no other matter that indicates to me that the Scheme should not be pursued.

9.5.5 I therefore conclude that, overall, the Scheme has merit and is expedient as a means to improve the national system of routes for through traffic.

9.6 **Alternatives**

Introduction

- 9.6.1 I remind myself that the primary purpose of this report is to address the scheme promoted by the Highways Agency. It is not part of my remit to put forward a different scheme drawing on alternative proposals made by objectors; as I explained at the Pre Inquiry Meeting and when opening the Inquiry, my remit is to apply the statutory tests I set out later in this report. While parties may consider that an Alternative is to be preferred to the Scheme, my initial concern is, in the phraseology of the statutory test, the matter of expediency that I have addressed in the previous section of this report. Only if I conclude that an element in the promoter's Scheme is unsatisfactory should I recommend that an Alternative to that element put forward by an objector warrants further investigation or incorporation in the Scheme.

Alternative 1

- 9.6.2 This Alternative would provide a foot and cycle bridge over the A45 west of Tollbar End connecting footpath 443 with Stonehouse Lane. CPRE, who promoted this Alternative, contend that it is currently possible to cross the A45 on foot between Stonehouse Lane and footpath 443, but there is no crossing facility there now and the route is obstructed by two long crash barriers on the central reservation of the A45 [6.6.22, 8.1.2, 2.7]. This Alternative would increase the Scheme cost by £5.5 million and lengthen the construction period by 12 weeks [8.1.5]. The Scheme includes the closure of footpath 443 and CPRE makes no representation as to why that should not be done.
- 9.6.3 This Alternative would delay the Scheme and increase its cost. No explanation is given of the need CPRE sees for this Alternative, or the shortcoming in the Scheme that it would rectify. Alternative 1 should not be pursued.

Alternative 2

- 9.6.4 This Alternative would provide a road bridge including a cycle track over the A45 west of Tollbar End linking London Road and Rowley Road. CPRE, who promoted this alternative, contend that this would be justified for the eventuality that the site of Coventry Airport (which was closed at the time of the Inquiry) becomes used for housing [6.6.23]. The evidence regarding the future use of the Airport site is that Coventry City Council, which owns the Airport, wanted to bring it back into use as an airport [5.2.3], and nothing to the contrary was brought to the Inquiry by any other party. Nor was any transport assessment of the suggested use of the Airport site produced to indicate that Alternative 2 would be needed in the circumstance that CPRE envisages. Alternative 2 would need the acquisition of car showrooms on London Road [8.1.11].
- 9.6.5 This Alternative is wholly speculative. No reason is given to suppose that the land it would need could be acquired, either compulsorily or otherwise. It would address no identified shortcoming in the Scheme. Alternative 2 should not be pursued.

Alternative 3

- 9.6.6 This Alternative would provide a road bridge like that promoted as

Alternative 2 but also incorporating a link from Rowley Road to Siskin Drive [6.6.24].

- 9.6.7 CPRE, who promoted this Alternative, gave no indication of the shortcoming in the Scheme that this Alternative would in their view meet, or of the need it would meet. Alternative 3 should not be pursued.

Alternative 4

- 9.6.8 This Alternative would provide a bridge over the A45 east of Tollbar End, linking Brandon Lane with Siskin Drive to allow all-movements access to Brandon Lane [6.6.25]. The compulsory purchase of agricultural land would be needed and residents of Brandon Lane and Siskin Drive would be exposed to more noise and visual intrusion. This Alternative would reduce journey times for travellers wishing to enter Brandon Lane from the east, and those wishing to leave it towards the west, by about 2 minutes. But traffic flows in and out of Brandon Lane are low [8.1.16-8.1.18]. I am not satisfied that this Alternative could bring a benefit proportionate to its cost and the harm it would do. Nor am I satisfied that the alternative is necessary to make the Scheme acceptable. Alternative 4 should not be pursued.

Alternative 5

- 9.6.9 Instead of the proposed underpass at Tollbar End, this Alternative would provide a flyover which CPRE describes in promoting this Alternative as being temporary, with two lanes of traffic running at slow speed. The existing gyratory would be left largely unaltered. The purpose of this Alternative would be to save cost and construction time and associated disruption [6.6.26].
- 9.6.10 For reasons of capacity, safety and maintenance a two-lane single carriageway flyover would, in the view of the Highways Agency, be inappropriate here. Neither they, nor CPRE or any other party presented a design for Alternative 5 that meets the requirements of the DMRB [8.1.21-8.1.22]. CPRE did not explain the circumstances in which a temporary flyover would subsequently be removed. Nor am I satisfied that this Alternative is necessary to make the Scheme acceptable. Alternative 5 should not be pursued.

Alternative 6

- 9.6.11 Instead of the proposed underpass at Tollbar End, this Alternative would provide a flyover which CPRE describes in promoting this Alternative as being permanent, with two lanes of traffic running at slow speed. The purpose of this Alternative would be to save cost and construction time and associated disruption [6.6.27].
- 9.6.12 For reasons of capacity, safety and maintenance a two-lane single carriageway flyover would, in the view of the Highways Agency, be inappropriate here. Neither they, nor CPRE or any other party presented a design for Alternative 6 that meets the requirements of the DMRB [8.1.21-8.1.22]. Nor am I satisfied that this Alternative is necessary to make the Scheme acceptable. Alternative 5 should not be pursued.

Alternative 7

- 9.6.13 Instead of the proposed underpass at Tollbar End, this Alternative would

provide a dual 2-lane flyover for the A45 (Stonebridge Highway) to A46 (Coventry Eastern Bypass) movement, with the gyratory junction rebuilt. The purpose of this Alternative would be to save cost and construction time and associated disruption [6.6.28].

- 9.6.14 Evidence in support of this Alternative was given at the Inquiry by Mr Langley and, in written representations, by CPRE and Mr Yates [6.3.13, 6.6.28, 6.6.98]. They brought no evidence of their own regarding the cost and construction time implications of the Alternative. The Highways Agency provided estimates of both [8.1.30]:
- i) It would be necessary to return the Scheme to an Assessment of Options stage, and the process following that would be likely to take around two years at the end of which the revised scheme could be considered at a further public Inquiry. The construction period for a flyover would be some 6 months less than for an underpass.
 - ii) The Scheme Cost for Alternative 7, including the cost of delay but excluding any saving arising from reduced works to statutory undertakers' plant consequent upon Alternative 7, would be some £7.6 million more than the cost of the published Scheme.
 - iii) It is possible that some statutory undertakers' diversions that were necessary for the published Scheme could be avoided by the Alternative, but the nature of those and the cost saving they might bring had not been determined. The whole cost of statutory undertakers' works for the published Scheme is estimated to be some £5.5 million.
- 9.6.15 The Highways Agency's explanation of the two-year period mentioned in the first of these was not challenged in itself, but Mr Yates took the view that to burden any new proposal with the cost of changing from the previous proposal is simply a way of ensuring that a preferred option, once chosen by the Highways Agency, remains "preferred" irrespective of its flaws [8.1.30, 6.6.100]. But I am mindful that the rationale for Alternative 7 is that it should save construction time and money. It therefore seems to me reasonable that as realistic a test as possible of the effects of the Alternative on the cost of the Scheme and the time it would take to build should be made. Without the two-year period and the costs associated with that the costs test would be lacking. There is no dispute that the work identified for that period has already been done for the published Scheme, nor that it would have to be done again for the Alternative.
- 9.6.16 Objectors pointed to the lack of information regarding statutory undertakers' costs with Alternative 7: if the expected saving were not allowed for, then a decision could not be made on a reliable basis [6.3.14]. But information is available. The Alternative would cost some £7.6 million more than the Scheme, apart from savings made on the statutory undertakers' works; and they are estimated to cost £5.5 million in total. Even if (improbably) the whole of the statutory undertakers' costs were saved by the Alternative, the Alternative would still cost some £2.1 million more than the Scheme. And I expect that in practice the

saving on statutory undertakers' works would be less than the full £5.5 million, and so the cost difference would be greater than £2.1 million.

- 9.6.17 I therefore find that Alternative 7 would achieve a 6-month saving in construction time, compared with the Scheme (although preparation would take 2 years longer), but not that it would cost less.
- 9.6.18 No case was put that the Scheme is unsatisfactory in any other way that the Alternative would address.
- 9.6.19 A body of evidence was given, regarding the relative merits in other respects of the Scheme proposal and Alternative 7. These related to:
- i) The interrelationship between the Alternative design and the future use of Coventry Airport. It was common ground that a different type of operation at Coventry Airport than that which obtained before it closed in December 2009 could accommodate a flyover at the junction [6.3.10, 6.6.79, 8.1.25]. The Airport's owner was in negotiation with a potential operator but no firm arrangement had been reached [5.2.3]. The previous operator raised no objection to the scheme, apart from one matter not related to the form of the junction (and that matter has been resolved) [6.6.11, 9.2.21]. Nor did the Airport's owner raise any objection to the Alternative. Nothing in this points to any shortcoming in the Scheme.
 - ii) The effect a flyover would have on the character of the area. Having regard to all representations made on the matter, by the promoter [8.1.29], the objectors [6.6.90-6.6.91], the counter-objectors and the counter-supporter [7.3], and having visited the site in the light of the cases put, I am of the view that the Tollbar End scheme with an underpass would be less harmful to the character of the area than would the Alternative with a flyover. Nothing in this points to any shortcoming in the Scheme.
 - iii) The effect that traffic on a flyover would have on noise levels in the area, compared with the effect that traffic in an underpass would have [6.6.87, 8.1.28, 8.17.28]. The Highways Agency bases its evidence on the physics of sound transmission and I am satisfied that an elevated noise source behind a relatively low barrier (as would be the case with the flyover) would be more easily heard at nearby receptors than the same noise source below the ground and behind a relatively high barrier (as would be the case with the flyover); and that Alternative 7 would be more noisy than the published Scheme. Nothing in this points to any shortcoming in the Scheme.
- 9.6.20 I therefore conclude that Alternative 7 should not be pursued.

Alternative 8

- 9.6.21 This Alternative would provide service roads on either side of the A45 east of the Tollbar End junction, to reduce or remove direct access from frontages that face the trunk road [6.6.29]. In promoting this Alternative, CPRE gave no indication of the shortcoming in the Scheme

that this Alternative would in their view meet, or of the need it would meet. The Highways Agency says that there would be no material benefit from a service road here [8.1.33], and I agree. Alternative 8 should not be pursued.

Alternative 9

- 9.6.22 Alternative 9 would omit the widening of Stonebridge Highway from dual two-lane carriageway to dual three-lane carriageway. CPRE, in promoting this Alternative, consider that the form of widening proposed by the Scheme would harm the character and appearance of the road and would remove many trees along its south side [6.6.30]. But the widening of each carriageway to three lanes is needed for the Scheme to function satisfactorily [8.1.37] and the visual effects of the Scheme would be neutral by Year 15 [4.3.25]. Alternative 9 should not be pursued.

Alternative 10

- 9.6.23 This Alternative would revise the dual three-lane widening of Stonebridge Highway to add one lane each side, with management of trees and new planting to improve appearance [6.6.31]. This option would remove mature vegetation from the north side of the road, increase habitat loss and increase the long-distance views and it would make the Scheme more awkward to build [8.1.41, 8.1.42]. No explanation is given of the need CPRE sees for this Alternative, or the shortcoming in the Scheme that it would rectify. Alternative 10 should not be pursued.

Alternative 11

- 9.6.24 This Alternative would relocate the cycle/foot path along the Stonebridge Highway between Stivichall junction and Tollbar End from the south side to the north side. CPRE, in promoting this Alternative, gives no explanation of the need for the Alternative or the shortcoming in the Scheme that it would rectify [6.6.32]. The Scheme would provide a footway/cycleway throughout this length of Stonebridge Highway on the south side and, jointly with others, on the northern side [8.1.46]. There is no need to pursue this Alternative.

Alternative 12

- 9.6.25 This Alternative would replace the access to King Henry VIII School playing field off the eastbound Stonebridge Highway carriageway with access through City Council-owned land to the north. No explanation is given of the need CPRE sees for this Alternative, or the shortcoming in the Scheme that it would rectify [6.6.33]. The School opposes this Alternative [7.6]. An access from the north would require further construction with associated impacts on property, local residents and the environment, and access from the A45 would still be needed for the maintenance of the proposed stormwater wetland [8.1.49]. There is no need to pursue this Alternative.

Alternative 13

- 9.6.26 This Alternative would replace the proposed on- and off-accesses onto Stivichall junction for the proposed Jaguar-Whitley plant redevelopment with access onto the A444 Stivichall-Cheylesmore Bypass. No explanation is given of the need CPRE sees for this Alternative, or the

shortcoming in the Scheme that it would rectify [6.6.34]. There is no need to pursue this Alternative.

Alternative 14

- 9.6.27 This Alternative would provide a foot- and cycle-bridge over the A45 west of Stivichall junction to replace the facilities provided through the Stivichall junction. CPRE, in promoting this Alternative, does not explain in what way it considers the facilities there to be unsatisfactory or insecure. Nor does it identify the shortcoming in the Scheme that this alternative would rectify [6.6.35]. There is no need to pursue this Alternative.

Alternative 15

- 9.6.28 This Alternative would close the existing access from B4110 London Road to Montgomery Close and create an entrance from the Orchard Retail Park access instead. No explanation is given of the need CPRE sees for this Alternative, or the shortcoming in the Scheme that it would rectify [6.6.36]. Four parties, all residents of Montgomery Close, wrote in counter objection to this Alternative [7.7]. The proposed access to Montgomery Close would be safe and would provide for all required traffic movements. Land acquisition would be needed and vegetation would be lost, changing the character of the cul-de-sac [8.1.56]. There is no need to pursue this Alternative.

Alternative 16

- 9.6.29 I considered Alternative 16 when dealing with the objection by Optilan (UK) Limited [9.2.1 et seq]

9.7 Conclusions On The Draft Orders

Introduction

The Draft Orders

- 9.7.1 The following draft Orders were before the Inquiry:
- a) The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_ (document D5), which would be made under sections 10 and 41 of the Highways Act 1980;
 - b) The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_ (document D6), which would be made under sections 14 and 125 of the Highways Act 1980;
 - c) The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order (MP No. XX) 200_ (document D7), which would be made under sections 239, 240, 246 and 260 of the Highways Act 1980, as extended and supplemented by section 250 of that Act and under section 2 of the Acquisition of Land Act 1981; and,
 - d) A notice of intention to issue a certificate under paragraph 6(1)(c) of Schedule 3 of the 1981 Acquisition of Land Act: Rights Over Land At Stonebridge Meadows Nature Reserve,

north of the A45 Stonebridge Highway (document D36).

Tests To Be Applied To The Draft Orders

- 9.7.2 In considering the draft Orders, I have regard to the following legislative or other requirements as appropriate to each:
- a) Section 10 of the Highways Act 1980 (the 1980 Act) allows the Secretary of State to direct that any highway should become, or cease to be, a trunk road if to do so is expedient for the purpose of extending, improving or reorganising the national system of routes for through traffic in England and Wales, taking into consideration the requirements of local and national planning and the requirements of agriculture.
 - b) Section 14 of the 1980 Act allows the stopping up of a highway in the circumstances the Act describes, among which are the requirements that:
 - i) the highway will be otherwise affected by the Scheme or for any other purpose incidental to the Scheme; and
 - ii) another reasonably convenient route is available or will be provided before the highway is stopped up.
 - c) Section 125 of the 1980 Act allows the stopping up of a private means of access to premises only if either no access to the premises is reasonably required, or that another reasonably convenient means of access is available or will be provided.
 - d) If a Compulsory Purchase Order is to be made, then Government guidance as set out in ODPM Circular 06/2004 is that:
 - i) There should be a compelling case in the public interest, that sufficiently justifies interfering with the human rights of those with an interest in the land affected;
 - ii) The acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire;
 - iii) Sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order and to implement the scheme; and,
 - iv) There should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.
 - e) In respect of the Notice of intention to issue a certificate under paragraph 6(1)(c) of Schedule 3 of the Acquisition of Land Act 1981 in respect of land at Stonebridge Meadows Nature Reserve, north of the A45 Stonebridge Highway, there should be grounds for the Secretary of State to be satisfied that the land affected by the right or rights to be acquired does not

exceed 250 square yards (that is, 209 square metres) in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.

The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_

9.7.3 This draft Order would provide that certain roads which the Secretary of State for Transport proposes to construct along routes described in the Order should become trunk routes from the date upon which the Order comes into force.

9.7.4 I have found, for the reasons I have given in paragraphs 9.5.1 to 9.5.5, that the Scheme would be expedient for the purpose of improving the national system of routes for through traffic. It would be acceptable development in the Green Belt [9.3.7]. It is consistent with Regional Planning policy [4.4.2, 4.4.3]. It would take 4.3 hectares of the best and most versatile agricultural land but the Scheme is designed as an on-line widening with no additional permanent severance and only small negative permanent effects on agricultural businesses [4.3.43].

Conclusion On The Line Order

9.7.5 I conclude that The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_ should be made without modification.

The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_

9.7.6 I have considered the objection of Mr Pigg to the closure of Stonehouse Lane at its junction with Stonebridge Highway, and have found that a reasonably convenient alternative route would be available [9.2.6].

9.7.7 I have considered the objection of The Ramblers' Association to the closure of Footpath 443, and have found that a reasonably convenient alternative route would be available [9.2.13].

Conclusion On The Side Roads Order

9.7.8 I conclude that The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_ should be made without modification.

The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order (MP No. XX) 200_

9.7.9 There are four objections to the Compulsory Purchase Order from parties whose property interests would be subject to that Order. In respect of three of those (Mr Williams and Mr Hartry, Manheim Auctions and Mondial Investments Limited) I am satisfied that the matters raised need not be impediments to the Scheme; save only that I have yet to consider the matter of human rights raised by Mr Williams and Mr Hartry [9.2.39, 9.2.43, 9.2.44].

9.7.10 I have considered the objection of Optilan (UK) Limited (whose property interests would also be subject to the Order) and concluded, in paragraph 9.2.4, that the Compulsory Purchase Order should be modified as described in paragraph 8.1.60 of this report.

9.7.11 National Grid plc has yet to agree with the promoter arrangements to be made in respect of a gas governor and other apparatus that would be affected by the Scheme, and so National Grid plc objects to the Orders. But my attention is drawn to the New Roads And Street Works Act 1991, which provides a frequently-used framework within which agreement can be reached in circumstances such as these, and arrangements for resolution in the absence of agreement [9.2.15, 9.2.16]. I conclude that the objection of National Grid plc need not be an impediment to the Scheme.

Compliance: Compulsory Purchase Order

9.7.12 For the reasons given in paragraph 9.7.4, I am satisfied that there is a compelling case, in the public interest, for the Scheme. One human rights issue was raised and that was in respect of the Glengary Hotel, owned by Mr Williams and Mr Hartry. Their land interests that the Compulsory Purchase Order would allow to be acquired are essential for the Scheme, and compensation would be payable [9.2.37, 9.2.39]. In the circumstances, I am satisfied in their case and all others that the need for the Scheme sufficiently justifies interfering with the human rights of those with an interest in the land affected.

9.7.13 The Highways Agency has sufficiently shown [4.2.11] how it would use the land it proposes to acquire.

9.7.14 The Scheme would provide good value for money [4.3.8]. The scheme budget has been agreed with the Department for Transport and the West Midlands Regional Assembly, is viewed as a high priority by them, and resources would be made available following the successful completion of the statutory process [4.5.1, 4.5.2]. Sufficient resources should therefore be available to complete the compulsory acquisition within the statutory period following the making of the Order, and thereafter to implement the Scheme.

9.7.15 There is no evidence that the Scheme could not proceed nor, in my view, any grounds to reasonably consider that it would be blocked by any impediment to implementation if the Orders were made.

Conclusion on the Compulsory Purchase Order

9.7.16 I conclude that the A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order (MP No. XX) 200_ should be modified as described in paragraph 9.2.4 of this report, and then made.

The notice of intention to issue a certificate under paragraph 6(1)(c) of Schedule 3 of the 1981 Acquisition of Land Act: Rights Over Land At Stonebridge Meadows Nature Reserve, north of the A45 Stonebridge Highway

9.7.17 No objection was raised to the Notice.

- 9.7.18 I am satisfied that the land affected by the right or rights to be acquired does not exceed 209 square metres in extent and that the giving of other land in exchange for the right is unnecessary [4.3.46].

Conclusion on the Notice

- 9.7.19 I conclude that the Exchange Land Certificate should be given as drafted.

10 **RECOMMENDATIONS**

- 10.1 I recommend that the A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_ be made without modification.
- 10.2 I recommend that the A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_ be made without modification.
- 10.3 I recommend that the A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order (MP No. XX) 200_ be modified as described in paragraph 9.2.4 of this report, and then made.
- 10.4 I recommend that the certificate under paragraph 6(1)(c) of Schedule 3 of the 1981 Acquisition of Land Act that is proposed to be given in respect of Rights Over Land At Stonebridge Meadows Nature Reserve, north of the A45 Stonebridge Highway should be given as drafted.

J. P. Watson

INSPECTOR

APPENDIX 1 – APPEARANCES

The Highways Agency

Represented by Mr Richard Kimblin of Counsel, instructed by the Treasury Solicitor,
1 Kemble Street, London WC2B 4TS

who called:

Mr Paul Nagra BSc MICE MIHT

Mr Owen Davis BSc DipTP MRTPI

Mr Graham Martin MA CEng MICE MIHT

Mr Terence Mulroy OBE MSc DLC(Eng) DIC CEng FICE FConSE

Dr Michael Forsdyke BSc MSc PhD MIOA

Mr Stephen Pyatt BSc MSc CEnv MIAQM MIES

Mr Tim Carter BSc MSc CMLI MIEMA CEnv

The Objectors in order of first appearance

Mr Peter Langley MA, MPhil, DipURS

Campaign To Protect Rural England, represented by

Mr Mark Sullivan, MRTPI, CMILT

Optilan UK Limited, represented by

Mr Richard Buckland, CEO - Optilan

Finham Residents' Association, represented by

Mr Robert Fryer

Mr Roger Gillit

Mr Graham Reynolds MIMechE

Baginton Parish Council, represented by

Mr Alan Brown, Chairman

Mr James Pigg

Sustrans, represented by Mr Mike Thomas appeared but subsequently withdrew
their objection.

APPENDIX 2 – INQUIRY DOCUMENTS

Deposit Documents

Scheme Specific Documents, Reports and Drawings

D1	Stage 1 Road Safety Audit
D2	Interim Road Safety Audit
D3	Scheme Layout : 0000-11-BM01157-BMD-04
D4	Scheme Assessment Report
D5	Not Used
D6	The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) (Side Roads) Order 200_
D7	The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Compulsory Purchase Order [MP No. XX] 200_
D8	The A45 Trunk Road (A45/A46 Tollbar End Junction Improvement) Order 200_
D9	Highways Act Public Notice
D10	Land Reference Plans without Scheme
D11	Land Reference Plans with Scheme
D12	Land Reference Schedule
D13	Scheme Road Safety Audits
D14	Environmental Statement Erratum
D15	Environmental Statement Volume 1A : Main Text: dated March 2009
D15/1	Environmental Statement Volume 1A : Main Text : dated November 2009
D16	Environmental Statement Volume 1B : Figures
D17	Environmental Statement Volume 2 : Part 05- Disruption Due to Construction
D18	Environmental Statement Volume 2 : Part 06- Policies and Plans
D19	Environmental Statement Volume 2 : Part 07- Landscape Effects
D20	Environmental Statement Volume 2 : Part 08- Ecology and Nature Conservation
D21	Environmental Statement Volume 2 : Part 09- Cultural Heritage
D22	Environmental Statement Volume 2 : Part 10- Road Drainage and the Water Environment
D23	Environmental Statement Volume 2 : Part 11- Land Use
D24	Environmental Statement Volume 2 : Part 12- Pedestrians, Cyclists, Equestrians and Community Effects
D25	Environmental Statement Volume 2 : Part 13- Vehicle Travellers : March 2009
D25/1	Environmental Statement Volume 2 : Part 13- Vehicle Travellers : November 2009
D26	Environmental Statement Volume 2 : Part 14- Noise and Vibration : March 2009
D26/1	Environmental Statement Volume 2 : Part 14- Noise and Vibration : November 2009
D27	Environmental Statement Volume 2 : Part 15- Air Quality : March 2009
D27/1	Environmental Statement Volume 2 : Part 15- Air Quality : November 2009
D28	Environmental Statement Volume 2 : Part 16- Geology and Soils
D29	Flood Risk Assessment Report : (2007)
D30	Highways Act Public Notice
D31	White Young Green, Options Report 1, (2001)
D32	Highways Agency Outline Statement of Case
D33	Highways Agency Statement of Case
D34	Client Scheme Requirements
D35	Hyder Consulting, Tollbar Scheme Option Report : (2006)
D36	S19 - Certificate under Paragraph 6(1) (c) of Schedule 3 of the Acquisition of Land Act 1981
D37	Notice of Intention to Hold Pre-Inquiry Meeting and Public Inquiry

D38	Non-Technical Summary of the Environmental Statement
D39	Hyder Consulting, Local Model Validation Report
D40	Hyder Consulting, Traffic Forecasting Report
D41	White Young Green, Economic Assessment Report (2002)
D42	Final Notice to Hold Pre-Inquiry Meeting
D43	Final Notice to Hold Public Inquiry
D44	Environmental Statement Addendum
D45	White Young Green, Local Model Validation Report, (2001)
D46	White Young Green, Traffic Forecasting Report, (2001)
D47	Hyder Consulting, Economic Appraisal Report : (2009)
D48	White Young Green, Options Report 2 Volume 1 (2001)
D49	White Young Green, Options Report 2 Appendices (2001)
D50	White Young Green, Addendum to Options Report 2 Appraisal of Option 8 – Draft: (2002)
D51	White Young Green, Final Report Volume 1, (2002)
D52	Hyder Consulting, Client Scheme Requirements
D53 -	Not Used
D100	

Acts of Parliament

D101	Abandonment of Animals Act 1960 (1960)
D102	Ancient Monuments and Archaeological Areas Act (1979)
D103	Control of Pollution (Amendment) Act 1989 (1989)
D104	Control of Pollution Act 1974 (1974)
D105	Withdrawn
D106	Countryside and Rights of Way Act
D107	Environment Act 1995
D108	Countryside Act 1968
D109	Environmental Protection Act 1990 (c. 43)
D110	Highways Act 1980 (c. 66)
D111	Land Compensation Act 1973 (c. 26)
D112	Land Drainage Act 1991 (c. 59)
D113	Planning (Listed Buildings and Conservation Areas) Act (1990)
D114	Pollution Prevention and Control Act 1999 (c. 24)
D115	Protection of Badgers Act 1992 (c. 51)
D116	Water Resources Act 1991
D117	Wildlife and Countryside (Amendment) Act 1991
D118	Wildlife and Countryside Act 1981
D119	Road Traffic Regulation Act 1984
D120	Planning and Compulsory Purchase Act 2004
D121	Compulsory Purchase Act 1965
D122	Town and Country Planning Act 1990
D123	Wild Mammals Protection Act 1996
D124	The Highways (Inquiries Procedure) Rules 1994
D125	The Compulsory Purchase (Inquiries Procedure) Rules 2007
D126	Acquisition of Land Act 1981
D127	Planning and Compensation Act 1991
D128	Land Drainage Act 1994 (c. 25)
D129	Noise and Statutory Nuisance Act 1993 (c. 40)
D130	Water Act 2003 (c. 37)
D131	Compulsory Purchase by Ministers (Inquiries Procedure) Rules 1994 SI 1994 No. 3264

- D132 Secretary of State Traffic Orders (Procedure) England and Wales 1990 SI 1990 No. 1656
- D133 Highways (Assessment of Environmental Effects) 1988 SI 1988 No. 1241
- D134 Highways (Assessment of Environmental Effects) 1994 SI 1994 No. 1002
- D135 Highways (Assessment of Environmental Effects) 1999 SI 1999 No. 369
- D136 Climate Change Act 2008 (c. 27)
- D137 - Not Used
- D200

Regulations

- D201 The Noise Insulation (Amendment) Regulations 1988 SI 1988 No. 2000
- D202 The Noise Insulation Regulations 1975 SI 1975 No. 1763
- D203 Air Quality Standards Regulations 1989 SI 1989 No. 317
- D204 Air Quality (England) Regulations 2000 SI 2000 No. 928
- D205 Air Quality (England) (Amendment) Regulations SI 2002 No. 3043
- D206 The Groundwater Regulations 1998 SI 1998 No. 2746
- D207 The Conservation (Natural Habitats) Regulations 1994 SI 1994 No. 2716
- D208 The Conservation (Natural Habitats) 1994 Amended England Regulations 2000 SI 2000 No. 192
- D209 Surface Waters (River Ecosystem Regulations) 1994 SI 1994 No. 1057
- D210 Water Supply (Water Quality) Regulations 2000 SI 2000 No. 3184
- D211 Air Quality Limit Values Regulations 2003 SI 2003 No. 2121
- D212 Air Quality Limit Values (Amendment Regulations) England 2004 SI 2004 No. 2888
- D213 Hedgerow Regulations 1997 SI 1997 No. 1160
- D214 - Not Used
- D300

Design Standards, Advice and Guidance

- D301 Department for Environment, Food and Rural Affairs, Local Air Quality Management, Part IV of the Environment Act 1995 Local Air Quality Management Policy Guidance (LAQM.PG(03)) (2003)
- D302 Department for Environment, Food and Rural Affairs, Part IV of the Environment Act 1995 Local Air Quality Management, Technical Guidance (LAQM.TG(03)) (2003)
- D303 Department for Environment, Food and Rural Affairs, Part IV of the Environment Act 1995 Local Air Quality Management, Technical Guidance (LAQM.TG(09)) (2009)
- Department for Transport, Guidance on Value for Money (December 2004)
- D304
- D305 Department for Transport, Web Transport Analysis Guidance (WebTAG), (www.webtag.org.uk) (July 2008)
- D306 Department for Transport, Web Transport Analysis Guidance (WebTAG), Economy Objective TAG Unit 3.5
- D307 Department for Transport, Web Transport Analysis Guidance (WebTAG), Safety Objective TAG Unit 3.4
- D308 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Heritage or Historic Resources Sub-Objective TAG Unit 3.3.9 (June 2003)
- D309 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Journey Ambience Sub-Objective TAG Unit 3.3.13 (2003)
- D310 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Landscape Sub-Objective TAG Unit 3.3.7 (2004)

-
- D311 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Local Air Quality Sub-Objective TAG Unit 3.3.3 (2004)
 - D312 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Physical Fitness Sub-Objective TAG Unit 3.3.12 (June 2003)
 - D313 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Severance Sub-Objective TAG Unit 3.6.2 (June 2003)
 - D314 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Townscape Sub-Objective TAG Unit 3.3.8 (2004)
 - D315 Department for Transport, Web Transport Analysis Guidance (WebTAG), The Water Environment Sub-Objective TAG Unit 3.3.11 (June 2003)
 - D316 Department of the Environment, Transport and the Regions, A New Deal for Trunk Roads in England – Guidance on the New Approach to Appraisal (September 1998)
 - D317 The Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution (2000)
 - D318 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 02 Part 06 IAN 82/06 (2006)
 - D319 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 05 Section 02 Part 05 HD 42/05 Non-motorised User Audits (2005)
 - D320 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 01 Part 01 TD 09/93 Highway Link Design (1993)
 - D321 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 01 Part 02 TD 27/05 Cross-Sections and Headrooms (2005)
 - D322 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 02 Part 01 TD 22/06 Layout of Grade Separated Junctions (2006)
 - D323 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 02 Part 03 TD 50/04 The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts (2004)
 - D324 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 (updated by Interim Advice Note 81/06)
 - D325 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Environmental Assessment (1993 and amended)
 - D326 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 02 Part 05 IAN 81/06 (2006)
 - D327 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 02 Part 05 Sub-section 02 IAN 81/06 (2006)
 - D328 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 01 HA 207/07 Air Quality (2007)
 - D329 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 02 HA 208/07 Cultural Heritage (2007)
 - D330 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 03 Disruption Due to Construction
 - D331 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 05 Landscape Effects (1993)
 - D332 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 06 Land Use – Amendment No. 1
 - D333 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 07 HA 213/08 Noise and Vibration (August 2008)
 - D334 Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 08 Pedestrians, Cyclists, Equestrians and Community Effects (2005)
-

D335	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 09 Vehicle Travellers (June 1993)
D336	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 10 HA 216/06 Road Drainage and the Water Environment (May 2006)
D337	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 11 Geology and Soils (August 1994)
D338	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 03 Part 12 Impact of Road Schemes on Policies and Plans
D339	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 11 Section 04 Assessment of Implications (of highways and/or roads projects) on European Sites (including appropriate assessment)
D340	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 12 Traffic Appraisal of Road Schemes
D341	PPS03 Housing
D342	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 13 Economic Assessment of Road Schemes
D343	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 14 Economic Assessment of Road Maintenance
D344	Department of Environment, PPG02 Green Belts (January 1995, with Amendments March 2001)
D345	Department of Environment, PPG24 Planning and Noise (1994)
D346	Department of the Environment, Transport and the Regions, PPG13 Transport (2001)
D347	Environment Agency, PPG01 General Guide to Water Pollution Prevention (undated)
D348	Environment Agency, PPG13 High Pressure Water and Steam Cleaners (undated)
D349	Office of the Deputy Prime Minister, PPG13 Transport (April 2001)
D350	Office of the Deputy Prime Minister, PPG24 Planning and Noise (October 1994)
D351	Office of the Deputy Prime Minister, PPG25 Development and Flood Risk (May 2004)
D352	Office of the Deputy Prime Minister, PPS01 Delivering Sustainable Development (January 2005)
D353	Office of the Deputy Prime Minister, PPS07 Sustainable Development in Rural Areas (August 2004)
D354	Office of the Deputy Prime Minister, PPS09 Biodiversity and Geological Conservation (August 2005)
D355	Not Used
D356/1	Guidance on the Methodology for Multi-Modal Studies Volume 1 (GOMMMS) (March 2000)
D356/2	Guidance on the Methodology for Multi-Modal Studies Volume 2 (GOMMMS) (March 2000)
D357/1	BSI, British Standard 5228:2009:Part 1: Code of practice for noise and vibration control on construction and open sites (2009)
D357/2	BSI, British Standard 5228:2009:Part 2: Code of practice for noise and vibration control on construction and open sites (2009)
D358	BSI, British Standard 5228-1:1997 (Amended 1999) Noise and vibration control on construction and open sites. Code of practice for noise and vibration control applicable to piling operations
D359	PPG04 Industrial and Commercial Development and Small Firms
D360	WITHDRAWN

D361	CIRIA, Control of water pollution from construction sites - guidance for consultants and contractors (C532) (2001)
D362	Coventry City Council, Coventry Urban Design Guidance (adopted CCC SPG) (Adopted) (2004)
D363	Department for Transport, A New Deal for Trunk Roads in England (July 1998)
D364	Coventry City Council, Coventry Urban Design Study (Adopted) (1999)
D365/1	BSI, BS EN 1317 (part 1) Road Restraint Systems (1998 – 2000)
D365/2	BSI, BS EN 1317 (part 2) Road Restraint Systems (1998 – 2000)
D365/3	BSI, BS EN 1317 (part 3) Road Restraint Systems (1998 – 2000)
D365/4	BSI, BS EN 1317 (part 5) Road Restraint Systems (1998 – 2000)
D366	Not Used
D367	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 03 Part 05, TA90/05 Geometric Design of Pedestrian, Cycle and Equestrian Routes
D368	Office of the Deputy Prime Minister, PPG17 Planning for Open Space, Sport and Recreation
D369/1	Department for Transport, Traffic Signs Manual - Chapter 8 ; Part 1
D362/2	Department for Transport, Traffic Signs Manual - Chapter 8 ; Part 2
D370	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 02 Part 07, TD 41/95 Vehicular Access to All-Purpose Trunk Roads
D371	Department for Transport, Design Manual for Roads and Bridges (DMRB), Volume 06 Section 03 Part 03, TD 69/07 The Location and Layout of Lay-bys and Rest Areas
D372	Department for Transport, Calculation of Road Traffic Noise (1988)
D373 -	Not Used
D400	
D401	Department for Environment, Food and Rural Affairs, Securing the Future: The UK Government Sustainable Development Strategy (2005)
D402/1	Department for Environment, Food and Rural Affairs, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
D402/2	Department for Environment, Food and Rural Affairs, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
D402/3	Department for Environment, Food and Rural Affairs, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
D403	Department for Transport, Transport White Paper (The Future of Transport: A Network for 2030) (July 2004)
D404	Department of the Environment, Transport and the Regions, A New Deal for Trunk Roads in England – Understanding the New Approach to Appraisal (December 2005)
D405	Department of the Environment, Transport and the Regions, Air Quality Strategy for England, Scotland, Wales and Northern Ireland (working Together for Clean Air) (2000)
D406	Department of the Environment, Transport and the Regions, Integrated Transport White Paper (A New Deal for Transport: Better for Everyone) (July 1998)
D407	Department for Transport, Delivering Better Transport: Progress Report (2002)
D408	Department of the Environment, Transport and the Regions, A Better Quality of Life - Strategy for Sustainable Development for the UK (1999)
D409	WITHDRAWN
D410	Not Used
D411	Government Office for the West Midlands, West Midlands Regional Spatial

-
- Strategy (2008)
- D412 The Countryside Agency and Scottish Natural Heritage, Historic Scotland and English Heritage 2003 Understanding Historic Landscape Characterisation, Landscape Character Assessment Topic Paper 5
- D413 Department of the Environment, Transport and the Regions, Our Countryside the future: A Fair Deal for Rural England (2000)
- D414 Biodiversity Impact: A Good Practice Guide for Road Schemes (July 2000)
- D415 Department of the Environment, Transport and the Regions, Transport 2010 - The 10 Year Plan (2000)
- D416 Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Addendum)
- D417 Applying the Multi-Modal Approach to Appraisal to Highways Schemes (The Bridging Document) (GOMMMS Report)
- D418 Department for Transport, Design Manual for Roads and Bridges (DMRB), (Disc)
- D419 PPS06 Planning for Town Centres
- D420 PPS11 Regional Spatial Strategies
- D421 PPS12 Local Development Frameworks
- D422 PPG14 Development on Unstable Land
- D423 PPG15 Planning and the Historic Environment
- D424 PPG16 Archaeology and Planning
- D425 PPG21 Tourism
- D426 Biodiversity : The UK Action Plan (1994)
- D427 Biodiversity : The UK Steering Group Report, Volume 2 Action Plan (1995)
- D428 Trunk Roads and the Generation of Traffic (The Standing Advisory Committee on Trunk Road Assessment) (1994)
- D429 Transport and the Economy (The Standing Advisory Committee on Trunk Road Assessment) (1999)
- D430 Office of the Deputy Prime Minister, Town and Country Planning (Green Belt) Direction 2005 (ODPM Circular 11/2005)
- D431 Communities and Local Government, Planning Policy Statement: Planning and Climate Change- Supplement to Planning Policy Statement 1
- D432 - Not Used
- D500

European Union Directives

- D501 96/62 EC European Union Directive, European Union Framework Directive on ambient air quality assessment and management (Adopted) (1996)
- D502 75/440 EEC Council Directive of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States
- D503 76/160 EEC Council Directive of 8 December 1975 concerning the quality of Bathing water
- D504 78/659 EEC Council Directive of 18 July 1978 on the quality of fresh water needing protection or improvement in order to support fish life
- D505 79/409 EEC Council Directive on the Conservation of Wild Birds
- D506 80/68 EEC Council Directive of 17 December 1979 on the protection of ground water against pollution caused by certain dangerous substances
- D507 85/337 EEC Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment
- D508 91/441 EEC Council Directive of 26 June 1991 amending Directive 70/22/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles

- D509 91/692 EEC Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment
- D510 92/43 EEC Council Directive of 21 May 1992 on the Conservation of Natural Habitats and Wild Fauna and Flora
- D511 97/11 EEC Council Directive of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment
- D512 2000/60 EEC Council Directive of 23 October 2000 establishing a framework for community action in the field of water policy
- D513 - Not Used
- D600

Other Reports and Documents

- D601 Coventry City Council, (Draft) Coventry Local Development Framework (LDF) Core Strategy Issues and Options Report (2006)
- D602 Coventry City Council, (Draft) Cycling Strategy (2004) integrated in to document D620
- D603 Coventry City Council, The Coventry Development Plan – The City of Coventry Unitary Development Plan 1996 – 2011 (Adopted) (December 2001)
- D604 Rugby Borough Council, Rugby Borough Local Plan (Adopted) (2006)
- D605 Warwick District Council, Warwick District Local Plan (1996 – 2011) (Adopted) (2007)
- D606 Warwickshire County Council, Countryside Access and Rights of Way Improvement Plan (CAROWIP) (2006 – 2016) (Adopted) (2006)
- D607 Warwick District Council, Warwick District Local Plan (1996 - 2011) (Revised Deposit Draft) (May 2005)
- D608 Not Used
- D609 Warwickshire County Council, Countryside Access and Rights of Way Improvement Plan (CAROWIP) (2006 –2016) (Draft) (2005)
- D610 Warwickshire County Council, Warwickshire Local Transport Plan Final (Adopted) (2006)
- D611 Warwickshire County Council, Warwickshire Structure Plan (1996 – 2011) (2001)
- D612 WMRA, AWM, Delivering Advantage: The West Midlands Economic Strategy and Action Plan 2004 - 2010 (2004)
- D613 WMRA, West Midlands Regional Spatial Strategy - Phase Two Revision Spatial Options (8th January – 5th March 2007) (2007)
- D614 Not Used
- D615 Not Used
- D616 Coventry City Council, (Draft) Walking Strategy (2004) integrated in to document D620
- D617 Coventry City Council, A Green Space Strategy for Coventry (1994) superseded by Green Space Strategy 2008-2018 (2008)
- D618 Not Used
- D619 Not Used
- D620 Coventry City Council, Transport Programme (Adopted) (2005) superseded by Transport Programme (2008)
- D621 WMRA, West Midlands Regional Sustainable Development Framework (2006)
- D622 Advantage West Midlands, The Economic Strategy (Connecting to Success) (2007) (supersedes The West Midlands Economic Strategy and Action Plan 2004 - 2010 (2004))

- D623 Coventry City Council, The Coventry Joint Green Belt Study (January 2009)
D624 WMRA, Transport and Accessibility Comparison of T12 Priorities for investment with Regional Funding Advice 2 (April 2009)
D625 Institute of Ecology and Environmental Management (IEEM), Guidelines for Ecological Impact Assessment in the United Kingdom (version 7 July 2006).
D626 JBA Consulting, A45/46 Tollbar End Improvements Flood Risk Assessment and Culvert Design Stage 3 Draft Report RT15793/11 (July 2004)
D627 The West Midlands' Regional Funding Advice to Government West Midlands Shadow Joint Strategy & Investment Board (February 2009)
D628 - Not Used
D700

International Conventions

- D701 Ramsar Convention on Wetlands (1971)
D702 Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)
D703 Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979)
D704 Convention on Biological Diversity (1992)

GENERAL INQUIRY DOCUMENTS

- X1 Notes of Pre-Inquiry Meeting of 26 October 2009
X2 Inspector's Initial Questions of Clarification of the Highways Agency, 12 January 2010
X3 Notes for the Guidance of Inspectors holding Inquiries into Orders and Special Road Schemes, November 2004
X4 Inspector's Questions of Clarification of the Highways Agency, 20 January 2010
X5 Inspector's Questions of CPRE, 20 January 2010
X6 Chart of material to be provided as at 27 January 2010 and response

C: HIGHWAYS AGENCY DOCUMENTS

Proofs of Evidence

- HA/AIR/P Witness 1: Mr Stephen Pyatt (Air Quality)
HA/AIR/SP Proof of Evidence
Summary Proof of Evidence
Witness 2: Mr Graham Martin (Engineering & Design)
HA/DES/P Proof of Evidence
HA/DES/A Appendices to Proof of Evidence
HA/DES/SP Summary Proof of Evidence
Witness 3: Mr Tim Carter (Environment)
HA/ENV/P Proof of Evidence
HA/ENV/SP Summary Proof of Evidence
Witness 4: Mr Paul Nagra (Government Policy & Scheme Overview)
HA/GPO/P Proof of Evidence
HA/GPO/SP Summary Proof of Evidence
Witness 5: Dr Michael Forsdyke (Noise & Vibration)
HA/NOI/P Proof of Evidence

HA/NOI/A	Figures & Appendices to Proof of Evidence
HA/NOI/SP	Summary Proof of Evidence
	Witness 6: Mr Owen Davies (Planning Policy)
HA/PLA/P	Proof of Evidence
HA/PLA/A	Appendices to Proof of Evidence
HA/PLA/SP	Summary Proof of Evidence
	Witness 7: Mr Terence Mulroy (Traffic & Economic Aspects)
HA/TRA/P	Proof of Evidence
HA/TRA/SP	Summary Proof of Evidence

Rebuttals

HA/Alt1/R1	Response to Objectors' Alternative No 01 - Footbridge at Stonehouse Lane
HA/Alt2/R1	Response to CPRE Alternatives Nos 02, 03, 04, 08, 09, 10, 11, 12, 13 & 14
HA/Alt7/R1	Response to Objectors' Alternatives Nos 05, 06 and 07 - Flyover from A45 Stonebridge Highway to A46 Coventry Eastern Bypass
HA/Alt15/R1	Response to Objectors' Alternative No 15 (CPRE) - Alternative Access to Montgomery Close
HA/Alt16/R1	Response to Objectors' Alternative No 16 (Optilan Property Partnership/Optilan (UK) Ltd) - Extension of retaining wall at Optilan Car Park
HA/OBJ2/R1	Response to the Ramblers' Association (Mr S G Wallsgrove)
HA/OBJ3/R1	Response to Bircham Dyson Bell on behalf of National Grid Gas
HA/OBJ5/R1	Response to Optilan UK Ltd and Optilan Communication Systems (Mr Richard Buckland)
HA/OBJ5/R2	Additional Response to Optilan UK Ltd and Optilan Communication Systems (Mr Richard Buckland)
HA/OBJ7/R1	Response to Sustrans (Mr Mike Thomas)
HA/OBJ7/R2	Additional Response to Sustrans (Mr Mike Thomas)
HA/OBJ11/R1	Response to Mr Simon Gordon
HA/OBJ13/R1	Response to CPRE (Mr Mark Sullivan) - Volume 1 Response
HA/OBJ13/R2	Response to CPRE (Mr Mark Sullivan) - Volume 2 Appendices
HA/OBJ21/R1	Response to Mr Alan Yates
HA/OBJ21/R2	Response to Supplementary evidence of Mr Alan Yates
HA/OBJ22/R1	Response to Finham Residents' Association (Mr Robert Fryer)
HA/OBJ22/R2	Additional Response to Finham Residents' Association (Mr Robert Fryer)
HA/OBJ22/R3	Further additional Response to Finham Residents' Association (Mr Robert Fryer)
HA/OBJ23/R1	Response to Mr Peter Langley
HA/REP24/R1	Response to Mr James Pigg
HA/REP46/R1	Response to Baginton Parish Council (Mr Alan Brown)
HA/REP49/R1	Response to Mr Glenn & Mrs Amanda Hill and family

Presented at Inquiry

HA1	Objectors' alternative proposals - published 12 January 2010
HA2	Response to Inspector's initial Questions of Clarification of 12 January 2010
HA3	Non-Motorised User Context Report, May 2008

HA4	Non-Motorised User Audit Report, October 2007
HA5	Plan K100-37-BM01157-05 - Coventry Airport Obstacle Limitation Surface & Type A Performance Limitation Constraints
HA6	A46 Tollbar End Improvements - Economic Impact Report, January 2008
HA7	Coventry Development Plan - list of saved policies, September 2007
HA8	City of Coventry Unitary Development Plan Adopted 2001 - Direction under para 1(3) of Sch 8 to the Planning & Compulsory Purchase Act 2004
HA9	Government Office for the West Midlands letter of 8 July 2009 - Rugby Local Plan Adopted 11 July 2006 - Direction under para 1(3) of Sch 8 to the Planning & Compulsory Purchase Act 2004
HA10	Government Office for the West Midlands letter of 7 September 2007- Warwickshire Structure Plan Adopted August 2001 - Direction under para 1(3) of Sch 8 to the Planning & Compulsory Purchase Act 2004
HA11	Warwickshire Structure Plan 1996 - 2011 - Policies saved beyond the three year period (Sept 07)
HA12	Coventry Development Plan - Core Strategy Proposed Submission, March 2008
HA13	Coventry Core Strategy Submissions Draft Proposals Map
HA14	Warwickshire District Council Development Plan - Core Strategy Preferred Options, June 2009
HA15	Response to Inspector's Questions of Clarification of 20 January 2010
HA16	Economic Appraisal Report, August 2009
HA17	Addendum Report: Fuel Cost Elasticity Sensitivity Test, January 2010
HA18	Sensitivity Report: Requirement if St Modwen Development is delayed and Effect of Closure of Coventry Airport, January 2010
HA19	Whitley Abbey College map of existing access location
HA20	Baginton Fields School map of proposed location of playing field security gate & access
HA21	Uncertainty Testing and WebTAG Worksheets, 16 December 2009
HA22	Appraisal Summary Table, 16 December 2009
HA23	King Henry VIII School Playing Fields Layout Option - drawing K100-70-BM01157-01
HA24	Opening Statement
HA25	Statutory Procedures Compliance Pack
HA26	Extract from West Midlands Regional Spatial Strategy Phase Two Revision Report of the Panel, September 2009 and Addendum with note of date
HA27	Note to Inspector: Particulars of Compliance of the draft with the requirements of Part VA of the Highways Act 1980
HA28	Letter from Shadow Joint Strategy and Investment Board (JS&IB)
HA29	Response to Question of Clarification by Mr Peter Langley relating to drawing K100-51-BM01157
HA30	Response to Question of Clarification by Mr Peter Langley relating to PCU to Vehicle Factors
HA31	Results of the LINSIG assessment for the Siskin Drive and Rowley Road signalled junction
HA32	The Highways (Assessment of Environmental Effects) Regulations 1999
HA33	Coventry City Council News Release - "Future looks bright for Coventry Airport", 26 January 2010

HA34	Internet extract, Coventry City Council, press release "An important step forward for the future of Coventry Airport", 27 January 2010
HA35	Letter to Mr Alan Yates from the Treasury Solicitor dated 1 February 2010
HA36	Note to Inspector: Particulars relating to the proposed 30-mph speed limit on B4110 London Road
HA37	Requirement for Plot 5/3
HA38	Note to Inspector: Particulars relating to the available historic accident data at the junctions of Stonehouse Lane and Sunbury Avenue
HA39	Note to Inspector: Particulars relating to further clarification of the answer to question 5.5 (X2)
HA40	Note to Inspector: Particulars relating to TRANSYT results
HA41	Note to Inspector: Particulars relating to Optilan questions concerning the necessity to signalise the B4110 London Road onto the proposed roundabout
HA42	Note to Inspector: Particulars relating to question by Mr Peter Langley with respect to inflationary costs
HA43	Companies House details for West Midlands International Airport Limited
HA44	White Young Green Options Final Report Appendices, 19 April 2002
HA45	White Young Green Public Consultation Report, 5 March 2002
HA46	Drawing K100-217-BM1157-01: Coventry Airport Public Safety Zone Risk Contours
HA47	Responses to Objector's Alternative - chart with letters/e-mails
HA48	Note to Inspector: Low Growth COBA results
HA49	Suggested locations for site visits
HA50	Impact of Flyover on Scheme Orders
HA51	Note on low noise road surface
HA52	Update on Companies House details for West Midlands International Airport Limited
HA53	Closing Submission
HA54	Note to Inspector: New Road & Street Works Act 1991 relating to National Grid objection

D: OTHER PARTIES' DOCUMENTS

OBJ5/P	Optilan UK Limited (represented by Mr Richard Buckland)
	Proof of Evidence
OBJ7/P	Sustrans (represented by Mr Mike Thomas)
	Proof of Evidence
OBJ13/P OBJ13/1 OBJ13/2 OBJ13/3 OBJ13/4	CPRE (represented by Mr Mark Sullivan)
	Statement to the Inquiry dated 2 January 2010
	Letter to the Inspector dated 26 January 2010 concerning Coventry Airport
	Application for Adjournment of Inquiry dated 26 January 2010
	Response to Inspector's Questions of 20 January 2010
	Note dated 2 February 2010 specifying required information

Finham Residents' Association (represented by Mr Robert

Fryer)

OBJ22/P1 Proof of Evidence - Mr Robert Fryer
OBJ22/P2 Proof of Evidence - Mr Roger Gillitt
OBJ22/P3 Proof of Evidence - Mr Graham Reynolds

Mr Peter Langley

OBJ23/P1 Proof of Evidence
OBJ/23A Appendices to Proof of Evidence
OBJ23/Sup Supplementary Proof of Evidence
OBJ23/1 Application for Adjournment of Inquiry
OBJ23/2 Closing Submission

Baginton Parish Council (represented by Mr Alan Brown)

REP46/P Proof of Evidence

Written Representations

Objections

File Party

Obj/01 Mr B Cunningham
Obj/02 The Ramblers' Association
Obj/03 National Grid
Obj/04 Optilan Property Partnership
Obj/05 Appeared at the Inquiry
Obj/06 Ms G Barr
Obj/07 Objection withdrawn
Obj/08 Mr & Mrs McCarthy
Obj/09 Objection withdrawn
Obj/10 West Midlands International Airport Ltd
Obj/11 Mr S Gordon
Obj/12 Objection withdrawn
Obj/13 Campaign to Protect Rural England (Warwickshire)
Obj/14 Mr E Williams and Mr R Hartry: Glengary Hotel
Obj/15 Listers Group Ltd (Lexus Site)
Obj/16 Listers Group Ltd (Toyota Site)
Obj/17 Listers Group Ltd (Avondale Honda Site)
Obj/18 Manheim Auctions
Obj/19 Mondial Investments Ltd
Obj/20 Objection withdrawn
Obj/21 Mr A Yates
Obj/22 Appeared at the Inquiry
Obj/23 Appeared at the Inquiry

Supporters

File Party

Sup/01 Mr M Chitty
Sup/02 The Occupier, 204 Sunnybank Avenue
Sup/03 Mr I Fletcher
Sup/04 Mr C Harrow
Sup/05 Mr B James

Sup/06 Mr M Harrison
Sup/07 Mr & Mrs R Walters
Sup/08 Advantage West Midlands
Sup/09 Coventry City Council

Other Representations

<u>File</u>	<u>Party</u>
Rep/01	National Grid
Rep/02	National Grid
Rep/03	Instalcom Ltd
Rep/04	Fulcrum Pipelines Ltd
Rep/05	Spectrum Interactive PLC
Rep/06	McNicholas Construction
Rep/07	KPN Eurorings
Rep/08	E-On Central Networks
Rep/09	British Telecommunications plc
Rep/10	Severn Trent Water Ltd
Rep/11	
	and
Rep/35	Mr S Williams
Rep/12	Atkins Telecoms
Rep/13	The Gas Transportation Company Ltd
Rep/14	Mr & Mrs C Turner
Rep/15	M Seldon
Rep/16	Ashow, Stoneleigh and Burton Green Parish Council
Rep/17	Ms L Harris
Rep/18	Coventry and Warwickshire Chamber of Commerce
Rep/19	King Henry VIII School
Rep/20	Ms G Skidmore
Rep/21	Binley Woods Parish Council (D.N. Jones)
Rep/22	Binley Woods Parish Council (P.G. Salisbury)
Rep/23	Wolston Parish Council
Rep/24	Appeared at the Inquiry
Rep/25	Mr W McEvoy
Rep/26	Brandon & Bretford Parish Council (Ms L Warner)
Rep/27	Mr A Robinson
Rep/28	G Beasley
Rep/29	Mr & Mrs White
Rep/30	Ms J Robins
Rep/31	Brandon & Bretford Parish Council (Ms J Stanton)
Rep/32	Mr G Kimber
Rep/33	Mr G Riches, Coventry Cycling Campaign
Rep/34	Mr R H Tinley, Cyclists Touring Club
Rep/36	Mr N G Brinton
Rep/37	KCom Group Plc
Rep/38	Mr R J Bannister
Rep/39	Deeley Properties Ltd
Rep/40	AM & C Dickinson
Rep/41	Shane and Wendy Sanders
Rep/42	Mr J Wheat
Rep/43	Mr E McFadden

Rep/44 Ryton on Dunsmore Parish Council
Rep/45 Natural England
Rep/46 Appeared at the Inquiry
Rep/47 Mr E James
Rep/48 Warwickshire Wildlife Trust
Rep/49 Mr & Mrs Hill

Counter Objections and Counter Supporters

OA/01 T Billington
OA/02 Natural England
OA/03 Amanda Hill
OA/04 Mr & Mrs Lapworth
OA/05 HSBC Bank plc
OA/06 Sustrans
OA/07 Mrs Susan McCarthy
OA/08 King Henry VIII School
OA/09 Mr T B Dickinson
OA/10 Miss E J Dickinson
OA/11 Peter Long