

NCC/JM/1

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

THE NOTTINGHAMSHIRE COUNTY COUNCIL (A614/A6097 JUNCTIONS IMPROVEMENT
SCHEME) (SIDE ROADS) ORDER 2022

THE NOTTINGHAMSHIRE COUNTY COUNCIL (A614/A6097 JUNCTIONS IMPROVEMENT
SCHEME) COMPULSORY PURCHASE ORDER 2022

PROOF OF EVIDENCE

OF

JOEL MARSHALL, BSc, PGDip

OF NOTTINGHAMSHIRE COUNTY COUNCIL

ON BEHALF OF THE ACQUIRING AUTHORITY

SEPTEMBER 2023

1. QUALIFICATIONS AND EXPERIENCE

- 1.1. My name is Joel Marshall and I am a Principal Planning Officer for Nottinghamshire County Council with over 10 years' experience working within the Development Management team, part of the wider Place Department, acting as a case officer handling a range of planning applications within the fields of minerals, waste management and the Council's own development work. I have managed small, medium, and very large development proposals, including those that are subject to Environmental Impact Assessment ("EIA").
- 1.2. I have a Bachelor of Science ("BSc") degree in City and Regional Planning from Cardiff University and a Post Graduate Diploma ("PGDip") in Transport and Planning from the same institution.

2. INVOLVEMENT WITH THE SCHEME

- 2.1. The County Council Development Management Team, along with the Planning and Rights of Way Committee act as the County Planning Authority ("CPA") responsible for determining planning applications relating to the development of land by the Authority.
- 2.2. I acted as the planning application case officer upon the receipt of six applications in February 2022 seeking improvement and modification works at six junctions along the A614 and A6097 and throughout the subsequent processing, professional assessment, and recommendation/committee stages.

3. SCOPE OF EVIDENCE

- 3.1. This evidence relates to the CPA's handling and subsequent approval of the planning applications for the scheme junctions, and it will confirm how issues and objections were dealt with and overcome through negotiations, amendments, supplementary information and thus

ensuring sustainable development outcomes. It will confirm the extant status of the planning permissions and that, subject to discharging conditions, they are deliverable from a planning perspective.

4. PLANNING HISTORY OF SCHEME AND ASSOCIATED DEVELOPMENT

4.1. In 2009 the County Council was intending on developing a scheme to improve and enlarge Ollerton roundabout and it sought a 'Screening Opinion' from the CPA pursuant to the Town and County Planning (Environmental Impact Assessment) Regulations ("**the EIA regs**"). The Opinion confirmed that the project to enlarge this roundabout was 'EIA Development' thus requiring prior planning permission and an Environment Statement. It is understood that for budgetary reasons the project was not taken forwards and no planning application was ever submitted. However, some limited lane widening works were subsequently carried out, presumably as Permitted Development. Land was also formally safeguarded around the junction for a future project, including by the Newark and Sherwood Local Plan (Part 2 - the Allocations and Development Management Policies DPD and Policies map) [**CD13.10.2**].

4.2. The Ollerton project was later revived as part of a wider A614 corridor study/approach and in June 2021 Via East Midlands ("**ViaEM**"), acting for the County Council, requested the CPA's 'Scoping Opinions' pursuant to the EIA regs - that is to determine the scope of information required to form an Environmental Statement(s) in relation to proposals to improve six junctions along the A614/A6097 corridor including Ollerton roundabout. The Scoping Opinions and related technical advice were issued in September 2021 [**CD5.3, CD6.3, CD7.3, CD8.3, CD9.3, CD10.3**].

4.3. Proposals to improve the junctions were taken forward by the County Council and six separate full planning applications were submitted to the CPA in February 2022. They are (running from north to south):

- Ollerton roundabout, Intersection of A614, A616, A6075 and Newark Road,
- Mickledale Lane and intersection of A614, Bilsthorpe,
- White Post roundabout, Farnsfield,
- Warren Hill intersection of A614/A6097, Farnsfield,
- Lowdham roundabout, Intersection of the A6097, A612 and Southwell Road, and
- Kirk Hill junction, intersection with A6097, East Bridgford.

4.4. In the cases of Ollerton roundabout [CD5.4], Mickledale Lane Bilsthorpe [CD6.4], Lowdham roundabout [CD9.4] and Kirk Hill junction [CD10.4] these were accompanied by site specific Environmental Statements, based upon the prior Scoping advice. All six applications also included an overarching project-wide Environmental Statement [CD4.9], thus all six applications were each deemed to be EIA development proposals requiring planning permission and subject to the procedures (including consultation arrangements) under the EIA regs.

5. PLANNING APPLICATION PROCESS

Public Consultation Pre-Planning

5.1. The applicant and acquiring authority were responsible for carrying out pre-application local consultation and engagement work and further details can be sought from the Project team. It is however evident that this was extensive in nature and that the planned junction works were widely known about at the planning application stage (particularly in the case of Ollerton roundabout) and were broadly supported by local representatives and Parish Councils.

Consultation through the Application Process

- 5.2. Consultation on all six planning applications was initiated in March 2022 and coordinated together. This included a combination of letters to neighbouring and nearby residential and commercial occupiers, the placing of site notices and notices in the local newspapers serving the areas along the A614/A6097 corridor. Consultation was undertaken in accordance with and exceeding the statutory requirements including the Town and Country Planning (Development Management Procedure) (England) Order 2015 [CD12.4.3] and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [CD12.4.1]. Arrangements have also complied with the Council's Statement of Community Involvement [CD13.15].
- 5.3. District/Borough and Parish Councils, including any immediate neighbouring Parish Councils were consulted as well as a full range of statutory and technical consultees. The Council's Divisional Members were also notified. As required by the EIA Regulations this afforded 30 days for responses to be made.
- 5.4. A limited number of responses were received from the local community including from some residents on or close to an affected junction. The comments are summarised in the committee reports [CD5.1.1, CD6.1.1, CD7.1.1, CD8.1.1, CD9.1.1, CD10.1.1] as are the views of the local authorities and other consultees.
- 5.5. A second public consultation, under Regulation 25 of the EIA Regs was initiated in August 2022 in relation to further information and amended plans for five of the planning applications (no changes or further information were made for White Post roundabout). All the original consultees were reconsulted and new site notices were placed, and these were also readvertised with further press notices. Interested members of the public were contacted

with an update and inviting any further comments, giving 30 days for a response. I also fielded a number of telephone discussions with affected residents and undertook a visit to a property.

6. LEGISLATIVE AND PLANNING POLICY CONTEXT

6.1. All six planning applications were assessed and determined on their own merits having regard to the Development Plan in force for the area(s) and all relevant material considerations. The duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 [CD12.27] has accordingly been discharged. Other duties as may be relevant, including under the Planning (Listed Building and Conservation Areas) Act 1990 and under the aforementioned EIA Regulations have also been satisfied.

6.2. The majority of the junctions fall within the District of Newark and Sherwood therefore the relevant Development Plan in force is the Newark and Sherwood Local Plan comprising the Amended Core Strategy (CS) (Part 1) (2019) and the Allocations and Development Management Policies document (A&DM) (Part 2) (2013) together with the associated policy map.

6.3. Key policies of particular relevance include Newark and Sherwood Core Strategy Spatial Policy 6 (Infrastructure for Growth) (together with the list of required highways projects to deliver the Plan in Appendix D and the associated Infrastructure Delivery Plan), Spatial Policies 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) which confirm the local regeneration objectives in the Ollerton and Bilsthorpe areas and SP3 (Rural Areas), SP5 (Delivering the Strategy), SP7 (Sustainable Transport) and Policy ShAP4 relating to the redevelopment of the former Thoresby Colliery. Extracts of these policies are provided in Core Documents [CD13.10.1, CD13.10.2 and CD13.10.3]. A number of other Development Management policies were also relevant and taken into account.

- 6.4. The Kirk Hill junction lies within Rushcliffe Borough for which the Development Plan is the Rushcliffe Local Plan in two parts, comprising the Core Strategy (CS) (2014) and the Land and Planning Policies Document (LAPP) (2019).
- 6.5. Key policies include CS policies 3 (Spatial Strategy), 14 (Managing Travel Demand), 15 (Transport Infrastructure Priorities) and 16 (Green Infrastructure, Landscape, Parks and Open Spaces) Extracts of these policies are provided within Core Document [CD13.8]. A number of other policies were taken into account.
- 6.6. Material considerations that were taken into account stem from The National Planning Policy Framework (“NPPF”), the Nottinghamshire Local Transport Plan (“LTP”) and the D2N2 Strategic Economic Plan. A planning permission and associated planning obligation concerning a development at the former RAF Newton was also a material consideration for Kirk Hill.

7. PLANNING APPRAISAL

- 7.1. All six application proposals were assessed individually and cumulatively including through a comprehensive EIA process. Each application was then appraised in detail as set out in the Observations sections within the six committee reports and a recommendation was also then made. A copy of the Summary of each report is included on the formal Decision Notices [CD5.1.2, CD6.1.2, CD7.1.2, CD8.1.2, CD9.1.2, CD10.1.2]. I was and remain satisfied that, having weighed the issues at each location, that the proposals should be granted planning permission, either due to complying broadly with the relevant Development Plan overall, or in the case of Kirk Hill because the material considerations together with some support from the Development Plan clearly justified approval. The subsequent removal of the Mickledale Lane junction from the overall Scheme would not affect this finding.

- 7.2. The junction projects lying within Newark and Sherwood (all bar Kirk Hill) are all supported in principle planning terms to varying degrees, as the Local Plan and its underpinning infrastructure assessment work identifies the need for improvements at these junctions. The support is particularly strong at Ollerton where the Plan safeguards land around the junction to enable its enlargement – including part of the adjacent SSSI - and it identifies a longstanding need to resolve the congestion issues [CD13.10.4].
- 7.3. The Ollerton project is also supported due to it supporting local regeneration objectives in the Local Plan and specific developments in the area. In particular, the build out of the new community being developed at the former Thoresby colliery is restricted until the roundabout is enlarged.
- 7.4. The enlargement of the Kirk Hill junction at East Bridgford, is subject to a different Local Plan context and it has not been identified as requiring improvement through the Rushcliffe Local Plan and its underpinning infrastructure work. The Plan also priorities sustainable travel solutions over the creation of additional highway capacity. The need to enlarge this junction has been identified subsequently and outside of the Local Plan process.
- 7.5. There is an existing obligation on the lead developer at the nearby former RAF Newton to undertake improvements at the Kirk Hill junction, but the County Council as highways authority found this to not provide a satisfactory outcome and has identified a need for a more substantial scheme to provide additional through capacity on the A6097. This has led to its inclusion as an additional scheme within the wider A614 and A6097 project.
- 7.6. Traffic modelling also shows that without the new junction capacity, the existing queueing and congestion issues will get much worse. There are therefore material considerations which inform the support for this scheme. Whilst creation of additional highway capacity is least

favoured by the Rushcliffe Plan over sustainable travel means, this project would also provide a number of benefits for non-motorised users.

- 7.7. Enhancements have been designed into the various schemes for non-motorised users. There would be new toucan crossings at Ollerton which will for the first time enable safe access from the town to Costa coffee, the public house and into Sherwood Heath. There would also be a toucan crossing at Lowdham and a Pegasus crossing at Kirk Hill.
- 7.8. Safety has been taken into account in the proposed designs. More complex multi lane roundabouts can lead to more accidents, however this is a trade off against the day to day added capacity which would be provided. Further safety audits are likely to be undertaken as the final details are designed.
- 7.9. Changes to access at Ollerton for Forest Side Cottage and the Costa coffee appear to be areas which require further design work at this stage. The details are required by a planning condition.
- 7.10. At Lowdham there is a need to make changes to residential access for four properties along Nottingham Road. The access issues and objections were considered in detail by myself and by NCC Highways Development Control and found acceptable subject to some final details under planning condition regarding boundary treatment. It has been demonstrated that vehicles will be able to leave each property in a forward gear to go along the new access drive to reach the new junction with Nottingham Road just to the south west.
- 7.11. An objection from a local cyclist club to the Warren Hill proposal and in particular the closure of the A614 North to A6097 South turning facility has been overcome with a compromise design which will retain a small path for these cyclists. Draft details were provided and discussed with relevant departments, and the final design for this part of the junction is

required under a planning condition. Very few vehicles use the current turning facility and alternatives are available locally.

7.12. There will be impacts to the Conservation Areas (“CAs”) at Ollerton and at Kirk Hill. At Ollerton the part of the scheme around the end of Newark Road could result in less than substantial harm to its character and appearance, through the initial removal of hedgerows and pasture areas and potentially from highways signage, road markings and such details that have yet to be fully designed. Its significance would also be affected by the closing off of this historic route, originally likely to have been a causeway and later improved as a turnpike. There is potential for archaeology to be encountered as notably, this was the location of a tollhouse. Conditions are requested to cover matters of outstanding details and for an archaeological mitigation scheme.

7.13. Officers and the Committee consider the level of harm to be low and any less than substantial harm is clearly outweighed by the wider public benefits of improving the roundabout. Increasing capacity should also end the practice of some drivers cutting up Station Road – through the heart of the CA – to avoid congestion at the roundabout. This would be a direct and tangible benefit to the CA and to the amenity of this area.

7.14. At East Bridgford, the widening of Kirk Hill, involving the initial removal of a large section of the mature outgrown hedgerow in order to relocate the bridleway, is considered to be directly harmful within the CA. The CA appraisal identifies this hedgerow as a positive verdant gateway feature. Whilst this would be replanted further back it would take years to develop and the tight character would become more open with a wider verge area. This less than substantial harm is justified and outweighed in order to deliver the public benefits from improving this junction for a range of users, including local equestrians and walkers. Generally, no impact

other than from temporary construction noise would affect the significance and setting of any listed buildings in close vicinity to the individual schemes.

7.15. In general amenity and landscape and visual terms, the larger proposals, that is excepting White Post and Warren Hill, would create a more intensified highway including widening, and additional street lighting. Replacement planting will tie these works back into the local landscape, given time and appropriate management. Visually Ollerton would still be framed by the surrounding roadside services. The loss of the corner of the pasture field to the east would however create some harm to local landscape character.

7.16. The roundabout would come closer to Forest Side Cottages and would result in the loss of part of the garden and hedgerow. No increased noise impact is however predicted. Details of replacement boundary have been conditioned along with the replacement residential access drive.

7.17. At Lowdham, the removal of the field hedgerows and a mature ash tree would be replaced with the new landscaped water attenuation area and replacement hedgerows. The scheme avoids impacting on the mature trees beside the cricket club and war memorial.

7.18. In all cases and at all nearby sensitive receptors, no significant or unacceptable changes to noise or air quality are predicted.

7.19. All of the proposals to lesser or greater extents would result in temporary construction impacts and local disruption. Traffic management during these works would be for the county highways authority, working with ViaEM, to manage in the usual way. There is potential for significant adverse impacts to a small number of neighbouring residential properties during the construction period in terms of noise, vibration and general disruption. This would be

managed as best as possible through construction management plans which are recommended by planning conditions.

7.20. Most of the projects would also require temporary construction compound sites on agricultural fields. There is a need to carefully strip and manage soils so that these areas can be reinstated afterwards. This matter is subject to planning conditions.

7.21. The main projects include detailed surface water drainage systems designed to attenuate the discharge of this water and to provide a betterment over existing conditions. Further and final work is needed on the designs at Ollerton and Lowdham under condition. Ollerton would also remain at risk of flooding from the River Maun however it is essential infrastructure and the sequential and exception tests are passed. A safe egress route would always be available, and the enlarged roundabout would not add to the flood risk.

7.22. I have sought to ensure the main schemes deliver a net gain for ecology through their design and landscaping schemes. The level of gain differs from site to site and the final landscaping details are secured under condition along with long term management.

7.23. There is a particular sensitivity at Ollerton, whereby some 0.05ha of the adjacent Birklands West and Ollerton Corner Site of Special Scientific Interest (“**SSSI**”) would be directly lost at the north-west corner of the roundabout. There is a policy presumption against the loss or damage to a SSSI – a nationally important site for biodiversity. The loss of part of the SSSI appears unavoidable if the roundabout is to be enlarged in situ. The built development which surrounds it prevents alternative solutions.

7.24. This corner of the SSSI is made up of roadside amenity grass along with some gorse and scrub as opposed to the heathland habitats for which it is designated. A number of advertisements are also present. There would therefore be a technical loss of part of the SSSI rather than a

clear loss of the protected habitats in this case. Notwithstanding this the Parties worked with Natural England to formulate compensation and mitigation measures. This includes a detailed proposal to undertake off site habitat enhancements and management at the nearby Cockglode and Rotary woods (Mitigation proposals for loss of SSSI document dated July 2022 and received by the CPA on 08/08/2022-a copy of this also is included in the supporting documents and core documents for the public inquiry, **CD5.6**]). Natural England formally removed their objection, subject to conditioning the compensation and mitigation measures for the loss of the part of the SSSI. Therefore, the presence of the SSSI is not considered to impede the Ollerton scheme subject to complying with the condition.

7.25. In conclusion the projects as pieces of public infrastructure would deliver wide public benefits to the travelling public and to a range of non-motorised users. There would be net gains for ecology and improved surface drainage. The proposals would together reinforce the role of the A614 and A6097 as part of the Major Road Network, improve access for tourists and visitors to the County, and support local regeneration and housebuilding activity.

8. CURRENT PLANNING POSITION

8.1. All six planning applications were reported to the Planning and Rights of Way committee on the 27th September 2022 and the minutes [**CD4.1**] record the Committee agreed with the recommendations and all six planning applications were granted (subject to conditions) with the formal Decision Notices issued (and dated) on the 29th September 2022.

8.2. The planning permissions are (north to south):

- Ollerton - 3/22/00584/CMA
- Mickledale Lane - 3/22/00587/CMA (not being taken forwards)
- White Post - 3/22/00589/CMA

- Warren Hill - 3/22/00588/CMA
- Lowdham - PP 3/22/00586/CMA
- Kirk Hill – 8/22/00559/CTY

8.3. Copies of each of the committee reports, the minutes and decision notices are included in the list of supporting and core documents for the public inquiry as follows. The Committee reports are document reference no.s: **CD5.1.1, CD6.1.1, CD7.1.1, CD8.1.1, CD9.1.1, and CD10.1.1.** Decision notices are document reference no.s: **CD5.1.2, CD6.1.2, CD7.1.2, CD8.1.2, CD9.1.2, and CD10.1.2.** The minutes of the Planning and Rights of Way Committee is document ref no. **CD4.1.**

8.4. The planning permissions remain extant (conditions 1 require each to be commenced by 29/09/27 i.e., within five years of the grant) and no legal challenge has been made and none could now be made. None have been implemented to date as certain planning conditions require details to be approved prior to commencement and no such submissions have yet been made.

8.5. Matters which require pre commencement approval:

- i. Archaeology Written Schemes of Investigation (“**WSI**”) (Ollerton, Lowdham and Kirk Hill- conditions (“**C**”) 4);
- ii. Baseline noise surveys (Ollerton, Lowdham and Kirk Hill- C4);
- iii. Site investigation and risk assessments (Ollerton, Lowdham and Kirk Hill- C6);
- iv. Contamination watching briefs (Ollerton C7, White Post C5, Warren Hill C6, Lowdham and Kirk Hill- C7);
- v. Construction Environment Management Plans (Ollerton C9, White Post C4, Warren Hill C5, Lowdham and Kirk Hill- C9);

- vi. Details of construction compounds and soil storage areas (Ollerton, Lowdham and Kirk Hill - C10);
 - vii. Final drainage schemes (Ollerton and Lowdham - C12);
 - viii. Scheme for pre and post construction traffic count (Ollerton and Lowdham - C13);
 - ix. Final landscaping schemes (Ollerton and Lowdham – C15 and Kirk Hill - C13);
 - x. Biodiversity Net Gain Plans (Ollerton and Lowdham - C16 and Kirk Hill - C14).
- 8.6. In addition, there is a requirement at Ollerton under condition 17 to submit the final timescales for undertaking the approved mitigation proposals for the loss of part of the Birklands West and Ollerton Corner SSSI.
- 8.7. At Warren Hill there is a requirement under condition 4 requiring final design details for a turning area/link for cyclists traveling from the northbound A614 to the southbound A614/A6097.
- 8.8. There are also certain details requiring approval post commencement.
- 8.9. At Ollerton, condition 11 requires final design details for the replacement access (and boundary treatment) for No.1 Forest Side Cottage. Similarly, the final design details are needed for the access arrangements serving the Costa Coffee/Big Fish including any alterations within the car park and internal access routes. It also requires a pair of bus stops to be re-provided as well as other details.
- 8.10. At Lowdham, condition 11 requires final design details for a new boundary treatment to the corner of no.15 Nottingham Road and also the re-provision of the uncontrolled crossing over the A6097 south arm.

- 8.11. At Kirk Hill, condition 11 requires design details concerning the crossing facilities, including the new Pegasus crossing, as well as for highways signage, markings, signalling equipment, and fencing.
- 8.12. Whilst the above presents a reasonably long list of requirements that must be discharged, it should be noted that for many of the matters it is a case of finalising designs and securing these details for implementation. For example, detailed drainage and landscaping schemes formed part of the planning application submissions but certain changes may be anticipated at the final engineering design stage. Matters relating to Biodiversity Gain and in relation to the mitigation for the partial loss of the SSSI at Ollerton were also tested at the application stage and the effect of the conditions is to secure any final details along with the implementation/delivery of these necessary biodiversity works.
- 8.13. Subject to satisfying the CPA on the above conditional requirements, I do not consider there to be any unsurmountable impediments to the successful delivery of the projects.

9. SUMMARY

- 9.1. I am satisfied that in planning terms the objectives of the Scheme are consistent with the Local Development Plans and that material considerations support the proposals. Evidence of the Scheme's accordance with both local and national planning policy are evidenced further in the Committee Reports and Decision Notices issued by the CPA confirming that planning permissions have been granted for the Scheme and are extant.

10. STATEMENT OF TRUTH

- 10.1. I confirm that I am able to give evidence in light of my relevant experience as summarised above. I can confirm that the opinions given in this proof of evidence are my true professional opinions.

Date: 4 September 2023