

NCC/SM/2

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

SUMMARY PROOF OF EVIDENCE

OF

STEVEN MILLINGTON OF VIA EAST MIDLANDS LIMITED

ON BEHALF OF THE ACQUIRING AUTHORITY

SEPTEMBER 2023

1. QUALIFICATIONS AND EXPERIENCE

1.1 My name is Steven Millington. I hold a Higher National Certificate (“**HNC**”) in Civil Engineering from Derby University. My background is in civil engineering and my expertise extends to project management, delivery, contract management, Compulsory Purchase Orders (“**CPO**”) and Side Road Orders (“**SRO**”), and the preparation of planning applications and discharge of conditions. This expertise is relevant to the issues raised by the delivery of the A614/A6097 Junctions Improvement Scheme (“**Scheme**”).

1.2 I am a Senior Projects Manager, responsible for the delivery of major projects at Via East Midlands Limited (“**ViaEM**”), a company that since 29 March 2019 is fully owned by Nottinghamshire County Council (“**NCC**”). I have over 21 years’ experience in the delivery of highway and civil engineering infrastructure projects.

2. INVOLVEMENT WITH THE SCHEME

2.1 My role is to lead delivery of the Scheme on behalf of NCC and ViaEM. I directly manage project managers involved in the delivery of the Scheme and have worked closely with both Weightmans LLP and Bruton Knowles LLP on producing the documentation for the required SRO and CPO (together the “**Orders**”). I am responsible for the Land and Planning aspects of the Scheme being delivered by ViaEM and work closely with colleagues from across the organisation to ensure that requirements are met. I have been involved in the Scheme since 2022 and was involved in the submission of planning applications and making of the Orders.

3. SCOPE OF EVIDENCE

3.1 This Proof of Evidence summarises the background, need for and alternatives to the Scheme, and provides a summary of the current planning position. The evidence includes justification regarding the land required, specifically relating to Human Rights Considerations and the reasons for

acquisition of rights linked to the remaining objections from Motor Fuel Group, National Grid Electricity Distribution (“**NGED**”) and Mr and Mrs Orr-Palladino.

4. BACKGROUND TO THE SCHEME

- 4.1 The Orders were made pursuant to NCC’s resolution of 8 March 2022 [**Core Document (“CD”) 11.8**] and submitted to the Secretary of State for Transport for confirmation on 13 October 2022. One statutory objection and three non-statutory objections were received to the Orders. As of the date of this Evidence, three objections have been withdrawn. The last remaining objection is summarised in section 12.3 of my main Proof of Evidence with further details included in the Evidence of Nigel Billingsley [**NCC/NB/1**].
- 4.2 The Statement of Case [**CD1.1**] describes the aims and purposes of the Scheme and the reasons, deliverability and purposes for making the Orders. It demonstrates that the requirements of the non-statutory guidance document entitled “Guidance on Compulsory Purchase and the Crichel Down Rules” [**CD12.1.1**] and the requirements of the 1980 Act sections 14 [**CD12.2.1**] and 125 [**CD12.2.2**] relating to SROs (stopping up and the provision of alternative access arrangements) have been met.
- 4.3 Following the securing of planning permissions, NCC commissioned a review of the costing exercise for the Scheme package prepared by ViaEM with independent verification by Gleeds Cost Management Ltd. The main driver of this exercise was to ensure that any scheme package provided a high value for money rating whilst still delivering all the desired Scheme objectives as set out in the Outline Business Case (“**OBC**”) [**CD14.1**]. Full details of the review are provided in the main Proof of Evidence. As a result of the review, NCC proposed to omit the Mickledale Lane Junction from the Department for Transport’s (“**DfT**”) funded package. A report was taken to NCC Cabinet

on 22 June 2023 [CD11.9] which approved this change, and a five-junction scheme is now being progressed.

- 4.4 The CPO has been made under sections 239, 240, 246 and 250 of the 1980 Act [CD12.2.3 – 12.2.6]. The power of the 1980 Act enables NCC as acquiring authority to acquire land compulsorily, details of which are provided in the main Proof of Evidence.

5 HISTORY OF THE SCHEME

- 5.1 A summary of the history of the Scheme in chronological order can be found in the Evidence of Thomas Boylan [NCC/TB/1].

6 NEED FOR THE SCHEME

- 6.1 This section of the Proof of Evidence is to provide context for the Scheme and to justify the need for use of CPO powers to deliver it as soon as reasonably practicable, and to acquire the required land on its justification and need, as well as justifying the associated SRO. Additional justification of the need for the Scheme can be found in the Proof of Evidence of Thomas Boylan [NCC/TB/1].

7 ALTERNATIVES TO THE SCHEME

- 7.1 In line with best practice contained within the DfT's Transport Analysis Guidance ("TAG") [CD12.16] the County Council, as Acquiring Authority, considered a broad range of options to help reduce congestion and support economic development along the A614/A6097 corridor and to achieve the Scheme objectives as set out in paragraph 3.1.12 of the Statement of Case [CD1.1]. Further details of the alternatives to the Scheme are included in the Proof of Evidence of Thomas Boylan [NCC/TB/1].

8 CURRENT PLANNING POSITION

8.1 Planning applications for the Scheme were submitted on 28 February 2022. The documents submitted with each application are listed in paragraph 6.6.2 of the Statement of Case [CD1.1].

8.2 The planning applications were approved by NCC Planning and Rights of Way Committee on 27 September 2022. There was no legal challenge to the approvals during the statutory six-week time limit. There are a number of planning conditions to be discharged as part of the Scheme development. However, there are no conditions in place that are considered undeliverable. Further details on the Planning history and current position can be found in the Evidence of Joel Marshall [NCC/JM/1].

9 PRINCIPLES OF DESIGN AND CONSTRUCTION

9.1 The principles of design are covered in the Proof of Evidence of Richard Farmer [NCC/RF/1]. The Proof of Evidence of Thomas Boylan [NCC/TB/1] provides a detailed background to the location, size and form of the Scheme.

10 IMPACTS OF THE SCHEME ON THE LOCAL HIGHWAY NETWORK DURING CONSTRUCTION PHASE

10.1 To minimise disruption as much as possible during the construction phase for both the local community and existing route users, detailed Traffic Management plans, construction travel plans and a communication strategy are being developed for each junction. Early Contractor Involvement (“ECI”) with the Principal Contractor and ongoing interaction with National Highways will be imperative to ensure minimal disruption to the network as much as possible.

10.2 Section 5.9 of the Statement of Case [CD1.1] outlines the scoping and consultation processes completed as part of the design development for the Scheme. These exercises led to the preparation of the Environmental Impact Assessment (“EIA”) for the Ollerton, Lowdham and Kirk Hill junctions.

11 JUSTIFICATION OF LAND ACQUISITION

11.1 Side Roads Order

11.1.1 The SRO will, subject to confirmation by the Secretary of State for Transport, allow NCC to stop up existing side roads and private means of access affected by the Scheme, to improve existing side roads and to create new side roads and private means of access required as a consequence of the main works. The proposed alterations to existing highways and private means of access that will be affected by the Scheme are detailed in the SRO Schedules and plans included in core documents Section 2.

11.2 Compulsory Purchase Order

11.2.1 The Scheme requires the acquisition of land and rights for which a CPO has been made. NCC are negotiating with the owners of affected land in order to secure the land and rights required by Agreement. However, in order to ensure that the land and rights are secured in a timely, efficient and economic manner, NCC are seeking compulsory purchase powers.

11.2.2 NCC have carried out extensive consultation with affected landowners in order to achieve an acceptable Scheme proposal, whilst having regard to the First Protocol of the European Convention on Human Rights.

11.2.3 Negotiations with affected landowners to progress the voluntary acquisition of land interests required for the Scheme are ongoing. These negotiations are being led by NCC and will continue until agreement is reached, wherever possible. As of the date of this Evidence, agreement has been reached with five affected landowners, including the Crown Estate land at Kirk Hill Junction which must be acquired by agreement and cannot be acquired through the use of CPO powers.

11.3 Objections to the Statutory Orders

11.3.1 One statutory objection and three non-statutory objections were made to the Orders. NCC has considered the four objections and remains satisfied on both the justification for the Order and the need for the land identified within it, except for any modifications which NCC will promote.

11.3.2 The latest information related to affected landowners who have objected to the Orders is covered in the Proof of Evidence of Nigel Billingsley [**NCC/NB/1**]. A short summary of each objection is included within the main Proof of Evidence.

12 HUMAN RIGHTS CONSIDERATIONS

12.1 The Human Rights Act 1998 ("**1998 Act**") incorporated into domestic law the European Convention in Human Rights ("**Convention**"). The Convention includes provision in the form of articles, the aim of which is to protect the rights of the individual.

12.2 Extensive consultation has been undertaken during the planning application process. Further representations have been made in the context of the Public Inquiry which the Secretary of State has given notice of intention to hold in connection with the Orders.

13 SCHEME FUNDING

13.1 Full details of the funding package secured for Scheme delivery can be found in the Proof of Evidence of Joelle Davies [**NCC/JD/1**].

14 SUMMARY

- 14.1 I consider that the junction improvements proposed by the Scheme meet the primary objectives of alleviating congestion; supporting economic growth and housing delivery; supporting the SRN; and reducing journey time delays and variability for all road users.
- 14.2 As the Scheme costs have increased due to both design development and external inflationary pressures, the proposed improvements to the Mickledale Lane Junction have been removed from the DfT funded Scheme. The six-junction Scheme is therefore now being progressed as a five-junction Scheme.
- 14.3 I am satisfied that this Evidence, together with the other Evidence provided on behalf of NCC as the Acquiring Authority, demonstrates deliverability and purposes of the Scheme for making the Orders.