

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

THE NOTTINGHAMSHIRE COUNTY COUNCIL (B684 TO A612 LINK ROAD) A6211 GEDLING ACCESS
ROAD (SIDE ROADS) ORDER 2018

THE NOTTINGHAMSHIRE COUNTY COUNCIL (GEDLING ACCESS ROAD) COMPULSORY PURCHASE
ORDER 2018

PROOF OF EVIDENCE

OF

DAVID PICK OF NOTTINGHAMSHIRE COUNTY COUNCIL

ON BEHALF OF THE ACQUIRING AUTHORITY

1. QUALIFICATIONS AND EXPERIENCE

- 1.1. My name is David Pick. I hold a First Class Honours Degree in Geography (BA Hons) from Hull University and an MSc in Transport Planning and Traffic Engineering from Birmingham University.
- 1.2. I am a Principal Officer in Transport Planning in the Transport Planning and Programme Development team at Nottinghamshire County Council ("**NCC**"). I have worked for NCC since 1983 predominantly in transport planning and highway development control matters. My expertise extends to traffic modelling and transport planning and most recently I have been involved in the planning of the proposed Gedling Access Road ("**Scheme**").
- 1.3. I have over 35 years' experience in transport planning and transport assessment matters for the local highway authority.

2. INVOLVEMENT WITH THE SCHEME

- 2.1. I was first introduced to the proposals for an access road through Gedling in 1983, which at that time was named 'the Gedling Bypass' and formed part of the proposed Nottingham Eastern Outer Loop Road ("**EOLR**"), when I was first employed by NCC. I have worked continuously over the past 35 years on the EOLR which has been implemented in discrete phases and most recently the section immediately south (known as the Gedling Major Integrated Transport Scheme) ("**GMITS**") which opened to traffic in 2007.
- 2.2. I together with my council colleagues and members of the Via East Midlands' ("**Via EM**") project team have been responsible for the delivery of the Scheme through the statutory planning processes and I have worked on the application submission which resulted in the grant of planning permission reference 2014/0915 ("**Original Permission**") authorising delivery of the Scheme. I was subsequently involved in the variation to the Original Permission facilitated by way of application under section 73 of the Town and Country Planning Act 1990 ("**1990 Act**") removing the requirement to phase the Scheme's delivery. This resulted in the grant of permission reference 2015/1033 ("**GAR Permission**"). The GAR Permission is the operative consent through which the Scheme is being delivered.

3. SCOPE OF EVIDENCE

- 3.1. This Proof of Evidence focuses on matters relating to the planning and suitability of the Scheme under consideration, for which NCC is seeking to acquire the Order Land compulsorily. My Evidence includes background to the planning consent process authorising the Scheme, the accompanying environmental impact assessment, and the planning benefits that will be delivered by the Scheme, including in unlocking the DA for a mixed-use regeneration scheme.
- 3.2. My Evidence also includes an appraisal of the Scheme against relevant national and local planning policy and a consideration of the Scheme's compliance with the relevant policy framework. My Evidence also deals specifically with points raised in the objections of Midlands Land Portfolio Limited ("**Midlands Land**"), Mr Christopher Reckless ("**Mr Reckless**") and Mr Carl Walker ("**Mr Walker**") regarding the Scheme junction with the A612 / Burton Road.

4. PLANNING HISTORY OF SCHEME AND ASSOCIATED DEVELOPMENT

- 4.1. The Secretary of State for Housing, Communities and Local Government carefully considered the case for 'calling in' the Scheme planning application. He determined that call in of the application was not necessary, this was confirmed in a letter to GBC dated 2nd December 2014. The letter concluded that GBC, as LPA were the relevant authority to determine the application for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 4.2. The Original Permission was granted on 23 December 2014 authorising construction of the Scheme. The Original Permission included a requirement to construct the GAR in two phases. The first phase being the early construction of a roundabout forming a junction between the A6211 Arnold Lane and the Gedling Colliery and Chase Farm development area ("DA"). The primary purpose of this roundabout was to support a first phase of housing within the DA.
- 4.3. Homes England ("HE") made an application to vary condition 1 of the Original Permission by application under section 73 of the 1990 Act on 7 August 2015. The section 73 application proposed the removal of phasing for the early construction of a roundabout forming a junction between Arnold Lane and the DA and gave rise to the grant of the GAR Permission, which was granted on 3 June 2016.
- 4.4. This GAR Permission allows the Scheme to be constructed as a single phase and provides additional benefits when compared to the Original Permission as it promotes the achievement of a better balance of cut and fill for the earthworks and minimises the importing of materials that would have been required to build the new roundabout.
- 4.5. Keepmoat submitted a full planning application for phase 1 of the DA comprising 506 dwellings (2, 3, 4 and 5-bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure in November 2015. This application was given the reference 2015/1376 and included an application for outline planning permission for subsequent phases, with all matters reserved except for indicative access to the sites from phase 1, and future access from the Scheme. The local centre and education facilities are contained within the outline application. The application included proposals to access the first phase of the development solely from Arnold Lane using the old colliery access road.
- 4.6. Planning permission for the DA application 2015/1376 was granted by GBC on 3 March 2017 **[CD13.23]** and construction commenced on the first phase of housing in Spring 2017. The proposed mixed-use development was and will continue to be planned around the Scheme and there is a planning condition attached to the Keepmoat permission that restricts the number of houses that can be built and occupied in advance of the opening of the Scheme to traffic - this limit is 315 homes.

5. PLANNING APPLICATION PROCESS

Consultation through the Application Process

- 5.1. Throughout the development of the Scheme through to its current form NCC has been committed to an active engagement strategy which has comprised discussions with the Local Planning Authority (“**LPA**”) (Gedling Borough Council (“**GBC**”)), key stakeholders and local residents. A comprehensive review of the consultation process is provided in the Statement of Community Involvement [**CD4.11**] which was submitted as part of the application that secured the grant of the Original Permission.
- 5.2. Since its inception, a collaborative approach has been taken to the delivery of the Scheme and the intrinsically linked DA projects. As part of the section 73 application process that resulted in the grant of the GAR Permission, monthly meetings were held with the client team at HE together with their consultants and key officers involved in the Scheme representing NCC and GBC.
- 5.3. Statutory Consultees were also contacted in the course of undertaking the Environmental Impact Assessment (“**EIA**”) required prior to the grant of the Original Permission and as part of the pre-application process associated with that consent, their feedback was disseminated and used to inform the development proposals. Their comments and requirements were addressed and incorporated in the EIA and planning application process.
- 5.4. It was agreed that public exhibitions would form the main element of the consultation strategy in order to enable as many local people as possible to view the plans and to have an opportunity to make comments and to discuss any concerns with members of the team.

Public Consultation Pre-Planning

- 5.5. A target area was defined, and a flyer was sent out to advise local residents of two consultation events. The target area covered some 10,000 properties in the area. The events were also advertised in the Nottingham Post and via an article on the newspaper’s website, posted on 21 June 2014. The first event was held at the Gedling Memorial Hall on 23 June 2014, with a second event at the Mapperley Plains Recreational and Social Club on 27 June 2014.
- 5.6. A separate preview of the proposals was arranged for Members of NCC and GBC with a short briefing being provided. A number of meetings were also held with small groups of local residents and organisations (see below) in response to particular issues and queries as they arose.
- 5.7. When it became apparent that some households within the area had not received the flyer, a further round of publicity was arranged to advertise an additional consultation event held on 7 July 2014 at Gedling Memorial Hall. A press release was issued on 21 June 2014 and the event was promoted through various other means including GBC’s website and through social media including Facebook. The proposals were made available to view on NCC’s website for those unable to attend the exhibition on 7 July 2014.

- 5.8. A questionnaire was provided to enable comments to be made either at the exhibitions or to be returned later by post or e-mail. A dedicated e-mail address was also made available for comments to be made electronically.
- 5.9. A series of banners was produced on which the background to and details of the proposed Scheme were displayed. Representatives from HE, the local authorities and the consultant team were available at each of the consultation events to explain the proposals and to answer queries. Those attending were encouraged to comment using a short questionnaire.
- 5.10. The events were very well attended with approximately 1,000 people viewing the proposals over the three events. Approximately 200 written responses were received. Overall, there was considerable support for the proposals, with many people recognising the need for, and benefits of, the new road. A number of issues and queries were raised and as might be expected, the main concerns relate to the potential increases in traffic, the close proximity of the new road to existing properties, issues relating to the selected route and the design and arrangement of junctions. Noise and pollution were also raised as concerns, together with the impact on the local environment and use of greenfield land. The key points made by respondents are summarised below.
- 5.11. Traffic and noise issues:
- Traffic will increase on local roads in the vicinity;
 - Plains Road is too busy to accommodate any further increase in traffic;
 - The proposals will alleviate problems in Arnold but create traffic problems in Mapperley Plains;
 - The volume of traffic will create congestion, noise and pollution problems;
 - The new road will not be able to cope with all the additional traffic generated by the proposed new development;
 - The road junctions on Mapperley Plains are too close together;
 - The proposals will cause disruption and noise during the construction period;
 - The route is too close to existing housing; it should be sited further away from residential properties;
 - The route should be extended across Wembley Road to connect with Arno Vale Road;
 - An alternative route via Lambley Lane, across fields to join the B684 would be preferable;
 - The route needs better provision for cyclists and pedestrians;
 - Measures are needed to prevent traffic from continuing to use Arnold Lane e.g. weight limits, speed restrictions, traffic calming; and
 - There should be restrictions on access to Gedling Village.
- 5.12. Environmental:
- There will be noise issues in what is currently a rural area;
 - The road will have a detrimental impact on the Country Park, on local wildlife and on the environment, generally;
 - The proposed route is too close to Gedling House Woods;
 - The two lagoons in the Country Park are public amenities with picnic sites and wildlife; the route of the Scheme should be moved further south to avoid this area;
 - The road is on embankment and cuts across greenfield land;

- A great deal of money is being spent on a road which will not bring much benefit without significant new infrastructure being provided; and
- The Scheme may encourage new development in the Green Belt.

5.13. Other:

- There are not enough doctors, schools and other facilities to support additional housing;
- The road should be built before any new housing is completed;
- There should be a light rail connection to the new road;
- More information is required on traffic flows; and
- Further information and consultation on the plans is needed.

5.14. Many of those attending the consultation were aware that the Scheme was a longstanding proposal that has been included in planning documents for many years. The benefits of the road to the local area were generally recognised, with many local residents considering that it would ease traffic congestion in the area and improve the local residential environment.

5.15. Following the consultation events, HE and NCC dealt with a number of telephone queries and wrote to ten individuals and two Councillors providing details of the proposals and the address of GBC's website.

5.16. Two meetings were held with the Woodbridge Scout Group to discuss the plans for the Scheme and its impact on the Scout Group site.

5.17. Meetings were also held with a small group of local residents from Whitworth Drive and Burton Road concerned about the impact of the proposed junction of the Scheme with the A612 Nottingham Road and Burton Road and with the owners of Gedling Wood Farm to discuss access arrangements to the farm.

5.18. As a direct result of discussions with local residents and others through the consultation process, the following changes were made to the design of the Scheme:

- Scout Hut Access at Mapperley Plains - Provision of a 3m right turn harbourage protected by central islands;
- Changes to the B684 Mapperley Plains / Scheme junction to provide a left turn only lane to aid road safety at and in the vicinity of this junction;
- Re-positioning of the roundabout access to the Country Park and the alignment of the Scheme to ensure that the two lagoons which are a valued public amenity are not affected by the new road;
- Land Opposite Gedling Wood Farm - Red line boundary shifted slightly for additional screening;
- The alignment has been adjusted between Gedling Wood and Burton Road to move the road away from Whitworth Drive and remove impact on existing tree screen. Approx. 9m shift at Meadowcroft and 5m shift at 246 Nottingham Road. The Red Line boundary on the school side of the road has been adjusted to replicate the original distance between the edge of the embankment; and
- Changes to the Scheme / A612 junction to remove the left turning slip road to improve amenity and road safety for children attending the Carlton Le Willows Academy.

- 5.19. NCC have a dedicated webpage (www.nottinghamshire.gov.uk/GAR) associated with the Scheme and this provides links to all partner sites. There have been various press releases linked to both the Scheme and the DA, again providing further opportunity for the community and stakeholders to be kept informed with progress and key milestones, these are shared through social media platforms and in the local press.

Environmental Impacts Assessment Screening and Scoping

- 5.20. The Scheme has been developed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 (“**Regulations**”) to ensure a comprehensive and robust assessment of environmental matters during the planning application process.
- 5.21. A Scoping Opinion request was submitted to GBC and a response from the LPA in relation to the Scoping Opinion was received in June 2014. The Scoping Opinion confirmed that the planning application for the Scheme would require an Environmental Statement (“**ES**”).
- 5.22. Following further discussions with the LPA the EIA was agreed to cover the following matters:
- Collating existing baseline data for the development site and the surrounding area;
 - Identifying features of the existing environment likely to be affected by the proposed development;
 - Production of an EIA scoping report detailing the scope of the assessment;
 - Liaison with consultees;
 - Undertaking environmental surveys to supplement existing baseline data;
 - Identifying the environmental impacts of the proposed development;
 - Substantiation of the environmental impacts and effects arising from the proposed development;
 - Providing feedback into the design process;
 - Identifying mitigation and enhancement measures; and
 - Reporting the process and assessment findings in an ES report to support the planning submission.
- 5.23. Planning application reference 2014/0915 was submitted by White Young Green (“**WYG**”) on behalf of HE on 1 August 2014 and confirmed as received on 2 August 2014 by GBC as LPA, giving rise to the grant of the Original Permission. The following documents were submitted with this application, alongside the ES:

Document	CD Reference
Environmental Statement – Volume 1 and Volume 2	4.5 (Volume 1 – 4.5.1 to 4.5.13) (Volume 2 ES Appendices 1 – 12 – 4.5.14)
Environmental Statement – Non-Technical Summary	4.5.15
Design and Access Statement	4.6
Transport Assessment	4.7

Noise Assessment	4.8
Planning Statement	4.9
Arboricultural Report and Tree Constraints Plan	4.10
Statement of Community Involvement	4.11
Flood Risk Assessment	4.12
Very Special Circumstances Statement	4.13
Secretary of State's Call-In Decision Letter Date 2 December 2014	4.14

- 5.24. The application was also supported by a number of engineering plans and drawings and details of the approved plans, as shown on the Decision Notice [CD4.1]. Details of which are provided in the table below:

Document Title	Drawing Number	CD Reference
Red Line Boundary Climbing Lane Option (Sheet 1 of 3)	GAR02-1	4.4.1
Red Line Boundary Climbing Lane Option (Sheet 1 of 3)	GAR02-2	4.4.2
Red Line Boundary Climbing Lane Option (Sheet 1 of 3)	GAR02-3	4.4.3
Proposed Scheme Layout Climbing Lane Design (Sheet 1 of 3)	GAR17	4.4.4
Proposed Scheme Layout Climbing Lane Design (Sheet 2 of 3)	GAR18	4.4.5
Proposed Scheme Layout Climbing Lane Design (Sheet 3 of 3)	GAR19	4.4.6
Additional Cross Section for Planning Application	Design Sketch GR1	4.5.7

Formal Planning Application Consultation Process

- 5.25. In accordance with section 13(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 ("DMPO"), a formal consultation process was undertaken in which all landowners within the red line boundary of the application were notified of the proposals, details of those notified expressly in the post are listed in [CD4.16].
- 5.26. To ensure a comprehensive approach to the consultation process and in accordance with section 13(b) of the DMPO a notice of the proposed development was also published in the Nottingham Post in 2014.

Section 73 Application

- 5.27. HE made an application to vary condition 1 of the Original Permission by application under section 73 of the 1990 Act on 7 August 2015. The application, reference 2015/1033, which resulted in the grant of the GAR Permission proposed the removal of phasing for the early construction of a roundabout forming a junction between Arnold Lane and the DA.
- 5.28. Prior to this an earlier section 73 application, reference 2015/0110, was consented and varied condition 2 of the Original Permission by insertion of references to new drawing numbers. This allowed for limited vegetation clearance associated with gas main realignment to be undertaken.

- 5.29. The GAR Permission is the consent that is being implemented to deliver GAR and the section 73 variation removed the conditions associated with phasing included in the Original Permission. With the exception of phasing conditions, the GAR Permission includes the same conditions as the Original Permission, some of which require discharging prior to commencement of development and a number of others linked to site clearance required for the main construction works and demolition.
- 5.30. The phasing condition was seen as impeding the progress of the Scheme and the section 73 variation to the Original Permission was approved in May 2016, removing the condition associated with phasing, resulting in the granting of the GAR Permission. This change was due to a range of factors including but not limited to the timing of planning for GAR, planning status of the DA and engineering challenges on the DA resulting from starting the development at the top of the site (the highest point being off the roundabout junction with Arnold Lane).
- 5.31. The GAR Permission removes the requirement for phase 1 to be constructed as a discrete and separate piece of work and enables the work to be incorporated into the main contract delivered as a single phase. However, opportunities were taken to undertake gas diversion works on Arnold Lane and site clearance works. This work has been completed and these costs have been included in both the Scheme estimates and income for the construction work.

6. LEGISLATIVE AND PLANNING POLICY CONTEXT

- 6.1. I consider in this section the planning policy relevant to the Scheme and Public Inquiry taking into account Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("**2004 Act**") which requires that all applications for planning permission be determined in accordance with the provisions of the statutory development plan and any other material considerations, including national planning policy, emerging planning policy and guidance documents.
- 6.2. When GBC determined both the Original Permission and the GAR Permission, the statutory development plan for this area comprised of:
- The "saved" policies of the Gedling Borough Replacement Local Plan 2005 ("**Local Plan 2005**") [CD11.1].
- 6.3. Other material considerations were:
- The emerging Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies (formally adopted September 2014) ("**ACS**") [CD11.2];
 - National Planning Policy Framework (March 2012 – edition in force at time GAR Permission was determined) ("**NPPF 2012**") [CD10.2];
 - Gedling Colliery and Chase Farm Development Brief – Supplementary Planning Document (formally adopted 19 June 2008) ("**SPD**") [CD11.9]; and
 - National Planning Policy Guidance (2014).

Local Plan 2005

- 6.4. The Local Plan 2005 provided the main planning framework for the Borough of Gedling and was the relevant plan at the time of submission and determination of the Scheme (until replaced by the ACS and Local Planning Document 2018 (“**LPD 2018**”)). In July 2008 the adopted policies were reviewed and either saved or deleted.

- 6.5. The Scheme was identified as an allocation within the Local Plan 2005 to be developed in conjunction with the Development Area (“**DA**”) under Policy H3 ‘Land at the Former Gedling Colliery and Chase Farm’. The following extract from Policy H3 was saved and related to the DA, setting out the requirement to provide a new access road from Burton Road to Arnold Lane:

“POLICY H3 LAND AT FORMER GEDLING COLLIERY AND CHASE FARM

“Planning permission will be granted for the mixed development of land at, and adjoining, the former Gedling Colliery site, as identified on the Proposals Map. The development will provide for up to 1,120 dwellings, with 700 to be completed by 2011, and 6 hectares of employment land subject to:

a. a phased programme of implementation to be agreed with the Borough Council and County Council through joint Legal Agreements to ensure a comprehensive development solution and that the following are provided:

(i) construction of an access road, (as identified on the proposals map, from Burton Road to Arnold Lane) and necessary junction improvements; the construction of the access road shall be completed before any of the dwellings are occupied.....”

- 6.6. Paragraph 2.35 of the Local Plan 2005 expanded further on the requirement for the access road to facilitate redevelopment of the DA:

“Providing adequate facilities and infrastructure to accommodate the transportation needs resulting from the development of the site is an important component in the successful integration of the site with the existing urban area. An independent study commissioned jointly by the Borough Council and the County Council concluded that the access road, as identified on the proposals map, and junction improvements will be required to serve the development. The access road will have the added benefit of reducing the level of traffic on the A6211 and providing environmental improvement for residents along this route. The Gedling By-Pass is identified as a long-term proposal by the County Council in the 1996 Structure Plan Review which predates the Government's White Paper on Transport in 1998. Since then it has been made clear it will not receive public funding within the plan period. The access road will therefore require to be funded entirely by the development of the site. The construction of the access road shall be completed before any of the dwellings are occupied or any of the employment development is brought into use. The access road is to incorporate a satisfactory junction at Mapperley Plains (including any traffic management measures on the approach roads to that junction).”

- 6.7. It was proposed that the Scheme be developed in conjunction with the re-development of Gedling Colliery for residential, employment and community related uses. Furthermore, the alignment of the Scheme was designed to follow the route identified in the Local Plan 2005

as far as practically possible, taking into account physical constraints and the need to protect features of nature conservation, ecological and built heritage importance.

- 6.8. Based on the above it was therefore considered that the Scheme complied with the requirements of Policy H3 as far as practically possible.
- 6.9. Policy ENV26 'Control over Development in the Green Belt' sought to resist inappropriate development in the Green Belt. The policy defined appropriate Green Belt development as that which is essential development for agriculture and forestry, the provision of outdoor sport and recreation facilities or cemeteries. The policy also required that:

"In all cases new development (in the Green Belt) must be designed and sited so as not to harm the openness of the Green Belt or the purpose of including land within it."

- 6.10. A significant proportion of the route of the Scheme falls within the Green Belt and was designated as a Mature Landscape Area. Whilst the Scheme does not fall within the definition of 'appropriate Green Belt use' as set out within the Local Plan 2005, it was a development which was allocated within the Local Plan 2005 and therefore significant consideration had been given to the appropriateness of the Scheme being located within the Green Belt.
- 6.11. Further, it was considered that the construction of the Scheme would not conflict with the purposes of including land within the Green Belt. A significant proportion of the road itself will be set within a cutting and the layout and lighting will be carefully designed to minimise its impacts upon the Green Belt. It was therefore considered by the Planning Officer in his Report [CD4.2] that, by virtue of its nature and appearance, the Scheme would not have a significant impact upon the openness of the Green Belt and it would not result in any settlement coalition, urbanisation or significant encroachment thereon.
- 6.12. Policy ENV37 'Mature Landscape Areas' sought to resist development which would have an adverse effect on the visual, historic or nature conservation importance of a Mature Landscape Area unless it could be demonstrated that the need for the proposals clearly outweighed the need to safeguard the area's intrinsic value. Where development was permitted, proposals and mitigation measures were required to ensure that harm was minimised.
- 6.13. The Scheme was routed through land formerly designated as a Mature Landscape Area. This was regrettable but unavoidable, due to site circumstances and topography. The proposed benefits being brought about by the Scheme include the facilitation of the development of a primarily brownfield site for mixed-use sustainable development and a reduction in traffic congestion on other roads within the locality. It was therefore considered by the Planning Officer in his Report that the benefits of the proposal would far outweigh any impact upon the designated Mature Landscape Area.
- 6.14. Policy ENV1: Development Criteria stated that planning permission would only be granted for development which was of a high standard of design, would not have any adverse impacts upon the amenities of adjoining occupiers or the locality in general, including provision for safe and adequate vehicular and pedestrian movements, that was laid out to

incorporate crime prevention measures and that incorporated best practice in the protection and management of water resources.

- 6.15. The Scheme has been designed to a high standard taking into account the site conditions and constraints along its route and the need to provide a viable route which is safe and meets with all relevant highway design criteria.
- 6.16. Policy ENV2 dealt with Landscaping stating that landscaping required as part of a new development should complement existing development, retain and enhance where possible established features, reflect the character of the surrounding landscape/townscape, incorporate native British species and create new or enhance existing features of nature conservation value.
- 6.17. A request to submit a detailed landscaping scheme is a condition of the GAR Permission. The landscaping scheme will ensure that the Scheme is screened from surrounding views where appropriate and/or necessary through the provision of a mixture of planting, bunding and fencing along the length of the Scheme.
- 6.18. By its very nature, the Scheme will result in an increase in noise as a result of increased traffic within the area surrounding the route. The Noise Assessment **[CD4.8]** submitted with the Original Permission assessed fully the potential noise impacts of the Scheme both during construction and operation. With the introduction of acoustic screening through landscaping and fencing along certain parts of the route of the Scheme, it is calculated that the road will operate within acceptable noise parameters.
- 6.19. Policy ENV18 dealt with the Demolition of Listed Buildings stating that planning permission for development involving the demolition of a listed building would not be granted unless clear and convincing evidence was submitted to prove that all reasonable efforts had been made to sustain existing uses or that preservation was not suitable.
- 6.20. The proposed route of the Scheme intersects with part of the walled garden at the Grade II listed Gedling House. Due to the topography of the land in this location and other site circumstances, the loss of a section of the walled garden is unavoidable. It is however considered that through mitigating archaeological works, impacts upon this historic feature can be minimised and the wall reinstated in a slightly re-aligned location without a significant loss of its historic integrity. Listed Building Consent for the works was granted with reference 2014/0916 **[CD8.1]** however it expired without having been implemented. A refreshed application for Listed Building Consent, reference 2019/0830, was submitted to GBC on 11 April 2019 together with an accompanying Heritage Statement **[CD8.2]** and is expected to be determined on or before 9 June 2019. I understand that evidence has been submitted to the Inquiry on behalf of Christopher Reckless, the owner of Plots [xx] included within the CPO. It is difficult to discern the nature of his objection based upon the submissions to the Inquiry dated 17 May 2019 however in so far as these relate to heritage issues it should be noted that Listed Building Consent reference 2014/0916 was granted by GBC. Mr Reckless did not object to either Listed Building Consent application.
- 6.21. Policy ENV31 'Safeguarded Land' specified that land identified as safeguarded land on the proposals map should be safeguarded from inappropriate development.

- 6.22. The route of the Scheme was safeguarded as such in the Local Plan 2005 but was shown as an indicative dotted line only. In designing the Scheme, its route has been developed through site surveys, site circumstances and constraints as that which is most appropriate in the locality in terms of land take, visual appearance and environmental/engineering factors. The Scheme's route therefore follows the indicative route in the Local Plan 2005 as closely as practicably possible.
- 6.23. Provision of the Scheme is identified in the ACS and LPD 2018 as an essential requirement for regeneration of the DA in the adopted and planning policy for Gedling Borough and is therefore considered to accord with the aims and policies of the NPPF.
- 6.24. Provision of the access road is also considered to accord with the strategic objectives of the third Nottinghamshire Local Transport Plan ("NLTP") [CD11.4] in terms of; supporting growth through the regeneration of the former colliery site, delivering traffic relief to adjacent roads within Gedling which will help to support a thriving local economy and minimise the impacts of transport on people's lives as well as improving access to new employment opportunities.

The ACS

- 6.25. The ACS was adopted in September 2014, at which time it became part of GBC's statutory development plan.
- 6.26. Paragraph 2.4.1 of the Spatial Objectives relating to housing includes at (ii), that "Gedling Colliery/Chase Farm is identified as a strategic location for at least 600 houses with further work to be undertaken on agreeing the funding for the necessary highway infrastructure".
- 6.27. The former Gedling Colliery is also identified as a brownfield regeneration area under the regeneration section of the Spatial Objectives at 2.4.1 (v).
- 6.28. Section A of the ACS deals with Sustainable Growth and includes Policy A which sets out a presumption in favour of sustainable development. Policy 1 deals with Climate Change and covers matters such as sustainable design, reducing carbon dioxide emissions and flood risk and sustainable drainage.
- 6.29. Policy 2 sets out the spatial strategy for the area and includes proposed housing numbers. GBC needs to provide 7,250 additional homes in the period from 2011 to 2028. A number of strategic locations are identified, including the DA, as being contingent on the Scheme coming forward. The ACS provides that no more than 600 homes can be built and occupied in the DA before the Scheme is opened to the public. It is that noted non-strategic sites have been allocated through GBC's LPD 2018. The policy also deals with employment development and again the DA is identified as a strategic location for employment use. The Scheme is noted as a highway scheme with no committed funding, but which is important to the delivery of the Core Strategy.
- 6.30. Paragraph 3.2.9 notes that within the DA, further homes and employment land are capable of being delivered although the upper limit of numbers/floorspace is uncertain at present. Paragraph 3.2.24 indicates that the redevelopment of the DA is a regeneration priority for

GBC, but it is acknowledged that there are challenging delivery issues for this former Colliery site.

- 6.31. Policy 3 deals with the Green Belt. The policy states that the principle of the Nottingham Derby Green Belt will be retained. The Local Planning Document 2018 reviewed Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies, in particular in respect of the strategic locations and the Key Settlements named in Policy 2. A section of the route of the Scheme crosses Green Belt land and this will be taken into account in its design, particularly in relation to its impact on the openness of the Green Belt. It should be noted that the Scheme was included within the Local Plan 2005, during the preparation of which Green Belt issues were fully considered and the principle of the Scheme endorsed by the Secretary of State. The Scheme is also shown on the adopted Policies Map for the LPD 2018.
- 6.32. Policy 4 concerns Employment Provision and Economic Development. It is proposed that GBC will provide a minimum of 23,000 sqm of new office and research development floor space (2011 – 2028) and provide a range and choice of sites up to 2028 for new and relocating industrial and warehouse uses (in Use Classes B1(c), B2 and B8). As a minimum, 10 hectares will be identified in Gedling. The DA is identified as a site for significant new economic development.
- 6.33. Policy 6 notes that a local centre will be required at the DA. Policy 7 deals with Regeneration and states that, “[the DA] offers the opportunity for the redevelopment and reuse of brownfield land to create a new sustainable neighbourhood. It will be designed to engender a safe and strong community and to create a place of distinction and will require the construction of the [Scheme]”.
- 6.34. Transport Infrastructure Priorities are set out in Policy 15. The Scheme is included as a highway improvement scheme with no committed funding, but which remains important to the delivery of the Core Strategy. Supporting paragraph 3.15.2a states:
- “significant progress has been made in terms of putting together a funding package for the construction of the GAR which has an estimated cost of £32.4 million. The Local Transport Board and the Homes and Communities Agency have committed some funding and other sources of funding are being pursued. A revised planning application for the [Scheme] is being prepared and expected to be determined in the summer 2014. Subject to funding, construction of the first phase of the [Scheme] is expected to commence shortly after this and be substantially completed by April 2015.”*
- 6.35. Appendix 2 of the document includes the Scheme as a critical infrastructure requirement to facilitate the DA and made provision for the construction of the Scheme to facilitate both housing development and as a regeneration location for employment. The Scheme is considered to be compliant with emerging policies, notwithstanding that part of the route crosses land within the Green Belt.

National Planning Policy Framework (“NPPF”)

- 6.36. The NPPF sets out the government’s planning policies for England and replaces all former Planning Policy Guidelines (“PPGs”) and Planning Policy Statements (“PPS”) (with the

exception of the Waste Planning Policy Statement which remains in place until the National Waste Management Plan is published). The NPPF 2012 was a material consideration in both the Original Permission and the GAR Permission.

- 6.37. The NPPF 2012 advised that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). Paragraph 14 stated that there is a presumption in favour of sustainable development at the heart of the NPPF and explained that for decision making this means where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- *“Any adverse effects of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or:*
 - *Specific policies in this framework indicate development should be restricted.”*
- 6.38. This positive approach is reflected in paragraph 187 of the NPPF 2012 which stated that “Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.”
- 6.39. Delivering sustainable development is one of the main themes of the NPPF 2012. Within this overarching objective is a focus on building a strong, competitive economy (paragraphs 18-22). Paragraph 20 noted that “to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”. Paragraph 21 advised that local authorities should (inter alia) “identify priority areas for economic regeneration, infrastructure provision and environmental enhancement”.
- 6.40. NPPF 2012 advised that promoting sustainable transport also plays a role in delivering sustainable development (paragraphs 29-41). Paragraph 30, for example, indicated that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Delivering a wide choice of high-quality homes was also a key part of the sustainable development agenda.
- 6.41. The role of the Scheme is twofold. Primarily, the Scheme will enable the full redevelopment of the DA for both housing and employment uses to assist in the regeneration objectives of the former adopted Local Plan 2005, the ACS and the LPD 2018. The Scheme will also provide a ‘bypass’ around Gedling, linking the area with the wider road network and consequently, Nottingham City Centre. In addition, the Scheme will ease traffic congestion on other roads surrounding the former Colliery site, e.g. Arnold Lane.
- 6.42. It is considered that the Scheme will not only facilitate a large scale, sustainable urban regeneration project, but will also create safe and efficient linkages to other parts of the Borough and City for the private car user, public transport users and cyclists alike. It is therefore considered that the Scheme will be in accordance with the urban regeneration and sustainability objectives of the NPPF as set out in 2012.

Green Belt

- 6.43. The NPPF 2012 noted that the government attached great importance to protecting Green Belt land. Paragraph 79 stated:

“the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and their permanence.”

- 6.44. Paragraph 80 set out the five purposes of Green Belt as follows:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.45. LPAs were advised that, once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan (paragraph 83).

- 6.46. Part of the route of the Scheme will traverse Green Belt land. As noted above, the indicative route of the Scheme was established in the adopted Local Plan. As such the policy considerations related to Green Belt have been fully explored through the Local Plan process. Following the adoption of the ACS, the LPD 2018 reviewed Green Belt boundaries, in particular in respect of the strategic locations for development set out in Policy 2 of the ACS, of which the DA was one.

- 6.47. The Scheme is an essential component of the ACS for Gedling, providing access to the DA. Its construction will facilitate the urban regeneration of a brownfield site, in line with one of the purposes of Green Belt. Without the Scheme and its associated DA, the adopted ACS and the LPD 2018 would be undermined fundamentally and critically undeliverable. Mitigation measures will ensure that any impact of the Scheme on the openness of the Green Belt, (assuming that a section of it will remain within the Green Belt), are minimised.

Flood Risk

- 6.48. The route of the Scheme is located within Flood Zone 1 and is considered to be at low risk of flooding. A Flood Risk Assessment and Drainage Strategy was prepared to accompany the planning application for the Original Permission. The proposal complied with the NPPF 2012's advice in relation to flood risk.

Natural Environment

- 6.49. NPPF 2012 advised that the planning system should contribute to and enhance the natural and local environment. The aim of the proposals has been to minimise the impact on biodiversity and to put in place mitigation measures where necessary. The EIA has been prepared in accordance with the appropriate regulations.

Historic Environment

- 6.50. NPPF 2012 provided guidance and advice on conserving and enhancing the historic environment. In accordance with paragraph 128, a full assessment of heritage assets both along and within the vicinity of the route of the Scheme has been undertaken where required, this includes the historical recording record for Glebe Farm. **[CD13.30]**

Gedling Colliery and Chase Farm Development Brief – Supplementary Planning Document (“SPD”)

- 6.51. A development brief for the DA was formally adopted on 19 June 2008 as a Supplementary Planning Document (“SPD”) **[CD11.9]** . The SPD is part of the Local Development Framework for GBC and is a significant material consideration to be taken into account by GBC when processing planning applications relating to the Scheme. The SPD anticipated that an outline planning application would be submitted for the DA and a full application for GAR.
- 6.52. The SPD sets out that the Scheme is required in order to mitigate the transport impact of the DA and that it will also have wider benefits for traffic movements between these two key radial routes in and out of Nottingham as well as improving the general environment of Gedling Village. The SPD highlighted that the Scheme could only be funded by the development and therefore consideration may have to be given to the timing of the road construction provided that the transport impact can be contained within acceptable environmental limits.
- 6.53. Key themes running through national and regional planning guidance referred to in the SPD, which the housing development at the DA addresses and the Scheme is required to support are as follows:
- Ensuring that sufficient housing is provided which is affordable having regard to local circumstances;
 - Providing housing and employment development to a high standard of design and landscaping which will contribute to the enhancement of the environment, biodiversity and geological conservation;
 - Locating new development in sustainable locations on the edge of the urban area where it is accessible to local services, including public transport, schools and shops;
 - Ensuring that housing is provided in a way which facilitates access by non-car modes to employment opportunities, shopping centres and other facilities; and
 - Providing a mix of house types which appeals to all sections of the community; Enhancing community safety.

National Planning Policy Framework 2019 (“NPPF 2019”)

- 6.54. On 24 July 2018, the Government published a revised NPPF version of the NPPF which replaced the 2012 version. A subsequent revision of the NPPF was published and adopted in February 2019 **[CD10.3]**. For the purpose of determining planning applications, the NPPF 2019 takes immediate effect from the date of publication. The relevant provision of the NPPF that was adopted at the time the Original Permission and the GAR Permission were determined was the NPPF 2012.

- 6.55. Given the timing of NPPF 2019, it does not directly impact upon the GAR Permission. However, any new planning applications for developments submitted as a result of the Scheme or variations to the GAR permissions will be impacted by NPPF 2019. The document confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. It explains at paragraph 7 that there are three overarching objectives to achieving sustainable development which are interdependent and need to be pursued in mutually supportive ways:
- Economic - to help build a strong, responsive and competitive economy;
 - Social - to support strong, healthy and vibrant communities; and
 - Environmental - contributing to protecting and enhancing the natural, built and historic environment
- 6.56. So that sustainable development is pursued in a positive way, there is a presumption in favour of sustainable development that continues to be at the heart of the NPPF 2019 (paragraph 10); this runs through both plan making and decision taking (paragraph 11).
- 6.57. Paragraph 15 confirms that the planning system should be genuinely plan-led, with succinct and up-to-date plans that provide a positive vision for the future of each area and a framework for addressing housing needs and other economic, social and environmental priorities.
- 6.58. Chapter 6 is concerned within ensuring that planning policies and decisions should help to create the conditions to build a strong and competitive economy. Policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and recognises the specific locational requirements of different sectors, including making provision for clusters of networks of knowledge and data-driven, creative or high technology industries (paragraphs 80 - 82). Paragraph 80 provides that “planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.
- 6.59. Chapter 9 outlines the link between the promotion of sustainable transport and the role that plays in delivering sustainable development (paragraphs 102-111). Paragraph 104 confirms that planning policies should identify and protect sites and routes critical to developing infrastructure to widen transport choice and realise opportunities for large scale development.
- 6.60. In assessing sites that are allocated in development plans, or specific applications for development, local authorities should ensure that: appropriate opportunities are taken to promote sustainable transport modes, safe and suitable access can be achieved for all users, and any significant impacts from development on the transport network and highway safety can be cost effectively mitigated to an acceptable degree (paragraph 108).
- 6.61. Planning policies and decisions should promote effective use of land while safeguarding and improving the environment, making as much use as possible of previously developed / brownfield land. Planning policies and decisions should encourage multiple benefits from

development, including through mixed use schemes; and local planning authorities should take a proactive role in bringing land forward using the full range of powers available to them, including compulsory purchase to assemble land (paragraphs 117 - 119)

- 6.62. Chapter 12 sets out the importance of achieving well-designed places, stating that good design is a key aspect of sustainable development and should be considered throughout the evolution and assessment of individual proposals. Development plans and supplementary planning documents should set out a clear design vision and expectations with a framework for creating 'distinctive places' to ensure that developments: will function well and add to the quality of the area over their lifetime, are visually attractive and sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site and create places that are safe inclusive and accessible.
- 6.63. Chapter 16 of the NPPF sets out the Government's policies regarding planning and the historic environment and reminds local planning authorities of the key considerations for determining planning applications. Paragraph 193 applies to the consideration of the impact of proposed development on the significance of a designated heritage asset, noting that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. It is noted that significance can be harmed or lost through alteration or destruction of the asset itself, or by development within its setting.
- 6.64. Paragraph 200 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.65. Paragraph 38 of the NPPF 2019 advises that local planning authorities should approach decision making in a positive way to foster the delivery of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Nottinghamshire – Local Transport Plan 3 (2011 – 2026)

- 6.66. The Nottinghamshire Local Transport Plan 2011 to 2026 ("**LTP3**") [**CD11.4**] is the third Local Transport Plan for the County of Nottinghamshire and came into effect on 1 April 2011. The document details the transport strategy for the whole of the county of Nottinghamshire for the fifteen-year period 2011-2026. The county of Nottinghamshire comprises the seven districts of Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark & Sherwood, and Rushcliffe.
- 6.67. The document comprises:
- The Local Transport Plan Strategy which sets out how NCC aims to make transport improvements in Nottinghamshire during the plan period. Including a review at least every five years to make sure that it considers any changes in transport conditions and priorities; and to make sure that it is effective; and
 - The Implementation Plan that runs for the same period as Central Government's capital funding allocations to ensure it takes account of realistic funding levels. The first implementation plan covered the four-year period 1 April 2011 to 31 March 2015. The

second implementation plan covers the period 1 April 2015 to 31 March 2018. NCC are currently within the third implementation plan period that covers the period 1 April 2018 to 31 March 2021.

- 6.68. The Implementation Plan seeks to deliver proposals and measures that will help to achieve the overarching strategic objectives for transport which are to:
- Provide a reliable, resilient transport system which supports a thriving economy and growth whilst encouraging sustainable and healthy travel;
 - Improve access to key services, particularly enabling employment and training opportunities; and
 - Minimise the impacts of transport on people's lives, maximise opportunities to improve the environment and help tackle carbon emissions.
- 6.69. Whilst the LTP3 doesn't specifically mention the Scheme the proposal is considered to accord well with its strategic objectives in terms of supporting growth through the regeneration of the former colliery site, delivering traffic relief to adjacent roads within Gedling Village which will help to support a thriving local economy and minimise the impacts of transport on people's lives as well as improving access to new employment opportunities.
- 6.70. The LTP3 implementation plan refers to the Scheme and supports the provision of the Scheme as a priority.

Local Planning Document – Part 2 Local Plan ("LDP 2018")

- 6.71. The LPD 2018 was prepared by GBC, covers the whole Borough and was adopted on 18 July 2018 and works with the ACS to shape future development in Gedling Borough by planning for new homes, jobs and infrastructure. The report issued by the Inspector found the plan 'sound'. The document includes more detailed planning policies that will work with the strategic policies set out in the ACS 2014 and includes detailed policies for development management and the allocation of non-strategic development sites.
- 6.72. The following LDP 2018 policies are relevant to the Scheme:
- Policy LDP 60 – Local Transport Schemes details transport schemes. This stipulates that planning permission will not be granted for development proposals which would prejudice the delivery of the Scheme. The Scheme is listed in this policy under sections 14.5.6 and 14.5.7; and
 - Policy LDP 64 Housing Allocation identifies sites that will not be permitted to deliver homes prior to the completion of the Scheme, these are consistent with the Local Plan 2005 and consist of H3 – Willow Farm (110 homes) and H4 – Linden Grove (115 homes). Together with the H9 – Gedling Colliery / Chase Farm (the DA), this supports the need for the Scheme to facilitate development in the area and provide needed supporting infrastructure.
- 6.73. GBC are continuing to closely monitor the progress of the Scheme to identify any slippage or risk of delivery as advocated by the Inspector in order to establish whether an early review of the LDP 2018 may be required depending upon the progress of the Scheme. This was specifically highlighted in the monitoring information contained within LDP 60 (and

associated with ACS Policy 15: Transport Infrastructure Priorities). The fixing of the inquiry date defines the timescales for delivery of GAR and subject to confirmation of the Orders it is anticipated that the worst-case scenario for the start of the main construction works is January 2020 with site mobilisation in December 2019 and the road open to traffic during 2021. If all objections are resolved, there are opportunities to bring construction dates forward. Significant investment has already been made with diversions to utility apparatus being undertaken and the completion of the first phase of advanced drainage works in 2018.

- 6.74. Balfour Beatty have been selected as the preferred framework contractor and the current timescale is to award the contract during June 2019 and to fix a target price for construction during October 2019.
- 6.75. Further advanced works are being planned to deliver key construction activities that will enable the large scales earthworks to commence early in the contract period. Any advanced works are being done within the planning permission granted and are not prejudicial to the inquiry.
- 6.76. Ecology mitigation construction works started on 15 April 2019, this consists of constructing a bat house on land at Glebe Farm, Lambley Lane that is required to mitigate the loss of the derelict buildings at this location. The derelict buildings are used as a daytime and maternity roost for bats that are a protected species. A European Protected Species (“EPS”) license has been granted from Natural England and this enable the partial demolition of the existing Glebe Farm buildings during May 2019 to provide materials required for the bat house. The remaining building is a maternity roost for bats and will be demolished in the next available month in accordance with the EPS licence, being October 2019. The completion of land acquisition of Glebe Farm and part of the surrounding land required for GAR took place on 8 April 2019.
- 6.77. Accordingly, as summarised here the Scheme continues to be supported by planning policy at all levels. The reference to the Scheme in the monitoring information highlights the importance of the Scheme for GBC in achieving the allocations set out in the LDP 2018.
- 6.78. I can confirm that NCC provide updates to GBC as part of its governance. The latest briefing note was provided in April 2019 [CD13.31] detailing the anticipated delivery timescale for the Scheme noting the public inquiry considering the CPO and SRO had been set to open on 11 June 2019.

7. PLANNING APPRAISAL

- 7.1. I am satisfied that in planning terms that the objectives of the Scheme are consistent with the NPPF, ACS and Local Development Plans. Evidence of the Scheme’s accordance with both local and national planning policy is cited further in the Planning Officer’s Report and Decision Notice issued by GBC, confirming that planning permission has been granted for the Scheme.

8. CURRENT PLANNING POSITION

- 8.1. Applications to discharge pre-commencement conditions 10, 16 and 17 of the GAR Permission were submitted to and approved by GBC in December 2017 [CD13.32]. Lawful

commencement of the GAR Permission was also confirmed by GBC in December 2017 **[CD13.33]** with an early phase of drainage works around the perimeter of Gedling Country Park. These works have since been completed.

- 8.2. On 10 May 2019, a S96a application **[CD7.1]** was submitted to the LPA to undertake a non-material change to the GAR Permission, the effect of which is to omit the requirement for a Scheme completion date of 31 December 2019. The LPA is not required to undertake any consultation and it is an officer delegated decision. A requisite notice has been served on landowners and notices posted on site where landowners are unknown. The purpose of this is to ensure that the GAR Permission is not contravened based on the current delivery timescales. Throughout the process, local Members have been kept up to date on the progress of the Scheme.
- 8.3. The LBC application was linked to the Scheme as condition 3 stipulated that partial demolition and rebuilding of the garden wall to which the application related should only be carried on commencement of the Scheme. As a result of the Scheme delivery this condition could not be discharged meaning that the LBC application expired. A new application was submitted, reference 2019/0380 **[CD8.2]** and it is anticipated that determination will be by delegated decision by 7 June 2019.
- 8.4. There are a number of other conditions that require discharging, some of which require public consultation, the detail of which were considered by GBC to be of wider public interest when the Original Permission was granted. Applications to discharge the remaining conditions should be submitted in advance of the Public Inquiry and it is anticipated that these will be considered by a future planning committee at GBC later in 2019. The conditions that require public consultation are:
 - 4 and 5 – Traffic and Pedestrians Movement for Phases 1 and 2;
 - 6 – Public Transport Strategy;
 - 7 – Temporary Lighting;
 - 11 – Highway Design Code;
 - 12 – Arboricultural Impact Assessment & Tree Constraints Plan;
 - 13 – Landscape Plan; and
 - 15 – Noise Monitoring.
- 8.5. Where applicable, discussions have taken place with key stakeholders and it is considered that any reasonable comments or concerns raised through the public consultation can be incorporated within the Scheme proposals, if required to.
- 8.6. I can confirm that the conditions attached to the GAR Permission satisfy the six tests of the PPG-Use of Conditions **[CD13.29]**, these tests being:
 - Necessary;
 - Relevant to planning and;
 - To the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.

- 8.7. I am content that the proposed suite of conditions is adequate in all respects to deliver the relevant mitigation measures as identified in the ES.

9. A612 JUNCTION REQUIREMENTS

- 9.1. In 2007, the most recently constructed phase of the A612 EOLR Road, the section known as GMITS was opened to traffic. This road is now called Trent Valley Road and provides a link between the A612 Colwick Look Road at Netherfield with Burton Road and the A612 Nottingham Road at Burton Joyce. The GMITS was designed and built such that the Scheme could be connected to it at the eastern junction with Burton Road.
- 9.2. The traffic modelling undertaken in 2005 to justify the GMITS **[CD13.34]** considered GMITS both in isolation and combined with the Scheme. This was to ensure that the necessary highway infrastructure was provided at the outset, thereby reducing the need for abortive works in the future as the Scheme was not programmed to be constructed at the same time as GMITS.
- 9.3. In order to future proof the highway infrastructure it was necessary to consider, in detail, the interface junction of GMITS and the Scheme as part of the planning and delivery of GMITS. This junction is the Burton Road and A612 Trent Valley Road traffic signal-controlled junction.
- 9.4. The construction of GMITS was completed and opened to traffic in July 2007. The bus plug restriction implemented on Burton Road as part of GMITS was subsequently removed in 2010 whilst the bus only restriction is still in force on Stoke Lane.
- 9.5. In 2008 the Scheme was being promoted by East Midlands Development Agency (“**EMDA**”) in order to facilitate the redevelopment of the Gedling Colliery / Chase Farm site for mixed-use as well as providing a bypass around Gedling to help ease traffic congestion on local roads. Faber Maunsell were commissioned by EMDA to undertake the engineering design for the Scheme, including junction configurations. At that time, the company known as ‘Scott Wilson’ provided transport planning support to EMDA and prepared a Transport Assessment in 2008 **[CD13.35]**.
- 9.6. Full planning permission was sought for the Scheme in 2008 but the application was not determined by the LPA. The form of the proposed junction of the Scheme with the A612 is shown in drawing Number 50730/MBMH/047 Revision B at **[CD13.36]**. It should be noted that, immediately preceding the submission of the planning application, the proposed junction layout assumed that there would be four south bound lanes in the centre of the junction and that the northbound element of the Scheme proceeding away from the junction, would have two exit lanes merging to a single northbound lane. Following further safety and technical considerations concerning HGVs, traffic speeds and overtaking issues, a climbing lane on the northbound element of the Scheme was introduced into the Scheme.
- 9.7. HE subsequently replaced EMDA as promoter and as such took over the delivery of the Gedling Colliery redevelopment site and the responsibility for delivering the Scheme. WYG were appointed by HE to provide transport planning support HE submitted an application for full planning permission for the Scheme in 2014. The Scheme / A612 junction layout submitted as part of this planning application is shown in drawing GAR13 **[CD13.37]** and a

new updated Transport Assessment in support of the planning application titled WYG report number RT85361-01 in [CD13.38]. The traffic forecasts underpinning the Transport Assessment were produced from the Greater Nottingham Transport Model. The history of this is discussed further in the Proof of Evidence of Mike Barnett at [MB 01].

- 9.8. Following the grant of full planning permission for the Scheme by Gedling Borough Council, the Nottinghamshire County Council ("NCC") has taken over the delivery of the Scheme. The Scheme's junction designs have been formulated in detail by Via East Midlands Limited ("Via EM") and the current design of the A612 and the Scheme junction is shown on drawing HW00590/1200/06 at [CD13.39].

10. JUSTIFICATION FOR THE SCHEME / A612 JUNCTION

- 10.1. The traffic modelling undertaken in 2005 to justify GMITS provided a robust set of traffic forecasts for the assessment of GMITS and the Scheme and demonstrated the mutual benefits to the Scheme and GMITS where both are constructed. The traffic flows arising from this study were then used to determine the required traffic capacity and formulate the design of the junction GMITS and Burton Road. The traffic modelling was also used to establish how the form of this interim junction arrangement would need to be altered to accommodate the traffic arising from the later construction of the Scheme.
- 10.2. The outcome of the traffic modelling was the design of a traffic signal-controlled junction for GMITS and Burton Road which was designed and implemented such that it would allow for the implementation of the Scheme with minimal additional work. The existing A612 and Burton Road junction was designed and constructed to allow the junction to be readily adapted. The design rationale was to fix the eastern kerb line of the traffic signal junction such that this was common to both the interim GMITS and future construction and implementation of the Scheme junction layouts. The existing junction layout is shown in drawing Number EN/09080/228 at [CD13.40].
- 10.3. The latest design differs from that submitted with the planning application in that a separate left turn lane from Burton Road toward the Scheme is no longer included. This is designed to assist pedestrians, particularly the children attending the Carlton Le Willows Academy. The revised junction layout has been tested with forecast traffic flows and the LINSIG capacity results show an AM peak hour reserve capacity of 9.3% and a PM peak reserve capacity of 16.3%. LINSIG is a software tool which allows traffic engineers to model traffic signals and their effect on traffic capacities and queuing.
- 10.4. The performance of the proposed A612 and Scheme junction is forecast to operate within capacity in the design year 2034. As a sensitivity test the impact of reducing the number of southbound lanes through the junction (from three lanes to two lanes) has been tested. The test showed that the junction would not operate satisfactorily and would be 8.3% over capacity in the AM peak and have a practical reserve capacity ("PRC") of 16.3% in the PM peak. In practical terms, this means that in the AM peak queues would form on the southbound element of the Scheme within the junction which would cause congestion and queues across the Burton Road approach, in turn affecting the northbound element of the Scheme and the junction would be over capacity.

- 10.5. Therefore, it is concluded that the scale and form of the junction has reached a minimum size for the forecast traffic demands and the footprint of the junction cannot be reduced any further without compromising the junction performance and compromising the traffic objectives and economic case for the Scheme.
- 10.6. The location of the Scheme / A612 junction, as proposed, links into infrastructure previously constructed and designed in such a way as to minimise the works required. The location dictates the route of the Scheme from this point in a north-westerly direction and is designed to minimise land take and wherever possible utilise land owned by NCC and other public-sector partners. The reasoning behind the design and alignment of the Scheme from this point and all along its route is covered in greater detail in the evidence of John Patchett at **[JP01]**.

11. CONSIDERATION OF ALTERNATIVES FOR THE SCHEME / A612 JUNCTION

- 11.1. Following examination of alternative forms of junction for the Scheme, including a conventional roundabout layout as shown on drawing H-0091-141 **[CD13.41]**, the existing A612 Trent Valley Road junction was designed and built as a traffic signal-controlled junction. The roundabout alternative was not chosen because:
- It would require additional land take;
 - It would be costlier;
 - It would be inferior in terms of positive provision for cyclists and pedestrians than traffic signal control; and
 - There were safety concerns arising from a road safety audit.
- 11.2. The 2014 assessment of the Scheme junctions was undertaken by WYG on behalf of HE for each of the signalised junctions and the assessment of each junction was undertaken for a variety of future year projections, including the Design Year 2034 with the Scheme and all planned development in the area completed. The full details of the traffic forecasts used in the junction capacity assessments and the results of the junction capacity assessments are contained in appendices attached to the TA **[CD4.7]** which was submitted with the planning application for the Scheme.
- 11.3. The junction of A612, the Scheme, Burton Road and Whitworth Drive (as shown in drawing GAR13 at **[CD13.37]**) was forecast to operate with 19.6% reserve capacity and a maximum queue of 30 vehicles in the AM peak and a corresponding -2.3% reserve capacity (i.e. just over capacity) and a maximum queue of 48 vehicles in the PM peak.
- 11.4. In arriving at the proposed traffic signal-controlled junction, WYG looked afresh at other potential junction layouts and in detail and formulated a signalised roundabout as shown in drawing A085361-35-18-001 at **[CD13.42]**. However, this did not provide for adequate traffic capacity and had resultant road safety issues with traffic forecast to block the circulatory carriageway. As such, this form of junction was discarded.
- 11.5. The form and scale of the A612 and Scheme traffic signal-controlled junction has varied over several design iterations with a general trend of a reduction in the footprint of the overall scheme as refinements have been made. The proposed Scheme as shown in drawing HW00590/1200/06 at **[CD13.39]** is that which is required to satisfy the forecast traffic and

pedestrian demands and no further reduction in the size of this junction is considered appropriate.

12. SUMMARY

- 12.1. I am satisfied that in planning terms that the objectives of the Scheme are consistent with the NPPF, ACS and Local Development Plans. Evidence of the Scheme's accordance with both local and national planning policy are evidenced further in the Planning Officer's Report and Decision Notice issued by GBC confirming that planning permission has been granted for the Scheme.
- 12.2. By way of summary the design of the Scheme and its junction with A612 Trent Valley Road has evolved over many years. The original proposal for a large roundabout junction has been replaced with a traffic signal-controlled intersection as this is better operationally and requires less land-take. An interim traffic signal junction was designed and built in 2007 to facilitate the opening of the GMITS scheme. This junction has from the outset been designed such that the Scheme could be added with the minimum of abortive work and expense, whilst still meeting the forecast traffic demands likely to be placed on it in the Design Year of 2034. The form and size of the proposed junction have been kept to an absolute minimum following periods of review and challenge.

13. STATEMENT OF TRUTH

- 13.1. 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.

A handwritten signature in black ink, appearing to be 'D. H. D.', written over a horizontal line.

Signed:

Date: 21 May 2019