

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

SUMMARY PROOF OF EVIDENCE
OF
MICHAEL ANTHONY BARNETT OF VIA EAST MIDLANDS LIMITED
ON BEHALF OF THE ACQUIRING AUTHORITY

1. QUALIFICATIONS AND EXPERIENCE

- 1.1. My name is Michael Anthony Barnett. I hold a First Class Honours Degree in Civil Engineering (BEng Hons) from Sheffield Hallam University and an MSc with distinction in Road Management and Engineering from the University of Birmingham. My background is in civil engineering and my expertise extends to project management, asset management, highway design and delivery, contract management, Compulsory Purchase Orders (“CPOs”) and Side Road Orders (“SROs”) and the preparation of planning applications and discharge of conditions. This expertise is relevant to the issues raised by the delivery of the Gedling Access Road Scheme (“Scheme”).
- 1.2. I am a Team Manager and responsible for the delivery of major projects at Via East Midlands Limited (“Via EM”), a company that is fully owned by Nottinghamshire County Council (“NCC”).
- 1.3. I have over 20 years’ experience in the design and delivery of highway and civil engineering infrastructure projects.

2. INVOLVEMENT WITH THE SCHEME

- 2.1. I have been involved in the Scheme since 2013. My role is to lead delivery of the Scheme on behalf of NCC and Via EM. I directly manage project managers involved in the delivery of the Scheme and have worked closely with Bruton Knowles and Weightmans LLP on land acquisition and producing documentation for the SRO and CPO (together the “Orders”) required to deliver the Scheme. I am responsible for all aspects of Scheme delivery.

3. SCOPE OF EVIDENCE

- 3.1. This Proof of Evidence focuses upon the Scheme history and justification of the current proposals and expected benefits resulting from the Scheme. The evidence also includes justification regarding land required, specifically relating to Human Rights Considerations and the reasons for acquisitions of rights linked to the objections from Mr Christopher Reckless (“Mr Reckless”) [CD12.6] and Jigsaw Homes Limited (“Jigsaw Homes”) [CD12.5].

4. BACKGROUND TO THE SCHEME

- 4.1. The Orders were submitted to the Secretary of State for Transport in November 2018. Eight statutory objections and one non-statutory objection were received. These are summarised in the Evidence of Andrew Prowse [AP01].
- 4.2. The Statement of Case describes the aims and purposes of the Scheme and reasons for making the Orders. It demonstrates that the requirements of the non-statutory guidance document, “Compulsory Purchase Process and the Crichel Down Rules”, the requirements of the Highways Act 1980 (“1980 Act”) sections 14 and 125 relating to SROs (stopping up and the provision of alternative access arrangements) [CD2.4] and the requirements of Highways Circulars 1/97 [CD2.6] and 2/97 [CD3.6] have been met.
- 4.3. The CPO has been made under sections 239, 240, 246 and 250 of the 1980 Act [CD3.3]. The powers of the 1980 Act enable NCC, as acquiring authority, to acquire land compulsorily, details of which are provided in the main Proof of Evidence.

5. SCHEME NEED AND BENEFIT

- 5.1. On the existing highway network, junctions tend to exceed their design capacity before the links. The TA **[CD4.7]** gives further details on junction performance with and without the DA and the Scheme. The DA is forecast to generate an approximate AADT increase of 10,000. The existing highway network would be unable to accommodate this additional traffic without the Scheme.
- 5.2. The Scheme enables full redevelopment of the DA by providing additional capacity to accommodate predicted traffic flows resulting from its development and provides capacity relief to the A6211 corridor through Gedling Village.

6. ALTERNATIVES TO THE SCHEME

- 6.1. Historic information is available outlining previous alignments of the Scheme that have been considered and are detailed in the full Proof of Evidence. When considering alternative route options, the aim was to achieve the best solution for safety, capacity, environment, cost and the DA.
- 6.2. The Evidence of John Patchett **[JP01]** considers the design requirements and alternatives in relation to the outstanding objections.

7. CONTACT WITH AFFECTED LANDOWNERS

- 7.1. NCC carried out consultation with affected landowners to achieve an acceptable Scheme proposal, whilst having regard to Human Rights. Consultation and public engagement undertaken as part of the application process is described in the Proof of Evidence of David Pick **[DP01]**.
- 7.2. Negotiations to voluntarily acquire land interests for the Scheme are on-going and will continue until agreement is reached. Those directly affected will be entitled to statutory compensation. This is covered in the Proof of Evidence of Andrew Prowse **[AP01]**.

8. HUMAN RIGHTS CONSIDERATIONS

- 8.1. The Human Rights Act 1998 ("**1998 Act**") incorporated into domestic law the European Convention in Human Rights ("**Convention**"). Interference with Convention rights is considered to be justified in the public interest, to secure delivery of the Scheme and achieve the economic, social and environmental benefits that the Scheme will deliver.
- 8.2. 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.

9. RIGHTS REQUIRED IN RELATION TO OUTSTANDING OBJECTION

- 9.1. Both objections from Mr Reckless and Jigsaw Homes cite insufficient reasons or inadequate information relating to the rights being sought within the order.

- 9.2. The majority of the walled garden requiring demolition is in the ownership of NCC but additional land is required to enable construction of the Scheme. The detail of the walled garden in relation to land owned by Mr Reckless is covered in the Evidence of John Patchett **[JP01]**. No sections of wall belonging to Jigsaw Homes require demolition.
- 9.3. By way of mitigation, the Scheme allows renovation of the remaining wall thus preserving the walled garden, albeit over a smaller area. This renovation proposal was included in the approved planning documentation submitted as part of the Listed Building Consent for the Scheme **[CD8.2]**. This detail is covered in the Evidence of David Pick **[DP01]**.
- 9.4. The works affecting the wall abutting the car park area, owned by Jigsaw Homes and Mr Reckless, are limited to repairs.
- 9.5. Direct access to the walled garden is not available from the public highway. Without an agreement, NCC are unable to gain legal access to undertake repair work. Highway CPO legislation does not prescribe acquisition of temporary access rights. It is NCC's preference, by agreement, to put a licence in place.
- 9.6. Negotiations are ongoing with Jigsaw Homes to acquire a licence and dialogue is taking place with Mr Reckless. In both cases, if CPO powers are used to acquire rights those directly affected by the Orders will be entitled to statutory compensation.

10. SCHEME FUNDING

- 10.1. A funding package to enable Scheme delivery, has been assembled totalling the £40.899 million.

11. PRINCIPLES OF DESIGN AND CONSTRUCTION

- 11.1. The principles of design are covered in the Proof of Evidence of John Patchett **[JP01]**, this includes specific responses linked to the outstanding objections. The Proof of Evidence of David Pick **[DP01]** provides a detailed background to the location, size and form of the Scheme junction with the A612 that relates directly to some of the outstanding objections.

12. CONSTRUCTION IMPACTS ON THE LOCAL HIGHWAY NETWORK

- 12.1. NCC has responded to concerns and is committed to ensuring that any disruption is kept to an absolute minimum. Requirements to minimise impacts have been passed on to NCC's appointed contractor.

13. IMPACT UPON UNDERTAKERS' APPARATUS

- 13.1. When undertaking major improvement works, Statutory Undertaker's ("SU") apparatus may need to be diverted. The New Roads and Street Works Act 1991 ("NRSWA") provides a legislative framework for street works by undertakers and road works.

14. SUMMARY

- 14.1. I consider that the Scheme is necessary to facilitate the redevelopment of the DA and is an essential component in the development of this part of the Borough of Gedling.
- 14.2. Provision of the Scheme has innumerable benefits, is considered acceptable on transport grounds and will improve connectivity of the local road network reducing traffic flows along the A6211 corridor and congestion in Gedling Village.