

Sections 239, 240, 246 and 260

Highways Act 1980

Acquisition of Land Act 1981

**THE WARRINGTON BOROUGH COUNCIL (OMEGA TO
BURTONWOOD ACCESSIBILITY IMPROVEMENTS)
COMPULSORY PURCHASE ORDER 2019**

REFERENCE:

NATTRAN/NW/LAO/194

Proof of evidence of

KEITH JEFFREY SANDERS

(Technical Highways Engineering)

1 INTRODUCTION AND QUALIFICATIONS

- 1.1 I am Keith Jeffrey Sanders and I am a Principal Project Manager at Warrington Borough Council and have been employed here for a period of 29 years. I am an Incorporated Engineer with the Chartered Institute of Highways & Transportation (I.Eng. MCIHT).
- 1.2 I have 29 years' experience in municipal engineering. The primary purpose and scope of my role is to take a lead role in the implementation of Environment & Transport Directorate projects, ensuring that they are delivered on time, within budget, and to the required standard. I take a lead role in the efficient and effective delivery of the overall delivery programme, including planning and implementation of the programme, and communication to stakeholders using effective and appropriate methods.

Scope of Evidence

- 1.3 This proof of evidence has been prepared regarding the technical engineering aspects of the Scheme, the need for the Order Land and the modifications relating to the Order [**document 1** to the Council's Statement of Case ("SoC")] for the improvement of Burtonwood Road and Clay Lane to extend the highway in order to incorporate a cycle lane with pedestrian rights of way on foot. The Order was made by Warrington Borough Council ("the Council") on 18 April 2019 and submitted to the Secretary of State for Housing, Communities and Local Government on 25 April 2019. The Order is now due to be considered by an inspector at a Public Inquiry scheduled to open on Tuesday 5 November 2019. This proof of evidence has been prepared in connection with that Inquiry.
- 1.4 I confirm that the evidence that I have prepared in respect of this Inquiry is given in accordance with the guidance of my professional body, The Chartered Institute of Highways & Transportation (CIHT), and I can confirm that the opinions expressed are my true and professional opinions.
- 1.5 The purpose of my evidence is to explain the technical highway engineering aspects of the Scheme, the need for the Order Land, and the proposed modifications to the Order. I also address the grounds of objection raised by statutory objectors insofar as they relate to my area of expertise.
- 1.6 My evidence includes an overview of the Scheme; a description of the land included in the Order ("the Order Land"); an explanation of the modifications to the Scheme in technical engineering terms; a response to the grounds of objection raised by the remaining statutory objector; and my conclusions on the justification for seeking confirmation of the Order.
- 1.7 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council, including:
- 1.7.1 Scheme Development, Transport Planning, and Compulsory Purchase Justification prepared by John Nichol of Warrington Borough Council;
 - 1.7.2 Land Assembly and Ongoing Negotiations prepared by Kate Okell of Axis Property Consultancy; and
 - 1.7.3 Impact on School Students prepared by Catherine Thompson of Warrington Borough Council.

2 DESCRIPTION OF THE SCHEME AND ORDER LAND

Introduction

- 2.1 This section of my proof of evidence provides an overview of the Scheme in technical highway engineering terms and describes the reasons for needing the Order Land.

Overview of the Scheme

- 2.2 The Scheme is shown on the Site Plan [**appendix 2** to the Council's Statement of Reasons ("SoR")] and is located between the village of Burtonwood to the north and the roundabout north of junction 8 of the M62 to the south.
- 2.3 The boundary of the Order Land is shown on the plan which accompanies the Order ("the Order Map") [**appendix 1** to the Council's SoR]. The land to be acquired ("the Order Land") is shown on the Order Map edged in red and numbered as plots 1-12.
- 2.4 The technical elements of the Scheme and the works that it comprises are set out in Section 4 of the Council's Statement of Case and are not repeated again in this proof of evidence, save for where those elements may have changed as a result of modification of the Scheme, as further described in Sections 3 and 4 of this proof of evidence.

Need for the Order Land

- 2.5 Section 2 of the Council's Statement of Case sets out the extents of the Order Land (subject to modification, as shown in the Revised Order [**document 6** to the SoC] and on the Revised Order Map [**document 7** to the SoC]. This detail is not repeated again in this proof of evidence, save for where the Order Land extents have changed as a result of the proposed modification of the Scheme, as further described in Sections 3 and 4 of this proof of evidence.

Summary

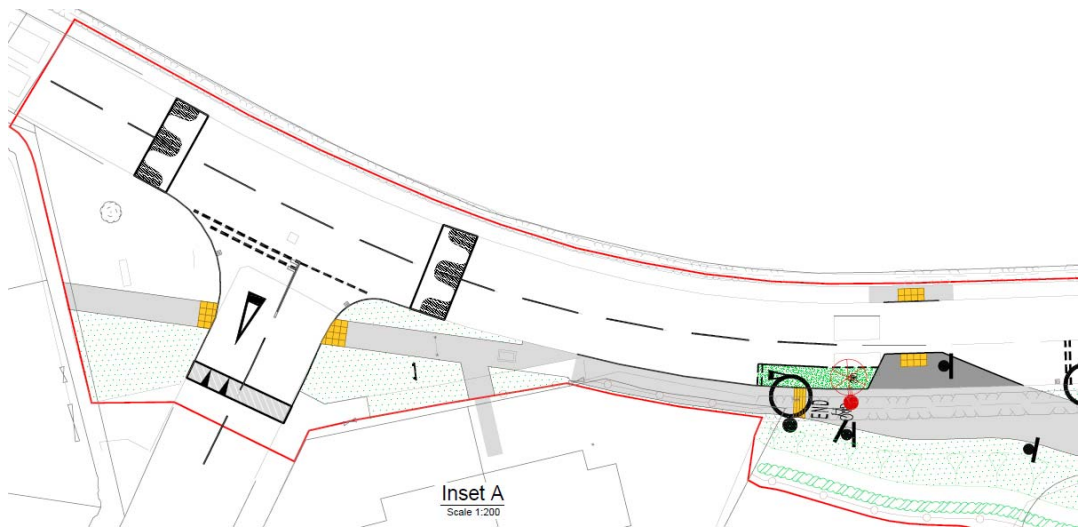
- 2.6 The Council's proposed Scheme, includes the Order Land. The Order Land comprises only land strictly required to facilitate the Scheme.

3 PROPOSED MODIFICATIONS TO THE ORDER

Traffic Calming Measures

- 3.1 The extension and improvement of the existing highway along Burtonwood Road and Clay Lane between the village of Burtonwood and the Omega North development, in order to incorporate an integral cycle track with a right of way on foot, was initially designed to be implemented in November 2019.
- 3.2 In October 2017, the Council began development of a traffic calming scheme to run throughout Burtonwood village and Collins Green, consisting of numerous raised tables and mini roundabouts throughout the village ("the Burtonwood Traffic Calming Scheme"), with a proposed completion date of mid-October 2019. The works intended to be carried out are shown on the Masterplan attached as **Appendix 1**.
- 3.3 The original intention was that the Scheme that is the subject of the Order would be brought forward prior to the Burtonwood Traffic Calming Scheme but, due to the receipt of objections and the need for a Public Inquiry, the Burtonwood Traffic Calming Scheme has progressed and, at the time of writing, has largely been implemented.
- 3.4 The Scheme as originally envisaged [**document 8** to the Council's SoC] provided for the construction of the off-ramp from the extended and improved integral cycle track with a right of way on foot, at a point close to Burtonwood village. This was identified as the limit of the adopted highway adjacent to No 67 Clay Lane, as shown in green shading at Figure 1 below.

Figure 1 – Original position of priority give way and off-ramp adjacent to 67 Clay Lane



- 3.5 The Burtonwood Traffic Calming Scheme includes the installation of a raised table at the junction of Haley Road South. The junction of Haley Road South and Clay Lane can be seen on Figure 1 above.
- 3.6 The Council considers that the position of the proposed cycle off-ramp in the Scheme would be too close to the ramp of the raised table. It also means that a priority give way also could not be installed at the location originally proposed location. The originally proposed location of the Scheme's off-ramp is also prejudiced by the slow bend in the alignment of Clay Lane and reduced vehicle visibility on the approach to the priority give way. Figure 2 below shows the slow bend of the road, the reduced visibility

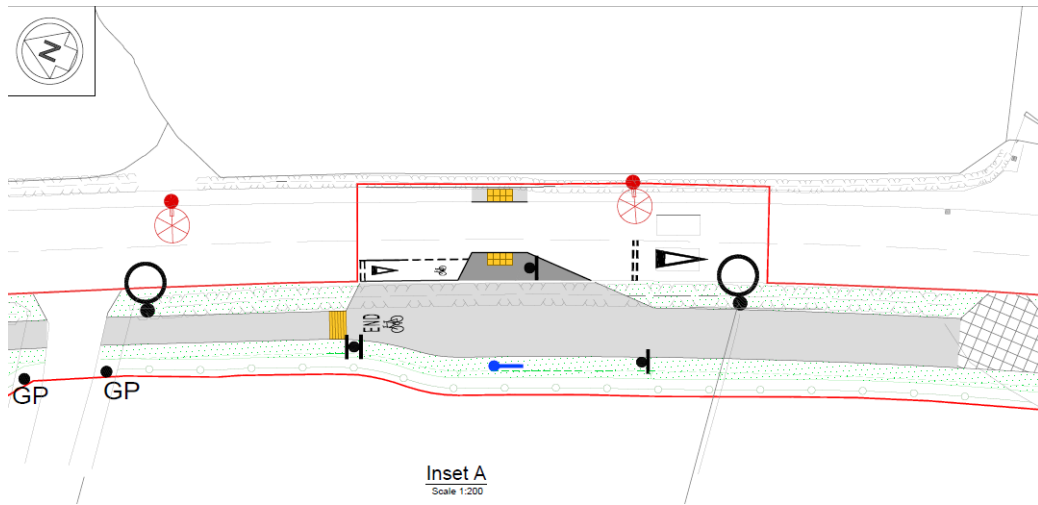
and also the newly installed raised table at the junction of Clay Lane and Haley Road South.

Figure 2 – Raised Table at Haley Road South and Clay Lane Junction



- 3.7 A Stage 1 / 2 Safety Audit was carried out, covering the preliminary and detailed design of the Burtonwood Traffic Calming Scheme. The Safety Audit made the recommendation to omit this section of cycleway [**Appendix 2**].
- 3.8 In order to slow vehicle traffic entering Burtonwood village it was proposed that the location of the priority give way and cycle off-ramp on the approach to the village be amended to make it safer and give better visibility on the straight section of carriageway between the existing farm accesses at Clay Lane Farm (northbound) and Old Lodge Farm (southbound), rather than the bend near No 67 Clay Lane. The relocation of the priority give way and, in turn, the cycleway off ramp is shown on the Revised General Arrangement drawings [**document 9** to the Council's SoC] and extracted at Figure 3 below.

Figure 3 – Revised position of priority give way and off-ramp further south along Clay Lane



Clay Lane Farm Pond

- 3.9 The original Scheme also required the removal of the pond within the Ye family land at Plot 1 (as numbered in the original Order and now contained within Plot 1a in the Revised Order [**document 7** to the Council's SoC]) in order to facilitate the construction of the embankment for the Scheme.
- 3.10 As a result of the relocation of the priority give way and cycle off ramp described above, along with the continuation of the pedestrian footway, the Clay Lane Farm pond is no longer required for the Scheme. The intention is to construct a retaining wall adjacent to the pond to support the higher level of the extended and improved highway. This plot has been retained within the Order Land as Plot 1a to allow construction of the retaining wall but the expectation is that access to the land can be negotiated privately.
- 3.11 This amendment to the Scheme as a result of the Burtonwood Traffic Calming Scheme gives the Council the opportunity to meet the objection raised by the Ye family with regards to the loss of the pond, as set out in Section 4 below.
- 3.12 The revised Scheme also sets back the new hedge at the access to Clay Lane Farm, which improves the visibility from this property onto the carriageway.
- 3.13 The revisions in this area are set out on sheet 3 of 3 of the Revised General Arrangement Drawings [**document 9** to the Council's SoC].

4 OBJECTIONS TO THE ORDER

4.1 The Secretary of State received three objections to the Order, as referenced in Section 12 of the Council's Statement of Case. Since submission of the Statement of Case, the objection of Mr Holding and Ms Wilson has been formally withdrawn on 1 October 2019 [appendix 2 to the proof of evidence of John Nichol]. As such, I do not consider the objection of Mr Holding and Ms Wilson any further in this proof of evidence. At the time of writing, two objections ("the Objections") remain, with one being a statutory objection ("the Statutory Objection") and one being a non-statutory objection ("the Non-Statutory Objection").

4.2 I have set out in the following paragraphs a summary of the grounds of the Statutory Objection relevant to my evidence:

The Ye Family Objection [document 19 to the Council's SoC]

"...as yet, satisfactory reinstatement works have yet to be offered to protect their residential amenity and agricultural/smallholding's interests. In addition there are alternative schemes which would achieve the same objective without affecting the land in their ownership."

4.3 As noted in Section 3 above, the initial Scheme was designed to extend the integral cycleway with a right of way on foot on the western side of the carriageway as far as possible into Burtonwood village, with a priority give way adjacent to number 67 Clay Lane [document 8 to the Council's SoC].

4.4 At a site meeting, and following exchange of correspondence via the Ye Family's agent (as further described in the proof of evidence of Kate Okell), it was established that the Ye family's concerns relate to:

- The loss of the pond; and
- The loss of the boundary hedge and, therefore, the loss of privacy and security of livestock

4.5 To take these concerns into account and to incorporate the redesign of the layout for the implemented traffic calming scheme (as further described in Section 3 of this proof of evidence) the priority give way has been relocated in order to give protection to the off-ramp for cyclists, better visibility and safer road experience [document 9 to the Council's SoC]. The change in location of the priority give way and off-ramp is further shown at Figure 4 below, being the original and revised location.

Figure 4 – Original and revised location of the priority give way and cycle off-ramp



- 4.6 This has resulted in the land take from the Ye family changing and the pond no longer being a necessary part of the Scheme, albeit the land is required for the construction of the retaining wall for the highway embankment. It is intended that Plot 1a will be accessed following private negotiation with the Ye family and that there will no need to actually acquire this parcel of land. However, in the event that private negotiation is not possible, the land will be required temporarily for the construction of the retaining wall.
- 4.7 This updated layout was provided to the Ye family in mid-August 2019 and addresses both of their issues, namely that the modified Scheme would avoid the pond so it would not be lost, and that the existing boundary hedge would be replaced by a new “instant” boundary hedge with the same amenity/security benefits.
- 4.8 Following the meeting on site with the Ye family and their agent (as further described in the proof of evidence of Kate Okell), it was proposed that a Mobilane instant fence/hedge (wire mesh fence with a pre grown ivy trough) would be provided, together with the installation of a stock proof post and wire fence. An alternative to these may be to plant a pre grown hedge 1.6m high x 0.35m wide. At the time of writing, the Council is awaiting a response from the Ye family for their preferred option, but the Council is prepared to provide either.

5 CONCLUSION

- 5.1 The modifications to the Scheme became necessary as a result of the passage of time and subsequent need to integrate with the Burtonwood Traffic Calming Scheme.
- 5.2 These modifications, as described fully in Section 3 of this proof of evidence and shown on the Revised General Arrangement Drawings [**document 9** to the Council's SoC], have the added benefit of addressing the concerns raised by the Ye family in their objection [**document 19** to the Council's SoC].
- 5.3 It is standard highway policy for the construction of a footway adjacent to carriageway where possible. In order to provide safety for pedestrians and cyclists using the route, the provision of an integral cycleway with a right of way on foot is required. This will provide a safe means of travel for these road users and satisfy the demand of the road users utilising this route.
- 5.4 As such, it is my professional opinion that the Council has revised the Scheme to be the safest possible option and has, in the process, fully addressed the objection of the Ye family as well as providing better visibility from the Clay Lane Farm access onto Clay Lane.

6 STATEMENT OF TRUTH AND DECLARATION

- 6.1 I confirm that, insofar, as the facts stated in my proof evidence are within my own knowledge, I have made clear what they are and I believe them to be true and that the opinion I have expressed represent my true and complete professional opinion.
- 6.2 I confirm that my proof of evidence includes all facts that I regard as being relevant to the opinions that I have expressed and that attention to drawn to any matter which would affect the validity of those opinions
- 6.3 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 6.4 I confirm that, in preparing this proof of evidence, I have assumed that same duty that would apply to me when giving my expert opinion in a court of law under oath or affirmation. I confirm that this duty overrides any duty to those instructing or pay me, and I have understood this duty and complied with it in giving my evidence impartially and objectively, and I will continue to comply with that duty as required.
- 6.5 I confirm that I have no conflicts of interest of any kind other than those already disclosed in this proof of evidence.

KEITH JEFFREY SANDERS

October 2019