

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

Summary proof of evidence of

JOHN NICHOL

**(Scheme Development, Transport Planning, and
Compulsory Purchase Justification)**

1 INTRODUCTION AND QUALIFICATIONS

- 1.1 I am John Nichol and I am a Principal Transport Planner within the Transport Planning team at Warrington Borough Council where I have been employed for over seven years. I hold degrees in Physical Geography, Town Planning and a diploma in Management Studies, and I have been a member of the Royal Town Planning Institute (MRTPI) since 1986.
- 1.2 I have over 30 years' experience in transport planning. My primary role at Warrington Borough Council is to deliver the Council's Active Travel infrastructure programme, including new footpath and cycle schemes.

Scope of Evidence

- 1.3 This proof of evidence has been prepared in order to address the background and need for the Scheme, transport and planning policy, and the justification for compulsory acquisition in support of confirmation of the Order [**document 1** to the Council's Statement of Case ("SoC")]. This summary proof of evidence has been prepared in connection with the Public Inquiry into the Order.
- 1.4 I confirm that the evidence that I have prepared in respect of this Inquiry is given in accordance with the RTPI Code of Professional Conduct. I can also confirm that the opinions expressed are my true and professional opinions.
- 1.5 The purpose of my evidence is to explain the background, need and justification for the Scheme, together with the transport and planning policy support for the Scheme. I also address the grounds of objection raised by statutory and non-statutory objectors ("the Objections") insofar as they relate to my area of expertise.
- 1.6 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council: Keith Sanders, Kate Okell; and Catherine Thompson.

2 LOCATION OF THE SCHEME AND ORDER LAND

Location of the Scheme and the Order Land

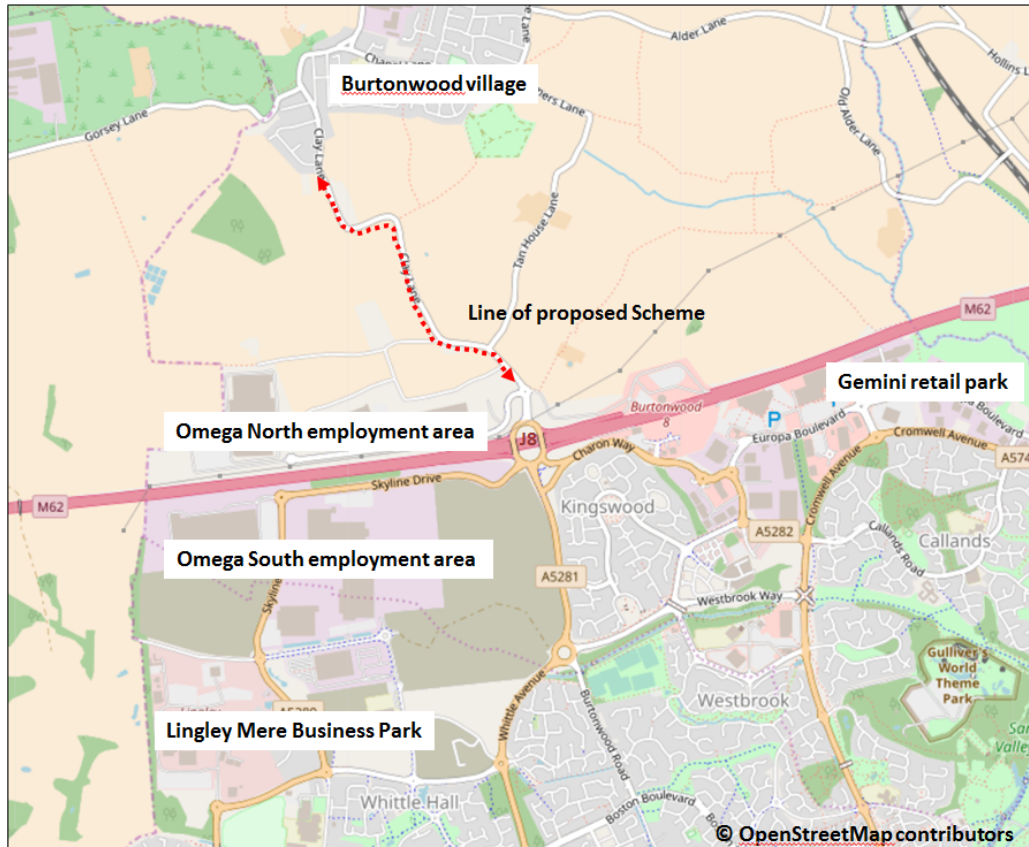
- 2.1 The location of the Scheme is shown on the Site Plan [**appendix 2** to the Council's Statement of Reasons ("SoR")] and is further described in Section 2 of my proof of evidence.
- 2.2 The Order Land is shown on the plan which accompanies the Order ("the Revised Order Map") [**document 7** to the SoC]. All plots are required in order to construct the new integral cycle track with a right of way on foot as part of improved Burtonwood Road/Clay Lane.
- 2.3 In summary the plots can be described as follows:
 - 2.3.1 Plot 1 consists of grass verge adjoining the existing highway, together with grassed garden and private driveway leading to Clay Lane Farm;
 - 2.3.2 Plots 7 - 9 consist of land within the curtilage of Fingerpost Farm, being cleared land, garden and garden wall; and
 - 2.3.3 Plots 2 – 6 and 10 - 12 are strips of land, which are currently either in scrub condition or form part of the areas within and adjacent to the boundaries of agricultural fields along Clay Lane and Burtonwood Road, proximate to properties at Ivy Cottage and Fingerpost Farm.
- 2.4 The Mining Code has been incorporated into the Order and so the Order Land does not extend into subsoil and minerals.

3 BACKGROUND TO THE NEED FOR THE SCHEME

Background to the Scheme

- 3.1 The location of the Scheme is set out in Section 3 and Figure 1 of my proof of evidence.

Figure 1 - Location of Scheme in North West Warrington



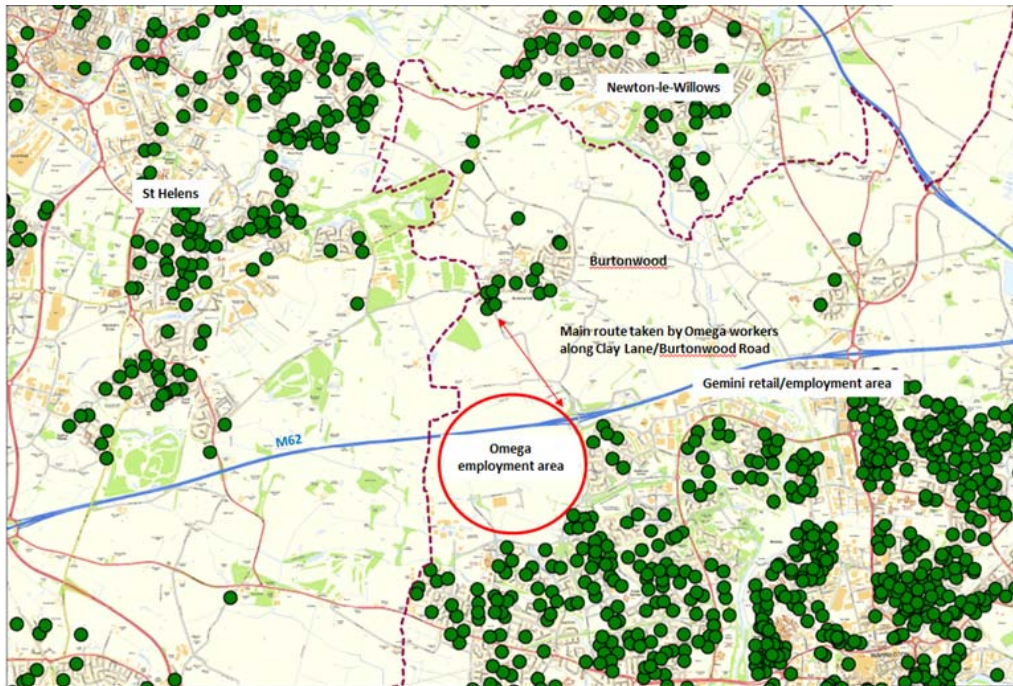
Need for the Scheme

- 3.2 The Burtonwood Transport Study carried out in May 2015 ("the Transport Study" [appendix 5 to the Council's SoR], found that there was a strong demand for people wishing to walk or cycle between Burtonwood and the employment opportunities at Omega/Gemini. However, Clay Lane and Burtonwood Road is an unpleasant and dangerous route for pedestrians and cyclists, which is a major deterrent to anyone wishing to walk and/or cycle along its length.

Jobs and the journey to work

- 3.3 The Scheme supports journeys to and from work by means other than the private car. Collectively, there are over 14,000 jobs based at the Lingley Mere, Gemini, and Omega employment areas. Figure 3 (numbering as per proof of evidence) plots with each green dot a postcode at which one or more people may live and have jobs based at Hermes, Travis Perkins, Brakes, Amazon, and The Hut Group, which are all located within the Omega employment area.

Figure 3 - Postcode plot of employees based at Omega

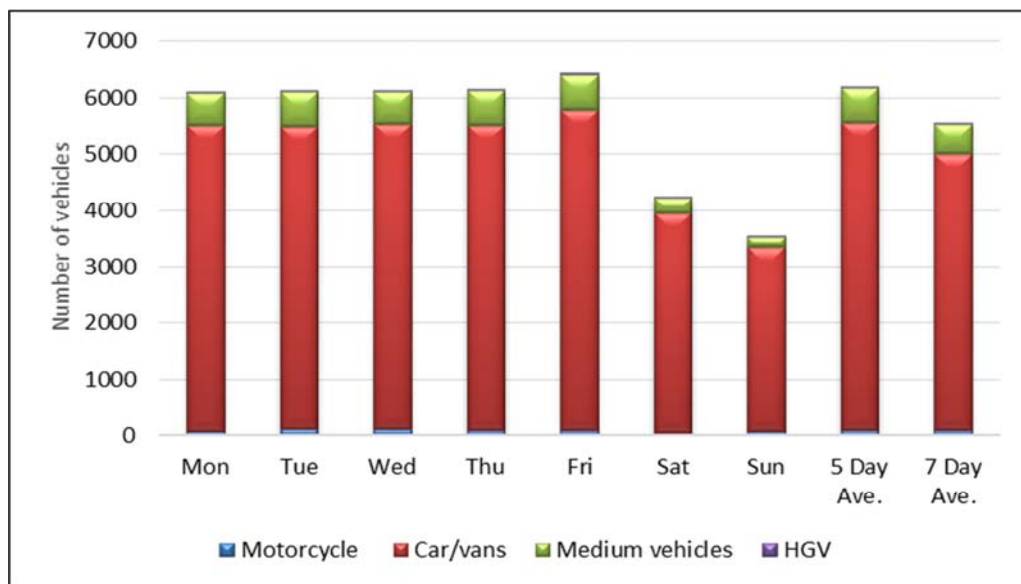


3.4 A common stated reason given by Burtonwood residents who are employees at all of these employment sites for not walking or cycling to work is the lack of a footway and cycleway. The high levels of traffic using this route, and the high speed of some traffic using this route are significant deterrents to making the journey.

Traffic Flows

3.5 The road between Burtonwood and Junction 8 carries a much higher level of traffic than usual for its type. Figure 5 shows the two-way traffic flows on Clay Lane from September 2017, which is similar to traffic levels recorded for some A or B class roads in Warrington.

Figure 5 - Traffic count data for Clay Lane



Consultation

- 3.6 Two public consultations for the Burtonwood Transport Study took place in December 2014 and March 2015. The need for a footpath was raised numerous times as a desired objective of the final strategy. There was another consultation in June/July 2016 as part of the preparation for the improvements to the J8 (M62) project, during which the public demanded progress on the footpath scheme.

Funding the scheme

- 3.7 The Scheme is funded partly from the planning obligation for the Omega Business Park [appendix 6 to the Council's SoR] and partly from specific indicative approval for funding for this Scheme in the Cheshire and Warrington Growth Deal in April 2018 [appendix 8 to the Council's SoR].

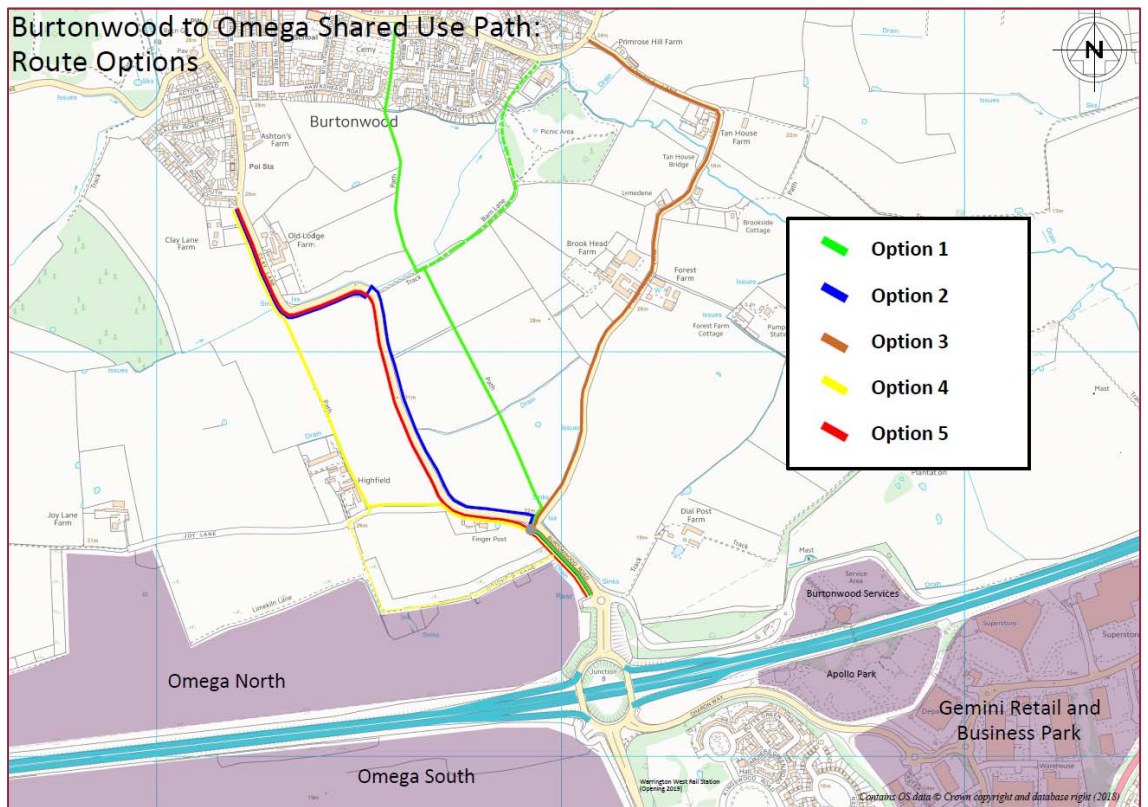
Objectives of the Scheme

- 3.8 The reasons for developing the Scheme relate to a set of defined strategic objectives:
- 3.8.1 To improve the safety of pedestrians and cyclists;
 - 3.8.2 To provide better economic opportunities for residents by providing better non car access to the employment areas in north west Warrington;
 - 3.8.3 To improve the health of residents by allowing them to travel in a more sustainable manner;
 - 3.8.4 To improve the quality of life for residents by creating a more pleasant travelling environment; and
 - 3.8.5 To provide environmental benefits by reducing carbon emissions, traffic pollutants and traffic noise.

Alternatives to the Scheme

- 3.9 Warrington Borough Council considered a number of options to address the problem of a lack of an integral cycle track with a right of way on foot between Burtonwood and Omega. These are listed in Table 1 of my proof of evidence and illustrated in Figure 6.

Figure 6 - Route options for the Burtonwood to Omega shared use path



3.10 The conclusion from the above section is that the preferred scheme would be developed as described in Option 5, as this offers the best fit in terms of meeting the Scheme objectives.

4 DESCRIPTION OF THE SCHEME

- 4.1 Section 4 of my proof of evidence describes the Scheme in detail and this is not repeated in my summary proof of evidence.
- 4.2 The improved highway with an integral cycle track with a right of way on foot would have the following characteristics:
- 4.2.1 It will be constructed as a 3.5 wide tarmac pavement in accordance with the Council's standard design for highway schemes;
 - 4.2.2 There will be the provision of new street lighting constructed to highway standard along the full route; and
 - 4.2.3 There will be drop kerb crossing points at Joy Lane and Wrights Lane.
- 4.3 The cross section of the integral cycle track with a right of way on foot [**appendix 9** to the Council's SoR] would vary depending on the location along the route. The majority of the new integral cycle track with a right of way on foot will be constructed as per the typical cross section.
- 4.4 Public Right of Way Footpath No. 25 currently connects with the existing highway and will continue to do so once the Scheme is constructed. Pedestrians will join and leave the footpath as they did before.
- 4.5 A number of private means of access along the route of the extended and improved highway will be set back as a result of the Scheme, but will continue to join the highway in the same locations.

5 TRANSPORT AND PLANNING POLICY

- 5.1 The Statement of Reasons [**document 4** to the SoC] explains in detail how at both a strategic and local planning policy level there is a strong justification for the Scheme. This planning policy consideration has not been disputed or challenged during the Order making process and in the run up to the inquiry.
- 5.2 The Scheme is compliant with Chapter 9 of the NPPF and Warrington's Local Cycling and Walking Infrastructure Plans ("LCWIPs").
- 5.3 The Warrington Local Transport Plan ("LTP") denotes active travel as one of the seven key themes in the LTP, and its key challenges for active travel include creating and promoting a cycle network.
- 5.4 The Council has drafted its fourth Local Transport Plan (LTP4) [**Appendix 1**] for the period 2019 to 2040, which places even greater emphasis on sustainable transport. Public and stakeholder views of the draft LTP4 show that over 70% of respondents support cycling and walking proposals, including specific comments supporting the Omega to Burtonwood Scheme.

Growth Agenda

- 5.5 The Scheme is compliant with key policy documents at the sub-regional level that are driving the need for increased economic growth, including:
 - 5.5.1 Cheshire and Warrington Matters – a Strategic Economic Plan and Growth Plan for Cheshire and Warrington LEP [**appendix 10** to the Council's SoR]; and
 - 5.5.2 Cheshire and Warrington Growth Deal [**appendix 7** to the Council's SoR].

Other Non-Transport Local Strategies

- 5.6 The Council's Statement of Reasons also sets out how the Scheme could contribute to the Acquiring Authority's non-transport local strategic aspirations, including reference to the following key policy documents:
 - 5.6.1 Warrington Borough Council Corporate Strategy (2018-20) [**appendix 12** to the Council's SoR];
 - 5.6.2 Warrington Local Plan Core Strategy (2014) (relevant policies referred to in the Council's Statement of Reasons);
 - 5.6.3 Warrington Means Business (2017) [**appendix 13** to the Council's SoR];
 - 5.6.4 Health and Wellbeing strategy (2015-18) [**appendix 14** to the Council's SoR]; and
 - 5.6.5 Air Quality Action Plan (2018) [**appendix 15** to the Council's SoR]

Planning Consent

- 5.7 Under Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development (England) Order 2015 ("the GPDO") the proposed works required to deliver the Scheme meet the criteria for Class A permitted development, and so the Scheme does not require planning permission; however, for completeness, a Certificate of Lawfulness of Proposed Use or Development ("CLOPUD") under Section 192 of the

Town and Country Planning Act 1990 (as amended) was granted on 2 May 2019 [document 10 to the SoC].

Summary

- 5.8 In summary, the Scheme is supported by national and local strategies and policies at all levels and does not require planning permission. As such, it is my professional opinion that there are no planning impediments to the Scheme.

6 OBJECTIONS TO THE ORDER

6.1 The objection from Mr Holding and Ms Wilson was formally withdrawn on 1 October 2019 [**Appendix 2**].

6.2 I have set out in the following paragraphs a summary of the grounds of the Objections relevant to my evidence.

Shun Kai Ye and Liu Jiao Ye – Plots 1 and 1a [document 19 to the Council's SoC]

6.3 The objection is on the basis of the need for reinstatement works and contends that the Scheme could be achieved without affecting the Ye family land ownership. This largely relates to a pond in situ on the site and the removal of a boundary hedge.

6.4 As set out in the proof of evidence of Keith Sanders, a proposal has been made to the Ye Family to amend the alignment of the Scheme by reducing land take so as not to impact the pond. The Council continues to try to reach a conclusion on this matter and is seeking confirmation of the Order subject to modification Scheme in any event.

6.5 The Scheme could not be achieved without affecting the land ownership of the Ye Family. The selected route is the best route from several options and I have provided the reasons for this decision in Section 4 of my proof of evidence.

Alexander Abbey

6.6 The two points of objection that the Secretary of State has directed shall be addressed are set out in Section 6 of my proof of evidence.

6.7 Mr Abbey claims that the Scheme will allow the Council to remove transport to the local secondary school for pupils from the village and beyond. If the number of eligible students making this trip reduced then based on the current data, the Council still believes that there is an overwhelming likelihood that the service would remain.

6.8 The legislative and policy criteria for the availability of paid school bus travel, together with a consideration of the impact of the Scheme on school students is set out in more detail in the proof of evidence of Catherine Thompson.

6.9 The Scheme makes a very limited difference to the current school travel situation and has the added benefit of opening up a safe walking and cycling route. School access will be improved as a result of the Scheme, as there is no impact on the bus service and the Scheme makes the access by foot and cycle along Burtonwood Road and Clay Lane safer and more attractive.

Conclusion

6.10 It is my professional opinion that the Statutory Objection is able to be addressed through negotiation, and the Council is making continued efforts to do so. The assertions of the Non-Statutory Objection are inaccurate, as shown in the proof of evidence of Catherine Thompson. It is my professional opinion that the Order Land is required and that there is a compelling case in the public interest for the use of compulsory purchase powers.

7 CONCLUSION AND JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS

- 7.1 The Scheme is a direct response to requests by people living in Burtonwood village, which is currently a very unpleasant route for people to walk and cycle.
- 7.2 A package of funding for the Scheme has been obtained from the planning obligations for the Omega development, from a bid to the Local Growth Fund, and from the Council's highway capital programme.
- 7.3 Several options for the Scheme were considered, all of which would have required some land acquisition. Powers of compulsory purchase will only be used as a matter of last resort to deliver the very real public benefits of the Scheme in the absence of agreement.
- 7.4 The two remaining objections to the Order are not ones that I believe should prevent the Scheme from being constructed, nor the Order confirmed. The Council has addressed all of the concerns of the Ye family. The proof of evidence of Catherine Thompson demonstrates that there is a minimal travel impact on school students.
- 7.5 It is my professional opinion that neither of the objections have sufficient weight to justify refusal to confirm the Order. The Council has fully considered the benefits of the Scheme and has come to the conclusion that the Scheme is required to provide a safe and direct walking and cycling route. The Order Land is required and there is a compelling case in the public interest for the use of compulsory purchase powers.

8 STATEMENT OF TRUTH AND DECLARATION

- 8.1 My statement of truth is contained in full within Section 8 of my proof of evidence. I can confirm that the contents of that section apply equally to my summary proof of evidence.

JOHN NICHOL

October 2019