



## **Report to the Secretary of State for Transport**

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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**ROAD TRAFFIC REGULATION ACT 1984**

**THE DERBY CITY COUNCIL (A6/A601 CLASSIFIED ROADS)**

**COMPULSORY PURCHASE ORDER 2006**

**AND**

**THE DERBY CITY COUNCIL (A6/A601 CLASSIFIED ROADS)**

**SIDE ROADS ORDER 2006**

Date of Inquiry: 17, 18, 19, 20, 24, 25, 26 and 27 April 2007 and 1 and 2 May 2007

Ref: DPI 02/9/3/432

DN 5050/55/7/08 & 09

## **GLOSSARY AND ABBREVIATIONS**

DCC	Derby City Council
AADT	Annual Average Daily Traffic
COBA	Cost Benefit Analysis of the Department for Transport (DfT)
TUBA	Transport User Benefit Analysis of the DfT
DMRB	Design Manual for Roads and Bridges of the DfT
ECI	Early Contractor Involvement type of contract
hgv	heavy goods vehicle
ODPM	Office of the Deputy Prime Minister
vpd	vehicles per day
vph	vehicles per hour
ARCADY	Computerised analysis programme for roundabout capacity
LINSIG	Computerised analysis programme for traffic signal capacity
SATURN	Simulation & Assignment of Traffic to Urban Networks
TAG	Transport Analysis Guidance
pia	personal injury accidents
SRO	Side Roads Order
CPO	Compulsory Purchase Order
UTMC	Urban Traffic Management & Control of the Derby City Council
PPG	Planning Policy Guidance
RSS	Regional Spatial Strategy
ES	Environmental Statement
pma	private means of access
sustrans	national cycling advisory organisation
NRTF	National road traffic forecasts

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## CASE DETAILS

- The Compulsory Purchase Orders was made under Sections 239, 240, 246, 249 and 260 of the Highways Act 1980, as extended and supplemented by Section 250 of that Act; Parts 2 and 3 of Section 2 of the Acquisition of Land Act 1981 and Sections 32, 34 and 40 of the Road Traffic Regulation Act 1984. The Side Roads Order was made under Sections 14 and 125 of the Highways Act 1980. The Orders are known as:

THE DERBY CITY COUNCIL (A6/A601 CLASSIFIED ROADS)  
COMPULSORY PURCHASE ORDER 2006, and

THE DERBY CITY COUNCIL (A6/A601 CLASSIFIED ROADS) SIDE  
ROADS ORDER 2006

- Derby City Council (hereinafter referred to as the "Council") submitted the Orders to the Secretary of State for Transport for confirmation.
- The Side Roads Order was made on 7 August 2006 and the Compulsory Purchase Order was made on 8 August 2006. There were 61 objections to them at the start of the public local inquiries and, at that time, six letters of support.
- If confirmed, the Side Roads Order would provide powers to stop up and improve lengths of highway, construct new highways and to stop up and/or provide new private means of access.
- If confirmed, the Compulsory Purchase Order would authorise the Council to compulsorily purchase land for the construction of the scheme and to mitigate its adverse affects.

## SUMMARY OF RECOMMENDATIONS

**I recommend that the Orders be confirmed as modified.**

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### 1 PREAMBLE

- 1.1 I held concurrent local inquiries on 17, 18, 19, 20, 24, 25, 26, and 27 April 2007 and 1 and 2 May 2007 at the Catalis Conference Centre, London Road, Derby to hear representations and objections concerning an application made by the Council for confirmation of the above mentioned Orders. These Orders, if confirmed, would authorise the carrying out of works in respect of an integrated transport scheme, which itself is part of a partly completed and larger project known as "Connecting Derby", a plan of which is at inquiry document DCC/17. In addition to the Connecting Derby scheme the Orders also cover road improvements at a junction known as Five Lamps. The scheme to which the complete Orders relate is shown on DCC/12. There was no request for any adjournments of the inquiry.

- 1.2 The purpose of the integrated transport scheme would be to reduce congestion on roads which currently form or adjoin the network signposted as the inner ring road, to the south and west of Derby city centre, and thereby improve the efficiency and reliability of public transport, the convenience of cyclists and pedestrians, safety and the environment of the area in which people live in the nearby urban streets.
- 1.3 The scheme to which the full Orders relate, (hereinafter known as "the scheme"), would include the construction of a new inner ring road, part dual carriageway, part single carriageway, from Osmaston Road, south of the Derby city centre, to Uttoxeter New Road west of the city centre, through the urban fabric of the city. North of Uttoxeter New Road the scheme would widen and improve Stafford Street and Ford Street. Beyond Ford Street the improved road would link with the north-eastern section of the already constructed eastern sector of the inner ring road, at St. Alkmunds Way. Running at right angles to St. Alkmunds Way is King Street, which, to the north, becomes Duffield Road. The King Street corridor would be partly bypassed by the construction of a new link road to the west of King Street, to carry northbound traffic, with King Street itself then accommodating southbound flows only. To the north of King Street, along Duffield Road, lies the area known as Five Lamps. There a junction improvement is proposed to connect Duffield Road, Belper Road, Garden Street, Kedleston Road and West Avenue more efficiently. Throughout the length of the scheme a significant number of side roads would be stopped up. New bus and cycle lanes, pedestrian crossings of the ring road and car parks would be incorporated into the scheme. Generally the pedestrian crossings would be signal controlled. To mitigate its adverse affects significant green areas, tree planting and new buildings would also be incorporated into the scheme that would run generally at existing ground level.
- 1.4 I was instructed to conduct these inquiries in accordance with Section 13 (2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980 and report to the Secretary of State for Transport. The concurrent inquiries are, for convenience, referred to as "the inquiry" in this report.
- 1.5 I made an unaccompanied site inspection on 16 April 2007 and at peak and off-peak traffic periods throughout the inquiry period, and a formal accompanied site inspection on 30 April 2007.
- 1.6 There were 61 objections outstanding at the start of the inquiry and a further seven were received during the inquiry. Of the objections 23 were from statutory objectors. During the course of the inquiry one statutory objection was formally withdrawn. Three petitions were received before the inquiry opened, two objecting to the scheme and one offering general support for it. Nine letters of support were received.
- 1.7 Evidence was presented at the inquiry on behalf of a group of objections known as "Derby Heart", who called a team of thirteen witnesses, and from individual objectors, as detailed later in this report. Some members of the Derby Heart team also presented evidence on an individual basis

or as representatives of others.

- 1.8 The main grounds for objection were pollution, noise, severance, heritage harm, the adverse affects of the scheme on historic environments, listed buildings, conservation areas, the World Heritage Site of the Derwent Valley Mills buffer zone, and the World Heritage Site itself, the failure to provide adequately for both public transport and cycling improvements, and induced car traffic.
- 1.9 Planning permission for the scheme was granted on 10 November 2006, core document D34. There was no legal challenge to it.
- 1.10 Authority to carry out demolition of listed buildings which would be necessary for the scheme, and demolition in conservation areas, has been granted by the Secretary of State at various times following consultation between the Council and English Heritage, and advice from English Heritage. The relevant consents are set out at D29, D30 and D31. There are High Court challenges lodged to the Secretary of State's decisions, the outcomes of which were unknown at the time of this inquiry.
- 1.11 This report contains a brief description of the scheme and its surroundings. The gist of the cases presented, together with my conclusions and recommendations. Lists of inquiry appearances, and documents are attached at annex A and annex B respectively. All documents, plans and photographs submitted to the inquiry, including proofs of evidence, are attached. The proofs are as originally submitted and unless so marked do not take account of how the evidence was affected by cross-examination and other aspects of the inquiry.

## **2. PROCEDURAL MATTERS & LEGAL SUBMISSIONS**

- 2.1 The inquiry was conducted in accordance with both The Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) 1990 and The Highways (Inquiries Procedure) Rules 1994. The Council confirmed that it had complied with all necessary statutory formalities. No procedural issues of substance were raised at the inquiry. A pre-inquiry meeting at which procedural matters were explained was held at the Catalis Centre, Derby on 20 February 2007. A note of the pre-inquiry meeting is at document M4.
- 2.2 Several legal matters were raised at the inquiry. Some are set out in the opening and closing submissions of Derby Heart (attached at Annex D) and in the evidence of Ms Temple, when acting for Derby Heart (O12, O13-core proof 2). They are also set out at paragraph 6.1 of this report. There were responded to by the Council in its closing statement (DCC/71, which itself is attached to Annex D), and in the rebuttal evidence to the objection by Ms Temple (RP2). A few objectors who submitted written objections claimed, generally, that the scheme would affect their human rights or be contrary to natural justice. I have drawn attention to them as legal issues. Mr Woodward drew attention to the potential rejection by the Council of the effects of the policy laid out in

PPG17, in respect of their consideration of an area of CPO land claimed by objectors as constituting "open space". He considered that such a rejection by the Council would affect the human rights of residents. The Council response is DCC/71. I comment on all legal issues raised in my conclusions at paragraphs 8.4-8.13.

2.3 I explained at the inquiry that matters of law are not for me to determine. To the extent that they relate to the evidence adduced by the City Council, however, the submissions fall within my purview and I address them in my consideration of the evidence, and in my conclusions.

### **3. DESCRIPTION OF SITE AND ITS SURROUNDINGS**

3.1 The main road network of Derby is composed of a broadly circular outer ring road running around or through suburban areas of the city, with radial roads linking that outer ring road to the network of roads known as the inner ring road, which itself encircles the inner core of the city centre. The radial roads focus on the core of the city centre.

3.2 The inner ring road, shown on document DCC/63 is made up of two distinctive sectors:

- The eastern sector running from St. Alkmunds Way in the north to London Road in the south is a purpose built dual two-lane carriageway generally separated in level from the highways crossing it, and
- The western sector that is signposted as the inner ring road but actually comprises a network of one-way and two-way roads, many of which are residential streets, running in a variety of directions to provide connections, at the same level, to the main radial routes emanating from the city centre, and to other local residential streets. A plan of the western sector of the current inner ring road is also at document DCC/63. This plan shows the multifarious directions of traffic flow on the network of streets referred to, together with the purpose built eastern sector that was constructed in the 1960's and 1970's.

3.3 Cutting across or joining the sign-posted western sector of the inner ring road are a number of roads radiating from the city centre core to the western outer reaches of the city and beyond. Progressively from south to north the more important are London Road, Osmaston Road, Normanton Road, Burton Road, Abbey Street, Uttoxeter New Road, Friar Gate and King Street/Duffield Road. The network is shown on DCC/12.

3.4 Located immediately outside the inner ring road adjacent to St. Alkmunds Way is King Street. This road is a single two-way carriageway radial road running north from the city centre, between the Grade I listed St Helen's House and the Grade II listed Seven Stars public house, as illustrated on detail B on DCC/12. King Street links to the dual

carriageway part of the inner ring road eastern sector at St Alkmunds Way, via slip roads. It is itself bridged over St. Alkmunds Way (the ring road) to enable it to directly enter the core of the city centre, via Queen Street, but is grade separated from the ring road. Part of King Street lies in the Strutt's Park conservation area.

- 3.5 About  $\frac{3}{4}$  km north of King Street is the area known as Five Lamps that is situated within in the Strutt's Park conservation area. Five Lamps forms the junction of six roads; Duffield Road (north and south arms), Belper Road, Kedleston Road, Garden Street and West Avenue. The junction is surrounded by residential property and listed infrastructure. The junction is controlled by traffic signals with Duffield Road south and Garden Street effectively forming a gyratory traffic system through the signals. A plan illustrating the direction of traffic movement at King Street and Five Lamps is DCC/37.
- 3.6 A number of areas of the city are conservation areas, including the Friar Gate conservation area through which part of the scheme would run and the Strutt's Park conservation area around Five Lamps and King Street. The two conservation areas are shown at D37 and D38. The walls of the Friar Gate goods yard would be affected by the scheme and are a Grade II listed building. The Strutt's Park conservation area is also a "buffer zone" for the World Heritage Site of the Derwent Valley Mills, which lies to the north, just beyond the urban confines of the city. The core city centre is also a conservation area. A plan showing listed buildings in Derby and the traffic impact on them is shown at DCC/44, and one showing conservation areas is at DCC/11(32).
- 3.7 Along the corridor of the proposed scheme are a number of areas formerly occupied by dwellings, which have been cleared by demolition over many years, many in recognition of the planning for the scheme and some for other purposes. Some of the areas which would be required for the scheme have been grassed over and planted with trees and are currently used for amenity purposes, whilst others are currently used for car parking. DCC/18 illustrates these areas.

#### **4. THE CASE FOR THE DERBY CITY COUNCIL**

The material points were:

##### **The Proposed Scheme**

- 4.1 From the southern end of the scheme, as shown on DDC/12 the proposals would provide:
- A length of new two-lane dual carriageway passing between the Derby Islamic Centre (the Mosque) and The Spot nightclub linking Osmaston Road and Normanton Road. This road would extend the recently constructed dual carriageway linking London Road to Osmaston Road generally westwards to a large 6-arm roundabout.

- The large 6-arm roundabout at Normanton Road which would link the inner ring road dual carriageway to Babbington Road, Green Lane and Burton Road and the new dual carriageway from Normanton Road to the new single carriageway which would run from the roundabout north-westwards to Stafford Street.
  - Another new roundabout, which would join the new inner ring road to Uttoxeter New Road and Curzon Street and enable the ring road to change direction from a north-westwards to northerly direction along Stafford Street and Ford Street. About midway between the roundabouts the single carriageway would meet and form a signal controlled crossroads with Abbey Street. Nearby an area would be cleared and converted into an off street public car park with access direct from Abbey Street. Another public off street car park would be located off Wilmot Street.
  - A widened single carriageway along the alignment of Stafford Street, to the north of which beyond Friar Gate, Ford Street would become a dual two-lane carriageway and would run as such to join the existing dual carriageway at St. Alkmunds Way. The inner ring road would form a traffic signal controlled cross roads with Friar Gate and the existing one-way section from Stafford Street to Ford Street would be converted to provide two-way operation of traffic.
  - A new road for northbound traffic from St. Helen's Street to Garden Street, roughly parallel to King Street, to enable King Street to become one way, southbound, only and provide pedestrian crossing facilities and a northbound bus priority lane.
  - Junction, footway and carriageway realignments at the Five Lamps junction.
- 4.2 The lengths of new road would also incorporate footways and pedestrian crossing facilities at six locations on the single carriageway and three locations on the dual carriageway, facilities for pedestrians crossing the carriageway near the roundabouts and a further six crossings along the improved highway between Uttoxeter New Road and St. Alkmunds Way. Crossing facilities would also be provided at King Street, on the proposed King Street link and at Five Lamps. Generally where pedestrian route desire lines meet the proposed road a crossing facility would be provided.
- 4.3 Bus priority lanes bound for the city centre would be provided along Burton Road and Normanton Road, at Uttoxeter New Road and Friar Gate (either side of Stafford Street). Lengths of outbound bus priority lanes would be provided from the city centre at Friar Gate and King Street. The existing bus lane from Uttoxeter New Road to Friary Street would be removed. The new facilities would add 1.24km of bus lane, a 54% increase in the city's bus lanes. Additionally the bus priority through Friar Gate, using a contra flow bus lane and dedicated traffic signals settings, would provide a more direct route into the city centre on this important corridor. Cyclists could use bus lanes.

- 4.4 Cycle paths would be provided alongside the carriageway on either side, between Burton Road and Uttoxeter New Road and at Ford Street and along the King Street link.
- 4.5 Public car parking areas would be provided off Abbey Street and Wilmot Street together with a private car park, in replacement of the existing one, at the rear of the Seven Stars public house. The public car parking areas would compensate for the loss of on street parking and reduce congestion.
- 4.6 Where the proposed road would meet Agard Street an improved junction would be constructed.
- 4.7 Side roads that would be cut by the proposed new roads, or by the improved alignment along Stafford Street and Ford Street, would be stopped up with turning head facilities provided, with the exception of Abbey Street and Friar Gate both of which would form crossroads with the proposed and existing carriageways respectively. The roads affected by the proposed stopping up would be Leopold Street, Wilmot Street, Sacherevel Street, Forester Street, Wilson Street, Gerard Street, Talbot Street, Friary Street, Cavendish Street, St. Helens Street and Drewry Lane. Brook Street and Willow Row would be severed from St. Alkmunds way and reconnected together by a short new link road. Footpaths and cycle links into the stopped up roads would be provided as part of the scheme, generally at existing ground level.
- 4.8 The direction of traffic flow on some roads would be changed and Traffic Regulation Orders to enable such changes to be made would be brought forward should the scheme proceed. Traffic Regulation Orders would be necessary to regulate proposed directional traffic flow at Friar Gate, King Street and Lodge Lane.
- 4.9 The proposals would be at about the same level as adjacent infrastructure, with no bridges or underpasses incorporated into the scheme. The roads would be lit to existing lighting standards, with cut-off lanterns and be subject to a 30 mph speed restriction. The scheme has been designed to be sympathetic to the townscape through which it would run and would give priority to pedestrians, cyclists and public transport. New footways and cycle ways would run the length of the scheme between Osmaston Road and Ford Street with 30 crossing points incorporating the whole scheme. Urban Traffic Management and Control (UTMC) would provide the system by which the signals and crossings timing and sequence could be adjusted to maximise traffic efficiency and minimise delays for all users of the highway. Trees to provide a boulevard effect would be incorporated into the scheme as well as series of green areas adjacent to the proposed ring road and at its roundabouts. These are shown on DCC/11(01).
- 4.10 The roads and junctions have been designed to accommodate design year flows (2007) and to work in conjunction with the Council's UTMC to manage city centre traffic for maximum reliability and minimum congestion (DCC/4). The capacity of the roads is set out at DCC/4,

table 5.1. The corresponding demand is set out at Appendix 7.2 of D19, and figures 7.3 and 7.4 of Section 7 of D18.

### **The Scheme Background**

- 4.11 A full description of the scheme background is contained in DCC/3.
- 4.12 Following the approval of the County Borough of Derby Development Plan in 1958 detailed design for all lengths of the inner ring road were undertaken. Full planning permission for that early proposal was granted on 20 October 1971 and the length from St. Alkmunds Way to East Gate (the eastern sector) built from 1972 (D82).
- 4.13 A separate planning permission was granted on 26 February 1973 for an on-line dual carriageway at King Street (D83). This would have required the demolition of the Seven Stars public house and listed building consent for that was granted by the Secretary of State on 5 July 1973 (D84). That particular proposal was abandoned.
- 4.14 Following local government reorganisation, leading eventually to the restoration of unitary status for Derby City Council, the Council adopted the current scheme as a part of its overall Connecting Derby project. One single planning application was made for the rethought entire Connecting Derby scheme on 16 July 2004 (D17, D24). It was accompanied by an Environmental Statement (ES) (D18) and ES Appendices (D19). The application was subjected to advertisement on several occasions to deal with amendments, corrections and additions to the ES. As one small part of the scheme was a departure from the Local Plan the Planning Committee of the Council referred the scheme to the Secretary of State on 15 June 2005. On 21 December 2005 the Secretary of State confirmed that the application was not to be called in.
- 4.15 Further minor amendments were made to the scheme. These were covered by revisions to the ES. The ES was expanded and revised to reflect further specialist work, with further advertisements. The planning application was amended to take on board a new car park to replace the one situated on land that would be required for the scheme at the rear of the Seven Stars public house, and other minor amendments. The Planning Control Committee of the Council approved the planning application on 10 November 2006 (D34).
- 4.16 A series of applications were made under the Planning (Listed Building and Conservation Areas) Act 1990 to enable demolition of some of the property necessary for the proposed scheme to be built. Listed building consent was granted by the Secretary of State on 24 August 2006 to demolish walls on the north western and south eastern boundaries of the Seven Stars public house, King Street. The decision letter is D30. The Secretary of State granted conservation area consent for the demolition of number 35 and 34 Ford Street and the former Ford Street Day Nursery building on 21 December 2005, and on 24 August 2006 for the demolition of 40 West Avenue and near by garden walls (at Five Lamps). The decision notice is D26 and D31 respectively. It ties the

implementation of the demolition to a commitment to rebuilding adjacent to and attached to no. 40 West Avenue. The Council is confident that a timely application for the approval of reserved matters will be made in regard to the necessary rebuilding. Listed Building Consent for the demolition of a boundary wall to the former Friar Gate goods yard was granted by the Secretary of State on 9 May 2006. The decision notice is D29. High Court challenges to the Secretary of State's decisions to approve the applications in respect of the Seven Stars public house and No. 40 West Avenue have been lodged and, at the time of the inquiry, were pending (DCC/22).

- 4.17 The Government Office for the East Midlands confirmed financial backing for the scheme on 12 April 2006 and the Council Cabinet approved the necessary further funding on 14 June 2005 (D80, D135, D140, DCC/2, DCC/27).
- 4.18 The history of the scheme's consultation and public correspondence is set out at D40, D41 and DCC/11(36).

### **Corridor Protection**

- 4.19 The completion of the inner ring road and the improvements to the King Street and Five Lamps areas have been featured as priorities in strategy development plans for many years, with the consequential route protection carried out by the Council and its predecessors. In 1958 the inner ring road scheme was included in the County Borough of Derby Development Plan. The Ministry of Transport accepted it for inclusion in the Development Plan, and an indicative line was shown on the Town Map, part of the Development Plan (D101, DCC/11(09)).
- 4.20 A road improvement scheme for King Street, Duffield Road and the Five Lamps junction was approved in 1972 by the Derby County Borough Council and adopted by the Derbyshire County Council in 1974. This improvement scheme was more extensive than the current proposals (DCC/11(09)).
- 4.21 The western section of the inner ring road was covered in the adopted Derbyshire Structure Plan of 1980 (D102) and sections of it protected continuously by Local Plans and successor Structure Plans (D103, D104 and D105). The City of Derby Local Plan, adopted in 1998 (D52), thereafter safeguarded land for the scheme. The extent of land safeguarded is set out at the plan at DCC/11(7), and the detailed reserved corridor is shown on the plan DCC/52. The plan at DCC/51 shows this reserved corridor relative to the current CPO land boundary.

### **National Planning Policy**

- 4.22 National policies and objectives promoting sustainable transport are set out in the 2004 Transport White Paper: The Future of Transport (D65). The declared objectives include creating coherent transport networks by enhancing road networks, to create more reliable free-flowing roads more reliable and flexible bus services and making walking and cycling

real alternative for local trips. The scheme, in providing additional road capacity, improvement of junctions, bus priority lanes, cycle routes and specific pedestrian crossing facilities connected to the existing network would comply with and achieve these objectives.

- 4.23 The Government vision for sustainable communities is set out in the 2005 policy document Sustainable Communities: People, Places and Prosperity (D106). It advocates amongst other things that people should be well connected with good transport services, walking and cycling encouraged as an alternative means of travel to the private car. The scheme would comply with that policy and also with Planning Policy Statements 1 and Planning Policy Guidance Transport, PPG 13(D3). Both of these promote sustainable transport choices and the protection of routes that are critical to the development of infrastructure to widen transport choice. In protecting the route of inner ring road and improvements to King Street and Five Lamps the Council have complied with this national guidance over many years.
- 4.24 The Government's Policy Guidance PPG15 (D4), Planning and the Historic Environment, provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment based on the philosophy that there should be stewardship and protection for all aspects of the historic environment. It recognises that where new routes for highways are unavoidable a suitable balance has to be struck between conservation and environmental protection, and economics, safety and engineering feasibility. The scheme design has been set at an engineering scale that would achieve that balance and comply with such guidance.
- 4.25 PPG16 (D5) provides guidance on the investment, assessment and protection of archaeology. Preparation of the scheme has had regard to that guidance. Its construction would be specified to ensure that the guidance set out in PPG16 is followed.
- 4.26 PPG17 (D6) provides guidance on open space provision, planning and protection. No study of open space provision has been undertaken in respect of the scheme but there is no land vested as public open space that is required for the scheme. It is recognised that there are various temporary landscaped areas along the protected road corridor but these have emerged as a result of grassing over of areas that have been previously cleared following demolitions, over a number of years. The provision of new widespread grass areas and landscaping as part of the scheme would offset the loss of those areas and consequently there would be no conflict with PPG17.

### **Regional Planning Policies**

- 4.27 The scheme is an investment priority in the Regional Spatial Strategy for the East Midlands (RSS8) (D63), and complies with the objectives set out as regional transport objectives under Policies 42 and 43. The emerging draft East Midlands Regional Plan (D107), in reviewing RSS8, endorses the scheme as a regional transport investment priority.

- 4.28 The Derby and Derbyshire Joint Structure Plan of 2001 that preserves relevant policy and strategy until September 2007 identifies this scheme (D59). The complete inner ring road and the improvements to King Street and Five Lamps have featured in statutory development plans for years.

### **Local Planning Policy**

- 4.29 Following a Local Plan Inquiry in 2003 and 2004 the adopted City of Derby Local Plan Review of 2006 (D51) identifies, promotes and protects the scheme in accordance with recommendations made. The scheme is part of a range of policy initiatives to address the broad objectives set in the Derby Joint Local Transport Plan. These broad objectives are in line with National Government objectives of protecting and improving the environment, improving road safety and the security of people, promoting the development of an integrated transport system that supports the economy of the area, improving the accessibility for all sections of society and promoting sustainable travel which manages demand and reduces car use.

### **Complementary local policies and strategy**

- 4.30 The scheme would broadly comply with the objectives set out in the County Council's Community Strategy, and the Derby City Master Plan. These are D64 and D62 respectively.

### **Scheme Objectives**

- 4.31 The main objectives of the scheme would be to:
- Reduce the number and severity of accidents,
  - Improve priority and facilities for bus users,
  - Encourage more bus use and less reliance on car use,
  - Improve facilities for pedestrians and cyclists in order to reduce reliance on the car, and
  - Provide appropriate highways for cars and other traffic.

To achieve these objectives there would need to be a restriction on through traffic in the city centre, improved access for buses, cyclists and essential traffic and the construction of a new road within reserved land to facilitate bus priorities on main routes into the city centre and provide a more direct route around the central core for all traffic.

### **Traffic Assessment**

- 4.32 The traffic implications of the scheme have been assessed by the creation of a computer based traffic model using data arising from a series of traffic surveys undertaken across the existing highways network (DCC/4). The model was successfully validated for robustness and reality

- (D87). The traffic surveys provided key observed data arising from roadside interview surveys, traffic counts at key junctions and existing main road corridors, journey time surveys and a network inventory of local roads, and junction layouts, based on aerial photography junction plans and site visits. The modelling was based on guidance encapsulated in the Design Manual for Roads and Bridges (DMRB) (D86). The study area included the current inner ring road and radial roads emanating from the town centre. This study area is shown at Fig 3.1 of DCC/4.
- 4.33 Traffic flow forecasts for 2007 were produced for the urban road network with and without the scheme in place. The design year for the scheme was deliberately taken as 2007 to ensure that overcapacity was not provided as part of the scheme development, as an inducement to car traffic growth (DCC/58). Roads that experience both an increase in traffic and a decrease in flows greater than 10% are shown at Fig 5.1 of DCC/4.
- 4.34 Traffic is predicted to increase on Uttoxeter New Road, Stafford Street (which becomes two-way), St. Alkmunds Way, Abbey Street, Osmaston Road and Station Approach. These are radial routes or part of the proposed and improved inner ring road. The residential streets at Melbourne Road, Abbey Street and Macklin Street would have an increase growth of greater than 10% also, but the actual flows on these three roads would be relatively low.
- 4.35 Traffic flows would reduce on Gerard Street, Monk Street, Jury Street, Bold Street, Becket Street, Friar Gate, Friary Street and Corporation Street. These are predominantly residential roads (DCC/56). Many of the relieved streets lie in the City Centre or Friar Gate conservation areas. The scheme would thereby improve the setting within the conservation areas and at listed buildings. Conditions for pedestrians and cyclists would be improved in these streets.
- 4.36 The relative intensity of traffic increases and decreases is also shown at DCC/56. This shows, relatively, the residential properties that would benefit from, or suffer, as a consequence of the scheme. In general traffic is reduced to a greater extent than it is increased in residential areas. Details of traffic flow are set out at DCC/4, figures 3.3-3.6.
- 4.37 The level of traffic on King Street would reduce substantially as current northbound flows would be transferred to the new link road. Priority for out of town buses would be provided from Queen Street to the new link road at King Street.
- 4.38 At Five Lamps traffic predictions indicate relatively little change with or without the scheme.
- 4.39 At present bus journey times in Derby are unreliable because of congestion. Key junctions where congestion currently causes a significant delay are Ford Street/Agard Street, Stafford Street/Friary Street, Friary Street/Curzon Street and King Street/ St. Alkmunds Way. Difficulties are also experienced at various locations along both Burton Road and

Normanton Road. There is widespread peak hour congestion on the western inner ring road, at King Street and Five Lamps. (SO7, DCC/4, DCC/28). These difficulties would be substantially removed by the scheme, as set out at Table 5.3 of DCC/4. Bus reliability would be improved through reduced congestion, the increased provision of bus lanes and bus priority settings at signalised junctions. The scheme through the incorporation of cycle lanes, and bus lanes (which cyclists could use) and footways and pedestrian crossing facilities would also encourage cycling and walking.

### **Accident Assessments**

- 4.40 Over the period 2004 to 2006 there were 90 personal injury accidents on roads affected by the scheme (DCC/29, D18). This data was used to predict future accidents. An accident analysis using the Government's computer programme COBA 11 shows that with the scheme in place there would be about 10 fatalities, 153 serious and 1750 slight accidents saved over a 60year period, relative to the situation on the network if no scheme were constructed.

### **Scheme Economics**

- 4.41 The economic effects have been assessed using an economic assessment computer model of the Department for Transport (DfT) known as TUBA. This compares the cost of providing and maintaining the scheme with the benefits that would be derived from fewer accidents, travel time savings and savings in vehicle operating costs with the scheme in place. This analysis is then compared with a corresponding economic outturn without the scheme. TUBA calculates costs and benefits for a 60year period from the assumed opening year of the scheme. The discounted benefits are called the present value of benefits, PVB. The capital cost of the scheme was estimated to be in the order of £33.8million, (DCC/27). This cost is discounted to provide a present value of cost, PVC. The discounted benefits and discounted costs are compared to provide a measure of the economic worth of the scheme, known as the benefits to cost ratio BCR.
- 4.42 The overall economic benefit of the scheme is £281.7million (PVB), compared to the present value of cost (PVC) of £23.5million, thereby providing a BCR of 12 and a net present value (NPV) of £258million. This means that for every pound of public investment over 60 year period of the scheme the scheme would reap £12 of public benefits showing the economic case for the scheme is robust. The DfT threshold for good value schemes is set at a BCR of 2 (DCC/4).

### **Funding and Timing**

- 4.43 The Government Office for the East Midlands confirmed in a letter dated 12 April 2006 (D135) that funding of the scheme would be forthcoming from Government subject to the completion of the statutory processes if that funding is limited to a cash figure of £26.73million. The City Council would be responsible for raising further funds towards the total cost of

£33.78m plus £0.5m for the Five Lamps element of the scheme. They proposed to do so by an allocation of Council funds and private sector contributions (D61, D80, D149). Details of fundraising are set out at DCC/27.

- 4.44 Subject to completion of the statutory procedures, construction could start in 2007. A contract has already been let by the Council subject to completion of the statutory procedures, but this does not imply that the Council is contractually bound to carry the scheme because of a break clause in the contract should the statutory authority for the scheme be withheld by the Secretary of State.

### **Environmental Assessment**

- 4.45 The environmental impact of the scheme has been assessed in the Environmental Statement (ES) of November 2004 and its Appendices and Supplementary Information Report (D18, D19, D20, D21). The Non Technical Summary Report is D22. The ES was produced to support the planning application for the scheme, and was added to as the scheme developed and changed. It was issued in accordance with EC Directive 85/337/EC, as amended by 97/11/EC and as applied by the Town and Country Planning Act Environmental Impact Assessment Regulations 1999 and Section 105A of the Highways Act 1980. The main evidence of the Council's case on environmental impact includes the effects of the scheme on accessibility and severance, air quality, noise, visual impact, water quality, energy, townscape, heritage and archaeology. This is summarised below, as are the relevant mitigation measures where appropriate.

### **Accessibility and Severance**

- 4.46 With the scheme in place 10 streets would be affected by new severance as the new line of the road cuts across them, but 17 streets would have relief from current severance and through traffic problems. The new road, and the widened section proposed along Ford Street and Stafford Street, has been designed to run at or close to existing ground and street level in order to reduce the barrier effect of severance. Modern pedestrian crossing facilities located at pedestrian movement desire lines would help reduce the severance impact on pedestrians across the road corridor and at roundabouts. In providing better access to the transport system, the scheme would provide significant benefits through improved accessibility to the bus network, associated with the improvements offered by the scheme for walking and cycling.

### **Noise, Air Quality and Water**

- 4.47 In terms of air quality there would be no significant change in pollutant levels as a result of the scheme. There would be insignificant adverse effects in Ford Street, Stafford Street, Friar Gate, Abbey Street, North Leopold Street and The Spot nightclub but this would be balanced by improvements in Bow Street, Curzon Street, Normanton Road, Burton Road and Mount Street (D21, DCC/8). No significant changes are predicted at Five Lamps and King Street. Schools are located well clear of

the corridor; a plan of local schools is DCC/36.

- 4.48 Noise levels would remain broadly unaffected as a result of this scheme. Perceptible decreases of 3dBa or more are predicted for Normanton Road, Curzon Street, Gerard Street, Bow Street and Leopold Street, with corresponding increases near the Mosque, The Spot nightclub, Riverside Gardens and Stafford Street (D18, DCC/8).
- 4.49 Surface water run off would be catered for by positive piped drainage systems and the discharge has been approved by the Environment Agency.

### **Urban form, Visual impact, Townscape and Landscape**

- 4.50 The scheme has been designed to be sympathetic to the townscape through which it passes. This includes the provision of soft landscape where practicable to provide a green linear network emphasising the city centre entrance routes and highlighting pedestrian and cycle routes and crossing facilities whilst linking the proposed road to adjacent residential streets. The street scene would be given character and the effects of tree removal offset by providing additional trees, shrubs, ground cover and avenue trees that would be semi-mature, together with the new green spaces (DCC/7). DCC/18 illustrates the extent of the new green areas that would be incorporated in the scheme. 159 trees would be lost but 251 planted (DCC/25).
- 4.51 On Ford Street a number of properties would need to be demolished for the road. Some of these are within the conservation areas and, whilst 33 and 35 Ford Street have acknowledged local townscape interest, none of the properties are considered to be of overriding townscape importance. The overall townscape impact in this area would be slight to moderate impact (DCC/6, DCC/7).
- 4.52 Semi-mature tree planting would be incorporated within the central reserve at Friar Gate, with two semi-mature planes planted on Friar Gate. Overall the townscape impact of the scheme in this area would be slight to moderate adverse. High quality materials and detailing would be specified for the scheme in this location (DCC/6, DCC/7).
- 4.53 Near Uttoxeter New Road and to the south, property of non-townscape merit would need to be demolished. The rebuilding of the walls and gate piers would offset the impact on the important Friar Gate goods yard. These would be constructed with existing materials recovered from the demolition. Dunkirk Street, Abbey Street and Monk Street would all suffer property demolition resulting in a slight adverse townscape impact as a consequence of the scheme. South and east of Abbey Street the road would cross an existing green area not of particular townscape quality but the space remaining free of the highway would be given high quality tree and ground cover planting as mitigation. There would be property demolition at Forester Street and the loss of gardens on Wilson Street. The large roundabout proposed on Burton Road would provide an opportunity to incorporate public art and distinctive ornamental planting.

To the east of Burton Road there would be slight adverse impact and landscaping would provide mitigation to spaces adjacent to existing streets and eastwards towards Osmaston Road (DCC/6, DCC/7).

- 4.54 At Five Lamps the works would require the demolition of No. 40 West Avenue and demolition and replacement of garden walls to 5-13 Kedleston Road and the perimeter wall to The Hawthorns. These works would create an adverse townscape impact in the conservation area (DCC/6, DCC/7).
- 4.55 After discussions and in accordance with advice from English Heritage mitigatory "new build" would be carried out at Five Lamps (40 West Avenue and retaining walls at Kedleston Road). The Friar Gate goods yard wall and gate piers would be rebuilt and new townscape compatible property development facilitated alongside the King Street link (DCC/6, DCC/7).

## Heritage

- 4.56 Local, regional and national policies covering heritage are set out in DCC/6 and indicate the consideration and approach which has been followed in drawing up proposals for the scheme which would affect listed buildings and conservation areas. DCC/6 also describes the impact of the scheme on the heritage of the town and how that impact would be offset by mitigation. The Council engaged English Heritage in discussions and meetings and took advice from them. Although English Heritage did not initially find the scheme acceptable they subsequently accepted it as a necessity and advised the Secretary of State accordingly in respect to the granting of listed building and conservation areas consents. The Council amended the scheme to make it acceptable to English Heritage. In coming to a judgement English Heritage used the ES and expressed satisfaction with the document (D24, page 42). They "found the ES (November 2004 edition) comprehensive, objective and well presented in the sections relating to the historic environment. All sections are informative but for our purposes we found section 2 (Development), Section 5 (Townscape and Visual impact), Section 12 (Archaeology and Heritage), and the associated appendixes particularly welcome." English Heritage also had regard to the Supplementary ES D21.
- 4.57 Generally, in the city centre, the scheme would result in a reduction of traffic on many streets. That would be of benefit enhancing the settings of listed buildings. Some 34 Grade II, 3 Grade II\*, 4 Grade I and 13 other listed buildings would benefit as a result of the scheme's effects. Where traffic predictions show an increase of more than 10%, there would consequently be an adverse impact from the scheme on 5 Grade II listed buildings, 3 Grade II\* listed buildings and 1 locally listed building. The impact of the scheme on heritage would be adverse on parts of the Strutt's Park and Friar Gate conservation areas but there would be benefits for the City Centre and elsewhere in the Friar Gate conservation area (DCC/6).
- 4.58 Much of the proposed scheme would lie in the Friar Gate conservation area which has 100 listed buildings, many of which date from the

Georgian period and some are Grade II listed and locally listed (D38). The scheme would require the demolition of 33 and 35 Ford Street, 5 Agard Street and 19 Ford Street. The first two are within the conservation area, although no demolition of any listed building in this area would be required. The Secretary of State granted demolition consent for 33 and 35 Ford Street on 21 December 2005. This consent took account of comments made by English Heritage who concluded that consent was acceptable subject to appropriate redevelopment of street frontages. Should the scheme proceed, the buildings would be subject to a programme of recording prior to demolition (DCC/6).

- 4.59 Buildings within the Friar Gate conservation area and the character of the conservation area would be adversely affected by the scheme. In particular the widening of Ford Street and Stafford Street would increase the separation between the eastern end of the conservation area and the major part of the area to the west, although improvements to the streetscape of the area would partly offset the negative effect of the widening. However, the scale of the changes to the highway would also affect the setting of 5 listed buildings especially 47 Ford Street and 27 Friar Gate, both Grade II listed buildings, in addition to 23, 99 and 100 Friar Gate, all Grade II listed buildings. The removal of the mature plane tree at the junction of Friar Gate and Stafford Street would adversely affect the character of that area and therefore targeted planting of two semi-mature plane trees near by on Friar Gate would be undertaken. Other semi-mature trees would be incorporated into the area. Changes in traffic would improve the general environment along Friar Gate significantly and beneficially affect the setting of 13 listed buildings including one Grade II\* building and 12 Grade II buildings along Friar Gate east of Ford Street. The scheme would have no significant effect on Friar Gate listed buildings west of Ford Street but traffic increases along Ford Street would have a negative effect on the character of this part of the conservation area and 5 listed buildings (DCC/6).
- 4.60 Between Uttoxeter New Road and Osmaston Road the new road would be built through an area of 19<sup>th</sup> and 20<sup>th</sup> Century development, thereby requiring 57 properties and 3 boundary walls to be demolished. Much of this stock of property has already been demolished and where appropriate recorded by the Birmingham Archaeological Group in accordance with the Council's brief to them. Recording did not identify any building worthy of listing and the demolition of these buildings would have had no significant impact on Derby, as confirmed by English Heritage (DCC/6).
- 4.61 The former Great Northern railway Friar Gate Goods Yard is located near the proposed Uttoxeter New Road/Stafford Street roundabout. It includes the Grade II listed Great Northern warehouse and engine house and associated curtilage walls and gate piers. These walls and piers would be demolished by the scheme, but relocated and reconstructed to original height with the original materials clear of the proposed road. Listed building consent has been granted for this proposal, with associated conditions.
- 4.62 At King Street and Five Lamps, part of this section of the scheme would

run through an archaeological alert area as defined in the Local Plan. The Strutt's Park conservation area border is aligned along King Street and Duffield Road but the conservation area includes the Five Lamps junction (D37). At Five Lamps the scheme would require the demolition of 40 West Avenue, an unlisted 19<sup>th</sup> Century building, and its part replacement with a garden bay extension to No. 42 West Avenue together with the removal and re-positioning of the front garden walls of 5-13 Kedleston Road.

- 4.63 40 West Avenue is one of a curved terrace of four houses that are now separated from the remainder of West Avenue by an earlier road scheme. However, the initial proposals for the demolition of 40 West Avenue were considered by English Heritage who took the view that such a demolition would compound the problem caused by the earlier partial demolition of the terrace and thereby negatively affect the character of this part of the conservation area. They had similar concerns over the proposed demolition of the garden walls at Kedleston Road. Following discussion with the City Council, English Heritage withdrew its objection on the basis of undertakings given by the Council leading to the Secretary of State granting conservation area consent, with 6 attendant conditions (D31). Even with these conditions the proposals would still have a negative impact on the character on this part of the Strutt's Park conservation area.
- 4.64 The proposed new northbound carriageway from St Helen's Street to Lodge Road would involve the demolition of locally listed premises at the corner of St Helen's Street, Nos. 2-8 and No. 71 King Street and also works within the curtilage of the 17<sup>th</sup> Century Grade II listed Seven Stars public house. The party gable wall of 10 St Helen's Street would be exposed by the demolition of 2-8 St Helen's Street. The proposed link road would run to the rear of the public house that lies just outside the Strutt's Park conservation area. English Heritage withdrew an earlier objection to the proposals following discussion with the Council that resulted in acceptable amendments to the proposals. The buildings scheduled for demolition in St Helen's Street and King Street have local importance and contribute to the setting of the Grade I St Helen's House which lies on King Street within the Strutt's Park conservation area. English Heritage also objected to these proposed demolitions but, after discussion with the Council, and on the basis of commitments by the Council to enlarge the corner of St Helen's Street and safeguard the setting of St Helen's House, withdrew its objection. Listed buildings and conservation area consent was granted by the Secretary of State and planning permission for the modified scheme was granted by the Derby City Council (D30, D37).

## Archaeology

- 4.65 Planning Policy Guide 16 Archaeology and Planning (D5) provides the national planning policy context for proposals and their effect on archaeology and how remains should be recorded and reserved. This policy has been followed and, although excavations did not reveal any findings of national significance, further work in the form of selective open

area excavation would be undertaken before construction of the scheme takes place in the Ford Street/Friar Gate area (D46).

### **Modification to the Orders**

4.66 The Council requested modifications to the Orders on confirmation. These are:

To change the highway boundary on the north side of Cavendish Street at its junction with Ford Street, SRO drawing No.AS/SRO/26A (DCC/14) incorporates the change, and'

To change the CPO in order to reduce the area of plot No 64 to 376 sq metres. That change is shown on drawing AS/CPO/OS/28A (DCC/14). To further change the CPO to amend the Schedule in respect of plot 218 to read "to carry out landscaping and regarding" and not "to construct and maintain a retaining wall".

### **The compulsory purchase order**

4.67 The Compulsory Purchase Order (CPO) would be to authorise the Council to acquire new rights on 254 plots as set out in detail in the Schedule to the Compulsory Purchase Order (D7). At the inquiry no land was identified as falling within special categories to which the Acquisition of Land Act 1981 applies. It was anticipated that the land for the scheme would be required for work commencing in 2007, with the appropriate funding and statutory procedures secured. The rights of the affected parties under the Human Rights Act 1998 particularly under Article 8/1 of the First Protocol have been taken into account and it is considered that there would be no breaches of the Act.

4.68 The Council is aware of a Reserved Matters application in respect of building works planning permission at 42 West Avenue and is confident of early resolution. It is also aware of an application for village green status on a parcel of land needed for the scheme but does not consider at the present time that either of these issues is an impediment to the scheme proceeding, or confirmation of the CPO.

### **The side roads order**

4.69 The effect of the Side Roads Order (SRO) would be to stop up a number of side roads and private means of access to premises. No highway or private means of access would be stopped up until a reasonably convenient alternative was provided. The Orders would authorise the Council to take the following measures to means of access, as well as alterations to side roads:

- To stop up 49 means of access, most of which would not need replacing, and 27 highways or parts of highway,
- To provide 19 new means of access, and improve 37 highways or

parts of highway.

## **5. THE CASE FOR THE SUPPORTERS**

### **The Material Points were:**

- 5.1 Efficient and effective transport links to the University of Derby would be provided by the scheme that is central to Derby's local travel and transport planning. The scheme would regenerate living areas of the city and promote a better environment. It would also enhance priority routes for buses and encourage tourism, employment opportunities and regeneration of the city for the benefits of residents. It is essential for economic growth and the sustainability of the city. It is overdue and further postponement would affect investment decisions. Bus journeys would become shorter and that advantage would be ploughed back into an enhanced bus service (SU/1-SU/9). All submissions by supporters were written submissions, with the exception of the petition presented by Mr Lee (O 22).

## **6. THE CASE FOR THE OBJECTORS**

### **The material points were:**

#### **Derby Heart (O12, O13)**

- 6.1 Derby Heart is a group of Derby residents opposed to the Connecting Derby scheme. At the inquiry Derby Heart fielded a team of witnesses (see appearance list in Annex B). The team evidence and supporting documentation is compiled in inquiry folder O12/O13. In introducing its legal submission Derby Heart claimed that:
- The Environmental Statement prepared for the planning application was defective and unlawful and therefore the Compulsory Purchase Order that would be needed for the scheme, (for which the planning permission had been granted on the basis of the Environmental Statement) could not be confirmed, as a matter of law, even though supplementary ES material had been produced, was published and was before the Inquiry. It was also submitted that an ES, once established, could not be supplemented by further material.
  - A formal application for "village green status" on an area of land needed for the scheme had been applied for. The potential impediment effect of a successful application would mean that the CPO could not be confirmed as a matter of law, or in accordance with the tests specified in ODPM Circular 6 of 2004, because a village green would be formal open space and the CPO does not treat the land as such or recognise that replacement land would therefore be required under the CPO. (DCC/23, O12, O13/31-paragraphs 130-133, and paragraph 90 of DCC/71).

- An expert witness of the Council should be an impartial servant of the inquiry. It was wrong for the Council to use its own officers who clearly were passionate about the scheme, and the case of *Burrows Day v Bristol City Council*, page 135 thereof was quoted. This is attached to Annex 3 of this report (the Council's closing submission at paragraph 91 refers).
- Regarding Ms Temple's evidence, she asserted that consultation in respect of the planning application was inadequate. The *R. v North Devon Health Authority* case referred to is attached to Annex 3 of this report (paragraph 83 of the Council's closing submission also refers).
- The Inspector cannot recommend, or the Secretary of State confirm the Orders partially, because the ES was established on the basis of the whole scheme and it was considered and presented as one. Therefore a part of the scheme could not be excluded from the Orders on confirmation of the remaining parts (O12, O13/31, paragraph 148 thereof and paragraph 92-94 of DCC/71 refers).

### **Procedures, Consultations and History**

- 6.2 The proposals to build a Derby inner ring road go back to 1978 when such ring roads were popular but caused great damage without solving traffic problems. The eastern section of the ring road has been completed but following a consultation exercise in 1998 only 6% of respondents favoured completion of the whole ring road, whilst 48% wanted public transport improvements and 19% restrictions on car use (D70).
- 6.3 A Local Plan inquiry considered, amongst other matters, the broad proposals for the eastern section of the Inner Ring Road, but evidence to the Inspector may have been flawed. Following the Local Plan Inquiry the Inspector said, "*assertions that the new route will induce additional journeys ..... are not borne out by any evidence*". At this inquiry the City Council confirmed that the traffic model indicates a growth in traffic because of the scheme of about 5%. Today the Government wants a reduction in car use and an increase in bus use. The scheme may increase bus use but it would increase car use also. There would be no modal shift.
- 6.4 In the case of this scheme any traffic benefit is more than offset by the harm done to heritage, notwithstanding that there may be some compensatory heritage benefit. It was not for English Heritage to weigh a judgment of heritage harm against traffic benefit in coming to a view to withdraw earlier strong objections to various parts of the scheme.
- 6.5 A consultation process for the scheme was carried out but it was flawed. In May 2004 the Council claimed that only 12 objectors opposed the scheme but there are 51 objectors to the Orders before the inquiry and a petition of almost 2,000 signatures was presented to the Council in 2004.

- 6.6 Only limited options were presented to respondents to the consultation exercise and Council newsletters and documentation did not present a balanced report. Some groups have not been adequately consulted yet inappropriate groups were.
- 6.7 There had been a succession of procedural failings throughout the process. Derby Heart have not been informed of events or invited to meetings and the Council's website was deficient. Therefore, there was no opportunity for Derby Heart to challenge erroneous advice, including that which led English Heritage to withdraw its objections, or challenge bias. The public consultation about Five Lamps and King Street had to be repeated because it was not advertised properly.
- 6.8 At Five Lamps 72% of the public favoured an improvement solution that required no demolition or land acquisition. Only 19% favoured the solution involving the demolition of 40 West Avenue and land acquisition on Kedleston Road. This preference was acknowledged by the Council, yet they set it aside in coming to a decision in favour of the scheme. Following more detailed work at Five Lamps and King Street, in November 2003, a further exhibition was held. 27% of the 274 responses favoured the scheme as now proposed at King Street and Five Lamps with 69% favouring no demolition of 40 West Avenue.

### Heritage Issues

- 6.9 Five Lamps is at the hub of the Strutt's Park conservation area. It includes some important listed buildings including the fine Grade I St Helen's House on King Street but the special character of the conservation area lies in the Victorian street scene that is architecturally well expressed at Five Lamps. PPG15 Planning and the Historic Environment advises that there should be a presumption against the demolition of buildings which make a positive contribution to the character and appearance of the conservation area and this policy is intended to maintain some of the more ordinary buildings that nevertheless contribute a great deal to the area (D4). The front garden walls of 5-15 Kedleston Road and at The Hawthorns, although unlisted, are Victorian walls and contribute to the conservation character of the area. The walls and 40 West Avenue both contribute strongly to the area as explained in the guidance documents "Power of Place" and "Streets for All". This was recognised by English Heritage in refusing the application for demolition as being "*extremely detrimental*" to the area. Negotiations between the Council and English Heritage that led to English Heritage withdrawing earlier objections should also be viewed in the context of the Heritage White Paper that introduces the concept of protection of the World Heritage Site with buffer zones. Strutt's Park is a World Heritage Site buffer zone and due weight should be given to any considerations of development which might affect it. The boundary of the Derwent Valley Mills World Heritage site is set close to parts of Five Lamps. The scheme in damaging the setting of St Helen's House and Strutt's Park conservation area would harm the World Heritage Site as these properties and area provide a key role in the setting of the World Heritage site and are essential to understanding it (O12/13 /3A).

- 6.10 Five Lamps is a unique area of the city that forms a gateway into the city from the north. It has many impressive and strong features. Removal and setting back of the walls at Kedleston Place would be of considerable detriment to the conservation area, especially when taken with the demolition of 40 West Avenue. Derby Civic Society contend that, before the improvements at Five Lamps go ahead, an alternative concept guiding traffic away from the area should be explored.
- 6.11 King Street contains five highly important sensitive historic areas, the former marble works, the Friends Meeting House, the china works site, the Seven Stars public house and St Helen's House. These sites would be compromised by the scheme.
- 6.12 In conservation areas it is not only the heritage aspect that has to be considered but also the economic wellbeing of each area. The scheme would have no substantial economic benefit to any conservation area.
- 6.13 Friar Gate, Derby's premier conservation area, is the most cohesive and finest Georgian street in Derby. The scheme would severely damage the site of an outstanding group of listed buildings, as it cuts across the grain of the street and clearly contravenes the intent of PPG15. The structural security of the Grade II listed buildings that abut the area would be threatened by ground and air vibration from vehicles. Fumes are likely to damage the interior of buildings. The level of traffic would discourage residential use.
- 6.14 The scheme would fail to comply with the "preserve and enhance the appearance or character" test. The loss of character at Five Lamps and Friar Gate mean the scheme failed this test. Should the scheme not proceed no part of the heritage of central Derby would suffer undue harm relative to that which would be inflicted by the scheme on Five Lamps and Friar Gate. The earlier ES, at the planning stage, was deficient in respect of Heritage (appendix 12.2 and 12.3). There was little reference to listed buildings or heritage policy and no assessment of the impact of the scheme on conservation areas.

### **Severance**

- 6.15 Severance would be aggravated as a result of a need for pedestrians to cross the new road and cycle ways between St. Alkmunds Way and Osmaston Road. However the Council have not adequately assessed the effects of severance on pedestrian or community facilities affected by the proposed route and neither have they produced a map of movement routes in the location, facilities or catchment areas in accordance with the requirements of DMRB. A number of significant facilities would suffer new severance as a result of the scheme and relief from severance elsewhere would not compensate for this new severance.

### **Traffic**

- 6.16 Nothing in the scheme would eradicate congestion hot spots within the city, with the continuing problems of noise and air quality. The recent

town centre developments have not been considered and there has been no coordination between developers and the Council. No potential developments have been accounted for. There are places on the existing inner ring road where the traffic signals should be removed. The outer ring road should be improved to draw traffic away from the inner ring road corridor that is already relatively attractive at peak times. A lot of traffic uses the inner ring road to cut straight through the central core of the city and large employing companies are locating in the south and east of the city thereby making the demands of travel greater.

## **Buses**

- 6.17 The scheme has been reduced from the original intent and now has few public transport benefits. The new ancillary bus lanes on Burton Road, Normanton Road and Uttoxeter New Road are needed only because the proposed ring road would cut across their normal route into the city centre. The bus lane on Friar Gate could be provided without the scheme in place. It is accepted that there would be a public transport improvement from the bus lane proposed on Friar Gate between Bridge Street and Cheapside. The bus lane proposed for the Burton Road/Normanton Road junction would not be needed because queuing levels are low. There are few problems for buses at Five Lamps which is well served by public transport.
- 6.18 The economic benefits claimed for the scheme are overstated since they assume benefits for buses that would not accrue. Most benefit would accrue to car drivers. As Derby's bus companies are run by the private sector there would be no certainty of the proposed bus facilities that would be provided by the scheme being used.
- 6.19 At Five Lamps there is no traffic delay outside peak hours and the corridor is already well served by buses so that the scheme would not be of any significant benefit there.

## **Cycling**

- 6.20 The Derby Cycling Group do not support the scheme and the survey and analysis of cycling movement by the Council does not conform to the requirements of DMRB. The scheme provides badly for cycle routes with only the length between Uttoxeter New Road and Burton Road having a dedicated cycle lane facility. Derby does not need a circular cycle route, the problems being west-east and north-south. The junctions have not been designed to give priority to cyclists, contrary to "sustrans" advice. There is also the potential of a dangerous clash between pedestrians and cyclists in places and there is no evidence that the Derby Urban Traffic Management control team will take account of the needs for cyclists.
- 6.21 It is feared that should the single carriageway section of the proposed scheme be built, with cycle lanes and footways, it could in future be widened without planning permission thereby wiping out any benefit that the current scheme would have in respect of pedestrians and cyclists.

## **Pedestrians**

- 6.22 The proposed scheme does not meet the needs of pedestrians. There is insufficient information on which to base any judgment about the validity of the Orders in respect of pedestrians. Existing journey and travel patterns have not been developed or established. Staggered pedestrian crossings penalise pedestrians in favour of motorists. The UTMC should be used to make pedestrian crossing of the carriageway expedient if necessary by restricting vehicle flow. Zebra crossings would be better for pedestrians than signalled crossings.

## **Air Quality**

- 6.23 The increasing traffic at major signalised junctions and stationary traffic would lead to excessive pollution levels whilst the computer predictions of pollution levels are flawed. A comparison between computerised outputs and measured levels of air quality across 8 sites almost consistently showed higher observed levels of pollution compared to predicted values and in some cases significantly higher values were observed. In a study in the United States it was shown that road pollution has a disastrous effect on human health, in particular lung development in children (annex to 012,013).

## **Open Space**

- 6.24 Open spaces, sport and recreation facilities, underpin people's quality of life. Well designed and implemented planning for open space, sport and recreation are fundamental to deliver Government objectives of supporting an urban renaissance promoting social inclusion, community adhesion, health and wellbeing. Small open space areas in urban areas can provide an important local amenity for play and recreation. Local authorities should undertake a robust assessment of these facilities and audit use of such facilities. Only if open space is surplus should it be built upon. The Council has had no regard to this or consulted the public in this regard before promoting the scheme.
- 6.25 In the Town and Country Planning Act open space is defined as land laid out as a public garden or used for the purpose of public recreation but in advising the Council's Planning Control Committee, reference is made to the loss of green areas not open space, yet green areas along the line of the road are clearly used for public recreation and have been for 30 years.

## **Finance**

- 6.26 Derby Heart is not confident that the cost of the scheme has been properly considered because of the chequered history of the scheme estimates. The cost benefit analysis is suspect primarily because of missing land costs, estimated by Derby Heart at £10million, further delay resulting in additional costs and potentially high statutory undertakers cost and inflation. These factors would not be covered by the 15% allowance in the estimated total produced by the Council. At Five Lamps

the junction improvements cost, in 2001, was £½million. This has not been increased to allow for inflation.

### **Five Lamps and King Street area**

- 6.27 The installation of traffic lights at the Queen Street/King Street junction could be used to give buses priority at Five Lamps and hence obviate the need for the new link road to the rear of the Seven Stars public house.
- 6.28 The Five Lamps area is an air quality management area. The Council have a duty to reduce pollution in such areas. The local signals have not eased traffic or reduced accidents. The scheme would increase traffic at Five Lamps and pedestrians would suffer new severance as traffic flows grow and speed increases.
- 6.29 The scheme would take the Seven Stars woodland that is considered to be of overwhelming local importance in terms of rare habitat. Sycamore and ash trees dominate the area. 53 plant species have been recorded in the area. Scheme developments should have regard for bio-diversity. The wood could become an urban wildlife area.
- 6.30 Removing the Five Lamps and King Street improvements from the scheme would reduce capital cost and increase the benefits/cost ratio with a BCR rising to 12.4. Traffic queues at Five Lamps would not be increased and journey times decreased through these two parts of the network if the improvements were abandoned (DCC/47).

### **Closure of Brook Street/St. Alkmunds Way junction**

- 6.31 Because of the proposed closure of access from Brook Street to St. Alkmunds Way, the traffic model predicts an increase in the amount of traffic using Lodge Lane to access Garden Street, a rise of 384 passenger car units in the pm peak hour. This would disadvantage the university bus service and the traffic increase could be avoided by keeping the Brook Street/St. Alkmunds Way junction open.

### **The Regional Spatial Strategy**

- 6.32 The Regional Spatial Strategy advocates reducing the use of the car and promoting a step change in the use of quality and quantity of public transport. It also seeks to protect designated cultural and natural assets and consequently this scheme runs contrary to it.

### **Acquisition of the Clutch Centre-Mr D Yeomans (statutory objector also) (O5) CPO plots 52,53,55.**

- 6.33 The location of the Clutch Centre is crucial for business success. To move it from the corner of Agard Street would cripple the business and force customers to pay more elsewhere.

**Overall Public Disbenefit**

6.34 The wellbeing of the whole community would be disadvantaged by the scheme that would inflict intolerable harm on the Friar Gate conservation area, Five Lamps and King Street. It would be environmentally bad and of little use for pedestrians and cyclists. Public money would be wasted and would be better spent elsewhere. The scheme would adversely affect health, amenity and established green spaces. It would bring adverse psychological effects, destroying the cohesion of the community, listed buildings and conservation areas, whilst accidents might increase through driver frustration and blight predominate in the area.

**Mr Ferid Kevric on behalf of the on behalf of the Trustees of the Bosnia Herzegovina Club (O51)(Statutory objector) CPO plot 96.**

6.35 The scheme would take the refurbished club house and land at Uttoxeter New Road from a position that being near the city centre, is well suited to the needs of the community and regarded as a second home for many in the community. There are 600 members of the club and excellent relations with residents and the Council and 300 Yugoslavs also use the club for 2 days a week. It keeps young people off the street and is used for educational and training support. The Club appreciates the benefits of the scheme and accept that it was involved in the consultation process. The line was altered so that the club would now be affected. The Club is desperate for help from the Council to find an alternative that would suit the Bosnian community.

**Mr Kevin King (O48)(Statutory objector) CPO plot 115.**

6.36 The scheme is the wrong one for Derby. Houses and historic buildings should not be taken, or affected, for roads. The Brook Street access to the ring road should remain open because closure would divert traffic into the Strutt's Park area.

**Mr Stephen Coult of Browne Jacobson on behalf of Sports Marketing International Ltd (O19, O41)(Statutory objector) CPO plots 26,27,28a, SRO ref 46**

6.37 The objector and Council had reached an advanced stage of negotiation, close to agreement.

**Mr Peter Steer on behalf of Friends of the Earth (O28) and on behalf of Ms Dorothy Skrytek (O54).** (Mr Steer also appeared as a witness for Derby Heart).

6.38 Friends of the Earth support the Derby Heart case. Increased traffic calming measures on the existing inner ring road, clean air and low speed zones, better road signage and improvement to the outer ring road, pollution and climate change strategies and providing better information to the travelling public would be a preferred strategy. The current inner ring road puts people off driving into town, a valuable

purpose. The proposed ring road would induce more travel, journeys would lengthen because of the stopping up of side roads and pressure on pedestrian and cyclists would increase thereby discouraging modal shift.

- 6.39 Pollution forecasts could have been underestimated because of missing data and pollution could be particularly hazardous in public sensitive area receptors, such as Sacheverel Street and the Wellside and Charnwood Surgeries, as well as at the college sites where pollution would increase. The imposition of traffic signals has already made problems worse in places as traffic is now restricted from free flow at junctions. Some car-based developments in the city have not been properly accounted for in the evidence before the inquiry or their effects set out in the ES.
- 6.40 The Regional Spatial Strategy acknowledges that the East Midlands region has lost more biodiversity than any other region and that as the scheme would increase road space and induce more traffic it is contrary to the RSS policy of restricting such schemes unless they are committed.
- 6.41 The Council is considering congestion charging on the inner ring road because they know that it would be congested soon after construction. This would harm small businesses and poorer drivers.
- 6.42 The urban regeneration company Cityscape's plans for the city would include widespread destruction of public open green space, trees, gardens and amenity. Conservation areas would be affected, as would St. Helen's House.
- 6.43 The BMA Lancet article of 25<sup>th</sup> January 2006 reviews pollution from major roads as a cause of lung function problems throughout childhood and into adulthood. There would be schools affected by the scheme, as well as the doctors' surgeries.
- 6.44 The Department for Transport is failing to reduce carbon dioxide emissions. The Council has made no estimate of carbon dioxide emissions, with or without the scheme as required by DfT.
- 6.45 As the scheme would lead to an increase in costs to the public, including health costs and other hidden costs, the cost benefit analysis for the scheme is flawed.

### **Mrs Anne Underhill (O33)**

- 6.46 The scheme would cause Wilson Street to suffer from no-through traffic and that would exacerbate the problem of anti-social behaviour. A similar situation would arise in Gerard Street should it become a cul-de-sac.
- 6.47 The scheme would introduce a severe severance wedge into an area not currently suffering such severance and this in turn could result in a spiral of decline in the area. Severance would affect the area both physically and psychologically and produce accessibility barriers for people seeking facilities or destinations on the other side of the barrier. The mitigation of severance has not been a key concern of the Council. Poor highway

maintenance and the reduction in the number of passers-by would add to local problems leading to an increase in crime, deprivation and intimidating anti-social behaviour. The scheme north of Burton Road would have inadequate crossing points for pedestrians to offset imposed severance.

### **Mr C Lee (O22)**

- 6.48 Mr Lee's objection was accompanied by a significant petition of 48 signatures that supported the scheme, but expressed concerns about the effect that the scheme would have on the local road network around the Friar Gate/ Stafford Street/Ford Street area.
- 6.49 The scheme would give rise to problems of turning and accessibility to property located along Cavendish Street and George Street but could be improved by allowing left turns from Ford Street into Friar Gate, Friar Gate becoming two-way as far as George Street, and providing an all-movement junction from Friar Gate to Stafford Street and Ford Street. This would assist businesses, emergency services and reduce emissions through shorter journeys. As an alternative to those alterations, the junction of Cavendish Street and Ford Street should remain open for incoming and outgoing traffic.

### **Ms L During (O16, O17 & O18)**

- 6.50 The proposed road closures, especially Brook Street and St Michael's Lane, would force more traffic onto the inner ring road thus increasing congestion, air and noise pollution and rat running through the conservation area. Rat running in the order of 500 vehicles already occurs on North Parade in the peak hour.
- 6.51 The scheme would be to the detriment of the tenants and property value at 3 Duffield Road, a property owned by Ms During. At present the busy road concerns prospective tenants and the proposals would exacerbate that problem. Air pollution there is growing but would be made worse by the scheme. The closure of the junction at Brook Street would add traffic to the area that is residential. Other options of road charging and public transport enhancement should be considered as an alternative.
- 6.52 Precious buildings in the Strutt's Park conservation area and near by would suffer harm as a consequence of the scheme and visual amenity and foliage would also be harmed, thereby causing mental health to suffer in the area. The removal of the northbound bus stop outside the Seven Stars public house would remove transport convenience and mean fewer pedestrians passed Ms During's local shop.

### **Mr Peter Ansen (O71)**

- 6.53 Mr Ansen lives at 22 Duffield Road, a property in a row of four Grade II listed buildings within the Strutts Park conservation area. The back gardens and rear views would be affected by the scheme that would bring more traffic closer to the house, increase pollution and cause loss of privacy. There has been no effective consultation with residents.

- 6.54 The scheme would encourage heavy goods vehicles (hgvs) into the area and the properties are not built to withstand ground vibration generated by heavy vehicles. 73% of the traffic causing congestion is passing through Derby centre and its conservation areas should be protected from it.
- 6.55 The Council has not adequately acknowledged the listed buildings status of property in the area and had they done so and consulted more fully with residents, the scheme might have attracted more objections.
- 6.56 The felling of trees and the demolition of 40 West Avenue would damage the setting of graded properties and open up a visual chasm. Any new trees planted as a consequence of the scheme would mature very slowly so that the harm would remain substantial for some time. The increased traffic at Five Lamps would also increase local pollution and affect health of the population.

**Mr Christopher Woodward (O14, O15).** (Mr Woodward also appeared as a witness for Derby Heart)

- 6.57 Mr Woodward objects to the SRO at Forester Street, Wilson Street and Gerard Street. He lives in the city centre and currently uses these streets to drive to relatives or businesses on the other side of the proposed road. With the stopping up of those streets, the necessary diversion would be longer, pass through congestion spots, and generally cause pollution. The stopping up of the side roads would increase traffic flow and cause drivers seeking parking spaces to drive along the street and then back out.
- 6.58 Mr Woodward is also concerned with the CPO on plots 163 and 170. He regularly uses the open area of land (plot 163), which is about 3743 square metres, and located between Abbey Street and Wilson Street, and plot 170, which is about 2945 square metres, located between Wilson Street and Forester Street. These areas are precious public green space within the urban environment. There would be no equivalent replacement for local residents, thereby contravening policy established in PPG17. These areas were created following demolition of properties 30 years ago and have been used continuously by the public since then. The area suffers a dearth of open space and the City Council grassed and tree planted those areas in recognition of that need. The spaces have established public use over a long period and should be granted the status of "village green". The public have become very accustomed to the local facility. The Council should have surveyed the space they provide and the use made of them and an equivalent and convenient replacement made by the Council.
- 6.59 The green spaces proposed as part of the scheme, being adjacent to the road, would not provide an equivalent public facility which is as healthy and enjoyable, yet the Council would compulsorily purchase property for the creation of car parking as a replacement for the car park spaces lost should the scheme proceed. This approach is inequitable.

- 6.60 The wellbeing, health and enjoyment of people living in this deprived area depend on the use of green spaces. To deny the relevance of PPG17 would be to deny the human rights of residents in the area where Mr Woodward lives.

### **Mrs Gwen Sandhu (O69)**

- 6.61 Mrs Sandhu's concern is with the past, present and proposed situation for cyclists and that the problems of traffic movement in Derby would not be remedied by the scheme. The main problems for cycling are air pollution, road maintenance and traffic. Cyclists sharing bus lanes suffer pollution and a road surface poorly maintained by the Council, particularly in the "cycle path" of the carriageway, which makes cycle ride quality poor and dangerous. Equestrians should also be catered for even though the scheme runs through the city centre. Horse transport is a not infrequent mode at funerals.
- 6.62 Raising driving standards would provide a better solution in reducing road accidents than the scheme.
- 6.63 The scheme would not provide seamless journeys but the inter modal mix would generate seams.
- 6.64 As the bus companies are private concerns, they could change routing and thereby negate any advantage the scheme would provide in respect of buses.
- 6.65 The provision for pedestrians in the scheme should be based on proof of desire lines.
- 6.66 The Environment Agency should be involved in the design of the scheme, particularly in respect of the effect it would have on local waterways.
- 6.67 There is no definition of "public interest or improvement" against which to measure the benefits which the scheme would bring.

### **WRITTEN OBJECTIONS**

Except as reported below the written objections did not raise any material issues not already reported. Statutory objectors are marked **(SO)**.

#### **The Material Points were:**

**Ms Graziella Zanolli (O2 & O3)(SO).** (The objection was written by Mr Richard Butler on behalf of Ms Zanolli). CPO plot 8b, SRO ref 48.

- 6.68 The scheme would damage the townscape of the Strutt's Park conservation area and does not match the PPG requirements to preserve and enhance that area, whilst there are alternative methods of accommodating traffic in the World Heritage site buffer zone. Traffic would be increased through Five Lamps, the scheme would remove the

current natural traffic calming, resulting in higher speeds and increased danger whilst not meeting the objectives of improving cycling and pedestrian activities.

6.69 The Council declined to translate the CPO documents into Italian, Ms Zanoli's natural language. This is contrary to natural justice.

6.70 The replacement access to Ms Zanoli's property (7 Kedleston Road) as set out in the SRO would have a deleterious effect upon the stability of 7 Kedleston Road and consequently make it less safe to access.

**Mr Richard Butler (O4, O10 & O11) on behalf of Ms Li Zhi (SO).** (The objection was written by Mr Richard Butler on behalf of Ms Zhi). CPO plot 8a

6.71 Mr Richard Butler has been appointed as Ms Zhi's representative and advisor. Her purported concerns are that there is no satisfactory justification for the CPO of her land, the CPO would prevent the special character of the Strutt's Park conservation area from being preserved and enhanced and that the Council in refusing to translate the CPO documents into Mandarin was denying a complete understanding of those documents. Ms Li objects to her local taxes being used to finance the Five Lamps scheme.

**Mr Stephen Day on behalf of Trust House Inns Ltd and Mr David Barber the lessee of the Seven Stars public house (O6)(SO).** CPO Plots 29,30, SRO ref 45.

6.72 Trust House Inns own the Seven Stars public house. There is no compelling case for the scheme which involves the demolition of a Grade II listed building and the fragmentation of the site of one of the region's oldest public houses. There has been no formal undertaking about replacement land or accommodation works.

**Mr K Dowd (O7), Mr Robert Hodges (O23) and Ms Dianne Richardson (O24)**

6.73 These three objectors submitted identical letters of objection, the substance of which is that the scheme would bring about despoliation of amenity, more congestion and pollution in a designated quality management area, the removal of open space and trees and longer journeys; access and egress would be restricted and severance increased. Gardens and green spaces would be destroyed, yet the scheme would cause irrevocable environmental damage, pollution for cyclists, a threat to health, safety issues, and longer bus journeys. It would facilitate congestion charging. Small businesses would be adversely affected and poor air quality would result in areas currently relatively free from pollution such as High Gates and Sacheverel Street. The scheme would also destroy or cause deterioration of conservation areas and affect Grade I listed buildings, and the Seven Stars public house.

**Ms D Skrytek (O54), Mr H Tangley (O55), Mr Peter Ambler (O56), Mr C Upchurch (O57), Ms Vanita Young (O58), Ms Joani Oakden (O59), Mr D**

**Cuddy (O60), Mr C Pritchard (O61), Mr Patterson Mhlanga (O62), Ms Alice M Webb (O63), Ms Casandra West (O64), Ms Alison Fernandes (O65).**

6.74 These twelve objectors submitted identical letters of objection, the substance of which is that alternatives have never been fully considered including the better use of the current ring road through traffic management, educating the public and better information. The current inner ring road puts people off driving, a laudable outcome. The Lancet article of the British Medical Association of 26 January 2006 drew attention to the effects of pollution on lung functioning in many young people subject to pollution and the Council have not assessed carbon dioxide emissions in accordance with the Department for Transport guidance.

**Mr Richard Butler - personal written objections (O8 and O9) (SO).** CPO plots 6,8,9, SRO ref 48. (Mr Butler also presented evidence for Derby Heart).

6.75 The scheme would increase severance, pollution, divide communities and make journeys more difficult for pedestrians and cyclists whilst benefits to bus users could be provided more cheaply. In drawing up the proposals, the Council has not fully considered human rights. The scheme would not achieve its aims, would not preserve the conservation areas of Derby, but would create danger, air and noise pollution and cause structural instability of houses. Inaccurate maps have been produced and documents have not been translated into foreign languages.

6.76 In regard to 7 Kedleston Road, Mr Butler is concerned with difficulties that would arise with the replacement access and loss of privacy. He is also concerned with the closure of Brook Street which would lead to increased traffic in the conservation area of Strutt's Park, additional traffic outside the Seven Stars public house, no provision for cyclists to access Friary Street, additional severance, the absence of proposals to reopen the access from Willow Road to Ford Street (which would reduce traffic east of the Five Lamps area), and also the absence of an access to St Helen's Street from King Street. Response times for emergency vehicles would be increased.

6.77 Mr Butler is also particularly concerned with the proposed compulsory purchase of 342 square metres of land which is part of the car park and access to Lonsdale House, CPO Plot 26, and 397 square metres of land at the rear of the Seven Stars public house, CPO Plot 29, and that the plans may be inaccurate at Kedleston Road.

6.78 Mr Butler objects to local authority tax payers paying for parts of the scheme that would not be funded by the Department for Transport.

**Ms Jane Temple (O25).** (Ms Temple also presented evidence for Derby Heart)

6.79 The scheme would result in increased car use but would not achieve its objectives of improving facilities for cycling, walking or public transport.

It would cause heritage damage, in particular in the conservation areas of Strutt's Park and Friar Gate. The Seven Stars public house would also be affected. Consequently the objection to the CPO is widespread and is made in respect of a significant number of CPO plots.

**Mr Peter Steer (O26 and O27).** (Mr Steer also presented evidence for Derby Heart and others).

- 6.80 The scheme, through the stopping up of Forester Street, Gerard Street, Monk Street and Brook Street, would create a hazardous situation that would prevent alternative routes for emergency vehicles and other vehicles in the event of delays on the main road.
- 6.81 The Council has inadequately dealt with severance of established communities that would occur as the side roads would be intercepted and cut off by the proposed road.
- 6.82 In respect of the King Street link and Five Lamps improvements, there has been no established need demonstrated for those elements of the scheme, whilst the stated objectives of the scheme would not be achieved. Moreover the impact on the Strutt's Park conservation area and listed buildings therein would be substantial. The scheme would lead to an increase of traffic in that area, increased pollution and would cause harm for no good public purpose.

**Mr Tony Dunn (O29)**

- 6.83 The whole scheme is flawed and in particular the closure of Brook Street would divert more traffic into Five Lamps and other sensitive areas. The severance of side roads would produce hardship for residents and adversely affect emergency services.

**Ms Penny De Abreu (O30).** (Ms De Abreu also gave evidence for Derby Heart)

- 6.84 The whole scheme is objectionable and in particular the closure of access from Brook Street to Ford Street and prevention of access from St Helen's Street to King Street would force traffic past listed buildings and into the Strutt's Park conservation area. Pollution in this area would increase. Blocking side roads would fundamentally and detrimentally alter the way the area operates. All access points should be maintained if construction of the scheme goes ahead. The residential areas that would be affected should not have a polluting, noisy and physically and mentally divisive racetrack driven through their centre.

**Miss A Baines (O32)**

- 6.85 The scheme would damage the historic and architectural environment of the Strutt's Park conservation area whilst the whole scheme would not fulfil these objectives.

**Mr & Mrs B Armitage (O34)**

- 6.86 The circular frontage of the Strutt's Park conservation area would be

spoilt by the scheme which should be modified to avoid demolition of houses which form an important aspect of the approach to Derby.

### **Mr David Atkinson (O35)**

- 6.87 The scheme would significantly damage the historic, social, physical and public realm spatial environment of Derby. It should be preserved. Shortly after opening, the proposed ring road congestion would return to previous levels whilst the new road would be rendered prejudicial to road safety, particularly within the heart of the urban and residential areas of the city. Here straighter and wider roads would be hazardous.
- 6.88 At King Street and Five Lamps the existing road layout calms traffic and improvements proposed would increase traffic speed thereby creating danger in these areas and elsewhere. Modest tailbacks at peak periods also effectively calm traffic. Increased speeds would mean increased pollution and noise, not only at King Street and Five Lamps but also elsewhere where the new roundabouts would result in poor air quality zones.
- 6.89 Throughout the scheme there would be damage to the environmental amenity of the local built form. This is particularly expressed at Five Lamps and St Helen's/King Street where the use of buildings dates back to medieval times. Nearby there are famous buildings including the former marble works, St Helen's House and the Seven Stars public house which would be isolated should the King Street link go ahead. The impact on the buildings at Five Lamps, including the terrace at Kedleston Road, would be severe for the unjustifiable reason of strengthening the chicane in the road. Friar Gate conservation area would also be damaged.
- 6.90 The ring road would cause blighting and dereliction over a number of years and the community would be severed giving rise to crime and anti-social behaviour and stifling economic prosperity.
- 6.91 For all these reasons, the scheme would be contrary to a number of Government and European policies.

### **Mr Colin Underhill (O36)**

- 6.92 The Side Roads Order at Sacheverel Street would bring about a worsening of the current anti-social behaviour problems in the area.

### **Mr A L & Mrs M A Bennett (O37 and O38)**

- 6.93 The scheme would damage the historic and architectural environment of the Strutt's Park conservation area yet not achieve its objective.

### **Mr Stephen Johnson (O39)**

- 6.94 The scheme would increase congestion in the area of 13 Abbots Barn Close with the resulting noise and pollution, and remove the urban green area at the rear thereby denying residents of amenity and leisure

opportunities. The proposed road would also be a safety hazard for children and severance would be created.

**Ms Kate Chollerton on behalf of Mr Justin Smith and Mr & Mrs Robert Smith (O40) (SO).** CPO plot 26, 28a, SRO ref 46.

6.95 The scheme would not provide a satisfactory means of access to either No. 11 or No. 13 Kedleston Road.

**The Partners of Charnwood Surgery (O42)**

6.96 The scheme, during and after construction, would create access problems, parking problems and pollution particularly for patients of the surgery, many of whom have acute respiratory tract infections. It would make Burton Road a dual carriageway complicating manoeuvres for patients from the car park into town and raising concerns of patients' safety whether on foot or in vehicles.

**Dr G R Allen on behalf of Wellside Surgery (O43)**

6.97 The local surgeries, Wellside, Charnwood and the Manor Pharmacy, have 20,000 registered patients from all over Derby. The scheme would make access to and from the car parks difficult once the slip road in front of the Duke of York public house disappears.

6.98 The new road may attract more vehicles including heavy goods vehicles because the present local highway layout acts as a deterrent to those cutting through the centre of Derby. Many patients, including the elderly and young, would approach the surgery from Babington Road and would need to get across the extremely large roundabout proposed for that area. Parking outside the surgery would be difficult and the current surgery car park is small. Modifications to the proposals would be needed in that area. A doctor's surgery should be a quiet and relaxed place but with the scheme the difficult working environment may put off potential new partners for the practise.

6.99 Pollution is a concern. The recent Lancet findings of 10 February 2007 showed that lung functions in children could be impaired by pollution and cardio-vascular disease increase.

**Ms Sharon Henry (O44) (SO).** CPO plot 116

6.100 The scheme would create a circle of pollution that would stifle life in Derby and affect health. Air and noise pollution in conservation areas would be created and the scheme would adversely affect local historic buildings. Severance of close communal links would be established by the scheme.

**Mrs Barbara Stirrup and Mr Gerard Stirrup (O45 & O46).** CPO plots 6,7 SRO ref 48.

6.101 There is no significant traffic advantage in the proposals at Keddlestone Road and Five Lamps that may be more costly than estimated and take

longer to achieve. Smoothing out the curves around the junction would increase speed and danger. The scheme at Five Lamps would destroy features over one hundred years old. Pollution and noise would increase and trees would be removed.

- 6.102 At No.9 Kedleston Road the scheme would require a retaining wall to be constructed but the extent of land acquisition is too great (CPO Plot 6). In respect of CPO Plot 7 the purchase of this area would reduce the owners' buffer zone between the house and road and thereby the enjoyment of the property. Further details of the proposals for dealing with CPO Plots 6, 7 and 12 would be required from the Council who have not been forthcoming.

**Mr A J Thompson (O51) (SO).** CPO plot 115.

- 6.103 The scheme would render Mr Thompson homeless and is generally not the right one. Talbot Street as well as other roads would become an undesirable cul-de-sac giving difficulties of access. The scheme would cause pollution and delay traffic because of the single carriageway sections.

**Mr Paul Grimsdell (O52)**

- 6.104 The scheme would not achieve the benefits claimed but it would cause more congestion further out along Duffield Road. There is traffic congestion at Five Lamps during the peak hour but before 4pm and after 6pm the flows dissipate quickly and no delays are experienced. The benefit of the scheme at Five Lamps would only be for 10 hours each week but it would seriously damage this historic part of Derby.

**Mr Douglas Jagers (O53)**

- 6.105 The health of the underprivileged should take precedence in any consideration of the scheme.

**Strutt's Park Residents Association (O66)**

- 6.106 The scheme at Five Lamps and King Street should follow an alternative route. It was not supported locally as the consultation exercise revealed only 27% in favour of the current proposal, but 38% favouring Option 2 that should be adopted instead.

**Derby Cycling Group (O67)**

- 6.107 The Group is opposed to the principle of the inner ring road as it would generate more traffic close to the city and increase pollution, although opinion in the Group is divided. Relations with the City Council are good and should the scheme proceed the Council should discuss the finer points of cycling provision with the Group in an effort to increase cycling in Derby. The Group recognises that there are many innovative cycle-friendly features in the plans of the scheme. The Group and Council should jointly review the locations and detail of each cycle path crossing of the inner ring road, with a view to providing safe and convenient

crossings. In particular the proposed roundabouts would present obstacles to cyclists and cycling enhancement within Derby.

**The Association of Indian Women (O68 with two petitions containing 36 signatures).** (This objection, immediately before the inquiry, has been incorporated into the Derby Heart case. The Council responded to it as part of that case).

6.108 The scheme would divide communities. The current route of the inner ring road is difficult for pedestrians to cross but the new road would also be difficult to cross, particularly so at the large roundabout of Burton Road and Normanton Road. The majority of people in Normanton walk or bus to the city centre. These people were not consulted over the scheme. The scheme would increase traffic and pollution, threaten health and remove open space and trees whilst encouraging social turmoil as side roads would be closed off.

## **7. RESPONSE BY THE COUNCIL**

**The Material Points were:**

**Derby Heart (IP12, IP13)(IP prefixes are references to rebuttal proofs)**

### **Procedures, Consultation and History of the Scheme**

- 7.1 In agreeing the percentages of respondents to the 1998 consultation, the Council is of the opinion that the scheme would enable improvements to be made to public transport, facilitate restrictions on cars and promote a safe inner ring road for efficient vehicle use. The consultation exercises were properly and thoroughly carried out and the results reported to the Council (D40, D41).
- 7.2 The Council accepts that the current traffic model indicates that about 5% additional traffic would use the network as a result of the scheme being constructed. That is a mark of the efficiency of the scheme relative to the tortuous nature of the current western sector of the inner ring road. At the Local Plan Public Inquiry the evidence to the Inspector would have been based on the state of traffic knowledge at that time.
- 7.3 The Council rejects the assertion that traffic, environmental and heritage advantages are outweighed by the harm done to selective areas of the city. The Council does not accept that English Heritage was misadvised. When an error was discovered in a letter from English Heritage to the Government Office the Council pointed this out to English Heritage who confirmed that their earlier misunderstanding would not have affected their judgment and they would clarify this to the Government Office (D110). There was no incorrect advice given to English Heritage.
- 7.4 In May 2004 the Council, in corresponding to the DfT, regarding objections to the scheme, stated, "it is difficult to answer this specifically (i.e. number of objections) as many people passed comment but are not

necessarily objectors". "The Council recognises an active objector group called Derby Heart of which there are probably up to 10 active members, as well as a couple of members of Friends of the Earth." Of the petition of 2,000 signatures only 38 objections were lodged during the objection period of the current Orders.

- 7.5 The Council endeavoured to include and consult all groups from relevant areas. Newsletters were sent to all properties within 200m of the scheme giving scheme and contact details, and asking for opinions. There have been many articles in the local press and also radio interviews. The scheme is well known in Derby (D9, D10, D11, D12, D13, D14, D15, D16, D40, D41 and DCC/11(36)).
- 7.6 Alternative options were originally considered but the funding approval for such schemes limited major changes.
- 7.7 Procedural failings are denied and legal submissions countered. All relevant Council meetings were advertised in accordance with the relevant procedures. It is accepted that a planning control committee had to be changed. The Five Lamps and King Street consultation had been advertised but because of short notice and public complaint these were rearranged. The children and parents of Becket were consulted in an effort to determine the optimum locations of crossing points. They were most appropriate in the consultation exercise. The ES is comprehensive and at an earlier planning stage was quite adequate. The Council does not accept that that earlier ES was deficient. A detailed rejection of the criticisms of the ES is set out at DCC/71. That document also counters other legal issues raised at the inquiry. The SRO, CPO and notice of the inquiry were published in accordance with the regulations (D7, D8, D9, D10, D11, D12, D13, D14, D15, D16).
- 7.8 In October 2003 the Council decided to consult on the proposals/options at Five Lamps. Of the 274 respondents, 61% favoured retaining 40 West Avenue (D78). The percentage of the respondents favouring no demolition or land acquisition was only 63%. Only 336 people actually commented.

### **Heritage Issues**

- 7.9 It is accepted that Five Lamps is within the Strutts Park Conservation Area and that, generally, there would be a presumption against inappropriate development there. The scheme would not be inappropriate, but the conservation area would have adverse affects. English Heritage accepted the necessity and advantage of the scheme even though it has heritage disadvantages, locally to Five Lamps (D110). Neither No. 40 West Avenue nor the retaining walls at Kedleston Road are listed buildings.
- 7.10 The guidance document PPG15, "Streets for All" and "Power of Place", mentioned by Derby Heart formed part of the English Heritage appreciation of the issues at Five Lamps. PPG15 recognises, "that in each case a balance has to be struck between conservation, other

environmental concerns, economics, safety and engineering feasibility". In reaching its final view on the scheme English Heritage were also aware of the relevant policy even if it was not explicitly set out in the ES.

- 7.11 Outline planning permission (reference DER/08/06/01312/DCC) has been granted for the new building at 40 West Avenue, with conditions about the layout, scale and appearance, access arrangements and landscaping. The details of these matters will substantially follow the principles set out in the submitted design statement, yet maximising the built form within the available space. The reserved matters will be submitted within 3 years of the date of the outline planning permission and the development started within two years of the approval of the last of those reserved matters (DCC/19).
- 7.12 The scheme would include appropriate wall replacement and railing rebuilding at Five Lamps.
- 7.13 English Heritage, in the light of discussions with the Council, withdrew its objection to the scheme and the Secretary of State granted conservation area consent taking into account the potential effects on the buffer zone to the World Heritage site of the Derwent Valley Mills, where the zone conforms to the Strutt's Park Conservation Area (D110, D31). It is accepted that the World Heritage Site has a buffer zone that includes the Five Lamps area but no part of the scheme would be visible from the World Heritage Site itself. Its impact on the World Heritage zone would be insignificant in this urban area but its construction would have very significant economic benefits, widespread throughout the city as well as locally.
- 7.14 It is recognised that the area of, and around, King Street has sensitive buildings. However, Nos. 2-8 St Helen's Street, which would need to be demolished, have already been extensively altered and no objection to their demolition from statutory historic environmental consultees has been lodged. They would be subject to a full survey before demolition to record any historic points of interest. Furthermore an archaeological evaluation of any remains would be undertaken locally to enable a mitigation strategy to be implemented if necessary. This process would accord with PPG16.
- 7.15 Noise levels at the Friends' Meeting House would not be greater than at present and consequently not compromise the silent contemplation practice there. There has been no objection from those who represent the Friends' Meeting House.
- 7.16 The Council does not accept that the former china works or Seven Stars public house would be severely compromised or made unviable as a result of the scheme. No evidence was advanced by Derby Heart to support those assertions. On the contrary, the scheme would improve environmental conditions on King Street that would promote its regeneration and not detract from the setting of St Helen's House. English Heritage considered that these measures would adequately compensate for the effect of the scheme on the Grade II Seven Stars

public house. There is no evidence to support concerns about vibration damage on listed buildings.

- 7.17 At Friar Gate conservation area also there was no evidence advanced to support the assertion that the scheme would cause vibration or pollution damage near the junction of Ford Street and Friar Gate. On the contrary, a new smooth road surface, which would be provided by the scheme, would reduce ground borne vibration. It is accepted that widening of the road would increase the separation between the eastern end of the conservation area and the majority of the conservation area to the west, but the scheme would result in improvements to the streetscape of the area that would offset the negative effects of the widening works. There would be negative effects also from increased traffic along Ford Street and on the setting of listed buildings, but the reductions in traffic elsewhere would help improve the character of the conservation area. English Heritage indicated that they could accept the proposals subject to satisfactory new development on Ford Street and accepted that the Secretary of State should grant conservation area consent. The Council does not accept that the scheme would harm No. 27 Friar Gate, a Grade II listed building. Any effect on residential property from increased traffic is offset by a reduction in traffic elsewhere within the city.

## Severance

- 7.18 The assessment of severance for the scheme was based on Volume 2 of the DMRB, but varied to suit the character of this urban scheme. The DMRB relates to severance from trunk roads. This scheme would not be an isolated trunk road but a definite inner ring road that would remove traffic from an ill-defined inner ring road network in the same general vicinity. There are a vast number of potential destinations and routes to and from them, in the area both with and without the scheme in place. Therefore meaningful data could not be collected in a cost efficient manner should the Council have engaged in a series of in-depth pedestrian surveys. No pedestrian routes would be closed off by the scheme but new ones would be added resulting in a significant number of crossing points of the new road corridor. The DMRB recognises variations of approach to the assessment of severance may be necessary in such circumstances. The assessment of severance was therefore based on traffic flows before and after the scheme, with a quantitative assessment made by identifying key community facilities as recommended in the DMRB, and using the 3-point scale of the DMRB. However, defining a catchment area as recommended by the DMRB would have been practically impossible in this dense interconnected network of urban streets, with routes to facilities arising from any direction. Therefore the assessment undertaken aimed to identify those facilities immediately adjacent to the scheme and then established what impact the scheme would have on pedestrian usage of such facilities. As the scheme would not close off any route, any impact on facilities further away would be unlikely. Inevitably the urban nature of the scheme and its surrounding means that there are bound to be some facilities and journeys which have not been assessed, whether or not they would be

improved or made worse by the scheme. However, the method of assessment was chosen with the intention of ensuring that an overall comparison could be made. The actual number of people who would be affected one way or another have not been assessed because of the severe complexity of doing so in the urban area which in all practicality would be virtually impossible to do with accuracy, and moreover because no routes would be denied to anyone.

## **Traffic**

- 7.19 Both the Westfield and the Riverlights developments have been considered in the design and operational analysis of the scheme (D91). A co-ordinated approach between the Council and developers has been undertaken throughout. Potential developments without planning permission are uncertain and, in accordance with normal practice, and DfT guidance, have not specifically been accounted for in the traffic predictions, but in applying growth factors based on NRTF and TEMPRO allowance would, to some extent, have been made for such developments anyway (D93 and D92).
- 7.20 There is no evidence to support the contention that the removal of traffic signals in the city would ease congestion. To the contrary, at Five Lamps queues and chaos on Kedleston Road and Duffield Road have been reduced in the peak hour as a result of the control of the signals. Strutts Park residents responded positively in a consultation exercise following signalisation of the junction (DCC/53, D78). With the overall control of the UTM, co-ordination of signals throughout the city and in particular along the inner ring road would optimise efficiency of the network and achieve a balance for all road users including buses and pedestrians which would need to cross the line of the proposed inner ring road. It is accepted that the traffic predictions indicate a significant percentage of the traffic passing through the city centre. However, the traffic survey cordon was drawn tightly around the city centre in such a way that this through traffic could mean that this percentage just passes from one side of the tight cordon to the other and not actually right through the city centre itself. Consequently improvement of the outer ring road would not serve this traffic. By providing a more direct and commodious ring road corridor for traffic near the city centre the scheme would relieve Curzon Street, Cheapside, Bold Lane, Cathedral Road, Full Road, Operation Street, Derwent Street, More Lodge, Gerard Street, The Wardwick and Becket Street of traffic cutting through this area. The traffic model indicates that about 5% more traffic would enter the area with the scheme in place but the significant improvements for public transport, cycling and walking would still bring about modal shift.

## **Buses**

- 7.21 It is accepted that there have been changes in proposed bus priority measures since the scheme was first proposed, primarily as a result of public consultation (D78), but with only one major change at Talbot Street, near the Uttoxeter New Road and Curzon Street junction. Here additional land acquisition has been included in the CPO.

- 7.22 The bus station is being reconstructed but not now as part of the scheme to which the Orders relate.
- 7.23 The bus lane from Osmaston Road to Burton Road has been removed from the scheme but the scheme would add 1.24 km of new bus lanes to the network, as set out in D18. It is accepted that the Friar Gate bus lane would not be dependent upon the scheme but without the scheme there would be an adverse impact of queuing at Cheapside/Curzon Street/Wardwick that would delay buses. Whilst the bus lanes would be needed as a consequence of the scheme, the scheme itself also facilitates a shorter bus route from Normanton Road to the city centre. At Burton Road and Normanton Road the bus lanes would be needed to bypass peak hour queuing. Bus lanes should not be assessed on an individual basis but judged as a whole. It is accepted that the main beneficiary of the scheme would be the private car user as the majority of users on the network are car drivers, but the economic return on the scheme as a whole is very robust and bus journeys would clearly benefit as the lanes to services reduced.
- 7.24 Although there is little delay to buses at Five Lamps during the off-peak periods, the scheme would benefit buses passing through the junction and at King Street at peak periods thereby inducing more passengers to use public transport.
- 7.25 Whilst the Council, even through its excellent relationships with the bus companies, cannot guarantee that the bus priority measures would be used by those companies, improvements are likely to encourage more bus patronage, reliability and thereby continuity of service.

### **Cycling**

- 7.26 It is accepted that the local cycling group have not supported the scheme. Opinion in the Group is divided (DCC/57).
- 7.27 Cycling provision would be widespread within the scheme, including a north-south route from Wardwick via Becket Street (which would be closed off for other traffic), Macklin Street and Green Lane and along the entire length of the new road. Cyclists would also be able to use the proposed bus lanes and a new dedicated lane along the King Street link, as well as the crossing facilities. Sustrans advice does not relate to urban situations and therefore the proposals should not be judged against it. The scheme would provide modern highway facilities with clear sight lines, open and well-lit vistas. Cyclists would be required to give way to pedestrians in places. The UTMC would constantly change the traffic signal timings to minimise delays to cyclists and others, and optimise the efficiency of traffic overall. The Council does not have any plans to subsequently widen the proposed ring road and remove cycle lanes as feared by Derby Heart.

### **Pedestrians**

- 7.28 The scheme would provide a large number of crossing points whilst not

removing any pedestrian routes. In concentrating traffic on the inner ring road, the scheme would reduce pedestrian/vehicle conflict, particularly in residential streets, that carry persistent heavy flows of traffic

- 7.29 The UTMC is a traffic management tool that would be used to manage the efficient operation of the network. At some junctions pedestrian delays would be longer than elsewhere to reflect other traffic requirements and, in the interest of overall balance efficiency of movement. Guidance states that staggered crossing points should be provided where the road is more than 15m wide and considered if more than 11m wide (Local Transport Note 2/95 attached to DCC/RP7). Pedestrian guardrails would be kept to a minimum throughout the scheme. Zebra crossings would frustrate this balance and flexibility of control. Of the 15 signalised pedestrian crossings, 11 would be located at signal control junctions where it would be normal in an urban area to include a pedestrian phase in the operational sequence of the lights and 4 are located on pedestrian desire routes between such junctions.

### **Air quality**

- 7.30 The quality of air in most areas of Derby is good, but air quality management area status was declared along the trace of the inner ring road because it was feared that levels of nitrogen dioxide would not meet national air quality objectives. Derby's annual average nitrogen dioxide levels do show a downward trend, contrary to Derby Hearts assertion (D115, DCC/8).
- 7.31 The Council accepts that future forecasting of pollution levels is difficult and consequently has compared levels at various locations with and without the scheme. This shows that air quality would improve with the scheme in place. The Lancet article, in considering lung development in 10-18 year olds near a large Californian freeway, is not at all relevant to the scheme.

### **Open Space**

- 7.32 No land held for public open space purposes is required for the scheme. There is land required which the public currently uses for recreation because it was land grassed over as a housekeeping operation following demolition and clearance of property, either needed for the proposed highway, or demolished as a result of slum clearance. This land does not carry any planning permission for use as public open space. It was not developed for that purpose and recreational use should not be regularised on it by the granting of planning permission for such use. In any event such permission would have been on a temporary basis because the inner ring road has been clearly and constantly set out in the development plan for years. At the time of grassing over, there would have been a presumption against giving planning permission for open space because the land was earmarked for highway purposes. Had the scheme not been advanced the areas would have been redeveloped for dwellings, not grassed over for recreational purposes. PPG17 cannot

realistically be applied to land that is temporarily grassed over when clearly it has been reserved for another purpose which cannot immediately follow on from the clearance operation. The adopted Local Plan policy for a site-specific proposal, which has been through the full Local Plan preparation system, takes preference over general plan-wide policies or PPG advice. The loss of such land cannot be contrary to any policy, as the scheme has been granted planning permission.

## Finance

- 7.33 The Five Lamps improvement would cost about £0.5million. Any additional works to No. 40 West Avenue would be recouped through the sale of that property. The scheme cost without Five Lamps and King Street link would be about £33.4million. The funding would be drawn from the DfT (£26.7million), from the Council (£6.55million) and private associates (DCC/27). The scheme is a high Council spending priority and any shortfall would be found as a matter of priority.
- 7.34 The cost of land that is already within the Council's ownership has not been included in the present value of costs for the scheme, in accordance with Government guidance. If it had been, and assuming the generous estimate of £10million proposed by Derby Heart, the BCR would still remain very robust at about 8.4. The Government Office accepts that those land costs would be insignificant in terms of the scheme value (DCC/59).
- 7.35 The scheme had been under consideration for some time and the Council is confident in its cost estimates. There would be no bridges, structures or difficult earthworks. Therefore a low optimisation bias is justifiable. However, even if the optimisation bias for the scheme was taken as 44% - the highest percentage for a scheme of this category in the H M Treasury guidance - the BCR would still remain very robust and in excess of 8.0.

## Five Lamps area

- 7.36 Accidents at Five Lamps junction show a reduction over the last four years as drivers became accustomed to the traffic signal control junction.
- 7.37 The optimisation of traffic signals between Queen Street and Five Lamps, coupled with improvements at Five Lamps, would lead to less congestion thereby helping the university bus service and thereby obviating the need to retain the Brook Street/ St. Alkmunds Way junction. The closure of the Brook Street, Willow Row junction with the inner ring road at St. Alkmunds Way would prevent access to the northbound carriageway of the ring road and egress from that carriageway. The closure would mean that pedestrians and cyclists accessing the city centre would then be able to do so via the crossing of St. Alkmunds Way, from Willow Row, without having to cross over Brook Street. Traffic that currently enters Brook Street from St. Alkmunds Way would divert via Friar Gate and Bridge Street. The closure would prevent rat running through the area (DCC/5).

- 7.38 Air quality at Five Lamps may suffer adverse effects as a result of the scheme but these would be marginal and subject to an action plan to reduce pollution levels in due course. The health of residents would not be seriously compromised. There would be adequate pedestrian crossing facilities and opportunities incorporated in the scheme at Five Lamps as traffic flow would be intermittent because of the effect of signals.
- 7.39 It is accepted that the removal of Five Lamps and King Street improvements from the scheme would only make marginal effects on traffic delay and queues conditions, as set out in DCC/47. At Five Lamps there would be some decrease in congestion and some marginal increase, depending on the direction of travel and time of the day, but removal of the Kings Street link would negate improvements along Kings Street itself and frustrate out of town public transport priority improvements and cycling.
- 7.40 Should the scheme proceed without King Street or Five Lamps, the cost benefit would be improved, as benefits derived from these parts of the scheme are less than the associated capital cost. The BCR would rise to 12.2 (DCC/47). Travel times and queuing would be affected as shown in Table 2.6 of DCC/41.
- 7.41 Part of the area of scrubland at King Street would be taken by the scheme but it is currently enclosed, suffers from illegal tipping, and is not managed. It is of limited ecological value. The retained portion of the area would be ecologically improved and well managed as a small green open space, thereby benefiting the area.
- 7.42 The scheme fully complies with Regional Spatial Strategy. It has specific acceptance within the strategy and is clearly identified in the draft East Midlands Regional Plan (D63).

#### **Acquisition of the Clutch Centre (IP5 also, Mr David Yeomans)**

- 7.43 The property would be required for the scheme with road improvements running through the site of the building. Compensation for disturbance would be payable and the Council would continue to help with advice about a suitable relocation site.

#### **Overall public disbenefit**

- 7.44 The substantial case for the scheme is set out in the Council's evidence in chief (DCC/1-dcc/10)

#### **Mr Ferid Kevric on behalf of the Trustees of the Bosnia Herzegovina Club (IP51)**

- 7.45 The Council accepts that the Club is well suited to the needs of the community and regrets its loss. Alternatives have been sought to facilitate re-housing the Club. If the Club was saved other property would need to be demolished and the current line of the road local to the Club was only chosen after the results of public consultation. The Council would continue to help facilitate a relocation of the clubhouse.

**Mr Kevin King (IP48)**

- 7.46 The scheme would demolish houses but its benefits are widespread. There would be some additional traffic through Five Lamps and some additional journeys but generally a decrease in pollution although there would be minor adverse levels of pollution in places. The emergency services are content with the design of the scheme. The closure of St Helen's Street from King Street would enable crossing facilities to be provided at this junction across King Street.

**Mr Stephen Coult on behalf of Sports Marketing International Ltd (IP19 & IP41)**

- 7.48 It is accepted that the parties are close to agreement but in the event of failure to agree finally, the means of access to the retained land should be in accordance with the SRO plan.

**Mr Peter Steer obo Friends of the Earth and Ms D Skrytek (IP26, IP27, IP28, IP54)**

- 7.49 It is accepted that there may be an adverse noise and air quality impact in some locations adjacent to the proposed route, but these would be relatively minor. Other areas of Derby would benefit. The scheme is not designed to generate additional traffic or trips but to redistribute traffic away from existing but unsuitable routes to a purpose-built modern efficient road. Therefore, there would be no increase in carbon dioxide levels and pollution generally would reduce. The city centre developments have been taken into account in the forecasts of the impact of the scheme but the Cityscape developments are not part of the scheme
- 7.50 No land would be used for the scheme that is categorised as public open space. The scheme would involve the loss of 159 trees, many of which are young and readily replaceable. About 246 new trees would be planted. This is the preferred mitigation approach approved by English Heritage. The number of gardens affected would be small and the dwellings would be left with adequate areas but the loss of garden space would affect the amenity of individual properties including some at Five Lamps. High quality mitigation measures would be undertaken.
- 7.51 The scheme would improve provision for public transport, pedestrians and cyclists along and across the road. It has been designed to manage the demand for city centre traffic. Rat running would be reduced.
- 7.52 The Regional Spatial Strategy supports and acknowledges the scheme. It accords with planning policy. There are no Council plans for congestion charging but the city is part of a wider study of road practice as part of a balanced transport strategy throughout the region. It is not committed to road pricing.
- 7.53 The Lancet report relates to lung development not health risk and a Californian freeway study in question has little relevance to the scheme.

- 7.54 The DfT guidance on reducing carbon dioxide emissions was not issued at the time of drafting the addendum to the ES

**Mrs Anne Underhill (IP33)**

- 7.55 The scheme would introduce both local benefits and disadvantages, but overall there would be more beneficial removal of severance than negative impact. It is accepted that severance can have a negative effect on the area but as the scheme would be built to a level similar to the surrounding area severance would be minimised. This is particularly important in respect of psychological severance. There would be journeys to facilities made less convenient by the scheme. It would also improve other journeys through the dense urban area. The scheme would remove the local dark and hidden vacant areas that are attractive for antisocial behaviour and re-create well lit landscaped areas alongside the proposed highway, giving opportunity for adjacent new development. The culs-de-sac would remain open for pedestrians and hence passers by and the scheme should result in a safe attractive environment. The police advice is that culs-de-sac removed of through traffic would probably reduce some anti -social crime.

**Mr Chris Lee (IP22)**

- 7.56 There would be several disadvantages in providing all movement junction facilities at Friar Gate/Ford Street/Stafford Street. Traffic violations along Friar Gate, beyond George Street, would be likely as vehicles would proceed straight ahead, some deliberately, others inadvertently. In Friar Gate and Stafford Street crossing points and stop lines would need to be removed 4 or 5 metres further from the junction thereby affecting capacity, and the pedestrian desire lines. The narrow central refuge along Stafford Street would be reduced in width and severely increasing congestion in the morning and evening peak hours at the junction would be evident as it became less efficient.
- 7.57 If necessary, emergency services would turn left off Ford Street into the bus lane on Friar Gate. The emergency services were consulted and offered no objection to the scheme.
- 7.58 Opening up the junction with Cavendish Street would create an undesirable rat run and danger.

**Ms Louise During (IP16, IP17 & IP18)**

- 7.59 The modelled pollution figures indicate no significant change in the vicinity of 3 Duffield Road, or on North Parade which probably carries about 100 vehicles in the peak hours because of congestion elsewhere.
- 7.60 St Michael's Lane would not be closed off but made one-way.
- 7.61 It is accepted that some streets would carry more traffic as a result of the scheme, which in part would assist bus priorities. The northbound bus stop near the Seven Stars public house would be relocated onto the new King Street link so bus services would remain for locals.

- 7.62 The Council has taken note of the views of residents and there are no plans to introduce road charging. There is no evidence that the scheme would affect property values, one way or another, but with reduced flows on Duffield Road values may increase.

### **Mr Peter Ansen (IP71)**

- 7.63 Nos. 21-24 Duffield Road are listed on Figures 5/1 and 5/7 of the ES as listed buildings. There would be very limited physical impact on those buildings as a result of the scheme, with a slight realignment of the roadway to the rear of the building and no alteration at the front. The physical changes varying from 0.7metres to 1.7metres from the existing road layout would offer no impact on these listed buildings. There would be loss of semi-mature trees in the verge to the west of No. 22 Duffield Road but the main works at Five Lamps would not be visible from that property. Walls and trees would filter rear views from the property.
- 7.64 The Council accepts its responsibilities in respect of public health. As the scheme would not significantly alter air pollution it would have no adverse impact on public health.
- 7.65 The King Street and Five Lamps proposals were put forward for public consultation in late 2003. All households within 200 metres were leafleted advising them of the proposed scheme.
- 7.66 Hgv's are banned from this area of the city (within the outer ring road) except for delivery. No significant increase in hgv's would be anticipated because of the scheme. Vibration would not increase.

### **Mr Christopher Woodward (IP14, IP15)**

- 7.67 Inevitably certain journeys along side roads that would be stopped up would become longer. One of the main objectives of the scheme is to remove through traffic from residential streets and in denying a "through journey" along them the scheme would improve the environment for those who live and walk along the streets. Some local trips would become shorter and quicker because of the scheme.
- 7.68 The new link road junctions would become congested at some peak times of some days; they would not be provided with capacity to free-flow at all peak times and the scheme design has been engineered to protect the city centre. Consequently some trips would encounter congestion but overall the scheme would provide significant traffic benefits. Traffic related to developments at Westfield and Riverlights have been taken into account in analysis of the scheme.
- 7.69 It is accepted that drivers would seek parking places in the cul-de-sacs that would be formed by the scheme but these would be provided with turning facilities at the ends of the cul-de-sacs. The Council would monitor parking and it is anticipated that traffic flow in these streets would reduce, because of the reduction of through traffic.
- 7.70 Whilst green areas would need to be acquired, no land that is classified

as public open space would be taken by the scheme. The green areas referred to arose from grassing over as a temporary measure in anticipation of the road scheme. There is no planning permission for open space use. PPG17 is silent on the question of the status of land deliberately temporarily grassed over in circumstances where there is an inescapable gap between clearance and development. To avoid any conflict with the definitions in PPG17 as set out by Mr Woodward, would mean the grassing over such areas would be denied to the community in favour of hard coring and fencing off so that they would not conflict with PPG17 apparent procedures. The legal and administrative procedures of the Council are sound, consistent and do not create any threat for human rights (D114). Should the application for village green status be upheld that may have a bearing on the implementation of the scheme but would not constitute an absolute ban because de-registration under S16 Commons Act 2006 would be potentially available. The application should not be regarded as an impediment to the CPO(DCC/71).

### **Mrs Gwen Sandhu (IP69)**

- 7.71 Cycling would be comprehensively catered for by the scheme but there is no evidence of frequent use of the city centre roads by equestrians. Separate provision for equestrians within the limited road space would be inappropriate.
- 7.72 Raising driving standards is an issue that the Council fully supports but the current accident situation needs to be addressed by engineering solutions.
- 7.73 The reference, in inquiry documentation, to seamless journeys relates to a term used to describe the ability of people to travel on a number of different modes of transport with little delay. The scheme, in improving bus reliability, would help promote seamless journeys.
- 7.74 It is agreed that bus companies could alter their route preferences. The Local Transport Plan Steering Group and the Confederation of Passenger Transport has been fully engaged in the preparation scheme. The bus operators support the scheme (SU7). It is highly unlikely that buses would divert from the established main radial bus routes into the city as these would be improved by bus lanes.
- 7.75 Consultation on pedestrian desire lines has taken place with residents and people using the area. All current origin and destination pedestrian routes would continue to exist and the control crossings may encourage pedestrian movement instead of vehicular movement.
- 7.76 The scheme drainage has been designed for a one in 1 in 100 year storm plus an additional 20% for climate change allowance (DCC/5). The discharges have been accepted by the Environment Agency.
- 7.77 In the Council's view the definitions of "public interest" and "improvement" can be summed up as, "something which is of serious concern and benefits to the public, that which supports the good of

society as a whole”, and, “a thing that makes something better or is better than something else” respectively.

## **Response by the Council to Written Objections**

### **Ms Graziella Zanolli (IP2)**

- 7.78 There would be some local adverse effects in the Strutts Park area but the range of mitigation measures including new build at Five Lamps and King Street would minimise the effects on the area. The Secretary of State has granted Conservation area consent for the works following advice from English Heritage and guidance set out in PPG15 (D32, DCC/3). There would be no negative impact on the spatial integrity of the World Heritage site buffer zone.
- 7.79 The Derwent Valley Mills World Heritage site is 24km long and narrow, with a designation linking several historic mill sites and settlements strung along the length of the River Derwent. The countryside between these mills or settlements provides their landscape context but in itself may be of limited intrinsic, historic interest value. Some of this countryside however is designated as being of prime landscape value and it is appropriately protected in policy terms (D37).
- 7.80 The intervening urban areas contain much later 19<sup>th</sup> and 20<sup>th</sup> Century developments of little or no historic relevance to the early mill developments although where they do have heritage value this is recognised in their conservation area status. The justification for including the intervening areas of the valley is to provide the essential linear integrity so that, in a journey along the valley, much of the contextual setting that remained at the time of the designation can be preserved.
- 7.81 The buffer zone varies in width from nil to 3km, some in open country locations and its purpose is to protect the World Heritage site from development that would harm its setting. The boundary of the buffer zone was drawn to coincide with those existing formal designations such as conservation area boundaries. The potential harm to the World Heritage site from the urban area is very much diminished. The scheme would meet its objectives and the carriageway alterations proposed at Five Lamps would ease flow, improve safety and reduce congestion.
- 7.82 The procedures for the Orders need only to be in English and therefore there was no need for a translation.

### **Mr Richard Butler on behalf of Ms Zi (IP4)**

- 7.83 The procedure to conduct the administration associated with the CPO and SRO in the English language is correct and lawful. Moreover with Mr Butler as her representative Ms Li would not have suffered any disadvantage. No Human Rights laws are contravened.
- 7.84 Each year the Council consults on its budget with individuals and partner organisations and takes account of views when setting budgets and local

taxation. Councillors, who are representatives of the communities approve the budget, but no individual can determine exactly what he or she would like as part of his or her council tax payment.

**Mr Stephen Day on behalf of Trust House Inns Ltd and Mr David Barber (IP6)**

- 7.85 In the Council's opinion there is a compelling case for the scheme (DCC/1- DCC/10).
- 7.86 The Council would construct a replacement car park to the north of the Seven Stars public house in part of the shrub land/ woodland. Final accommodation works are still to be agreed in the normal way.
- 7.87 The proposals do not require the demolition of a Grade II listed building but require alterations to the curtilage of the Grade II listed Seven Stars public house on King Street. These works have been granted listed building consent by the Secretary of State in accordance with advice from English Heritage and guidance set out in PPG15 (D30, DCC/3).
- 7.88 The land to the west side of the new road was originally to be used to offset the loss of car parking to Lonsdale House. Following discussions with English Heritage, the Council undertook to try to achieve a residential development on this land, to improve the street scene, and so the land has remained within the CPO for that purpose.

**Mr K Dowd, Mr Robert Hodges and Ms Dianne Richardson (IP7, IP23 and IP24)**

- 7.89 Inevitably, a scheme of this scale would adversely affect local amenities but such disadvantage would be kept to a minimum. Much of the new route would cross areas of land of little amenity value, including car parks and areas of land that have been vacant for many years. The new landscape treatment along route would lessen the impact of the scheme on adjacent areas (DCC/25, DCC/18).
- 7.90 The scheme would also reduce traffic from many unsuitable streets within the city centre and from residential streets around the city. This would have a positive effect on the amenity of those areas. Whilst there may be an adverse noise or air impact at specific locations immediately adjacent to the proposed route, the scale of the impact would be relatively minor.
- 7.91 Correspondingly, there would be other areas of the city where traffic levels would be reduced as a result of the scheme that would enjoy the benefit of marginally lower noise and improved air quality. No land held for public open space purposes is required for the scheme (DCC/4, DCC/8).
- 7.92 There would be an overall gain in the number of trees, 159 trees being felled as part of the scheme, but 246 new trees being planted (DCC/25).
- 7.93 The accesses and egresses to the new road are adequate to cater for

- traffic using the network but where the roads are made into cul-de-sacs that would cut down the rat running through residential streets.
- 7.94 The construction of the scheme would result in the loss of some garden space, at Five Lamps and along parts of the proposed inner ring road. This loss of garden space would affect the amenity of individual properties but mitigation would comprise high quality replacement boundary treatments. The scheme would cause severance in some parts but reduce severance in others. The proposed road would result in a severe impact of new severance for 10 streets and a moderate impact on 3. There would be a corresponding substantial relief in 10 streets, moderate relief in 6 streets and slight relief in 1 as a result of decreasing of traffic in those streets following construction of the road (DCC/56).
- 7.95 The overall business environment is currently affected adversely by the lack of a complete inner ring road. An improved business environment would be fostered by the improved amenity and lower traffic. (SU/5, SU/8). Very few businesses would be displaced. Some others, of types that flourish where there is passing through traffic, would find themselves in a less advantageous position. Others may lose adjacent street parking to bus lanes, although this is more the result of the overall strategy for improving public transport than the result of the construction of the inner ring road.
- 7.96 The impact of the scheme on conservation areas, the Grade I listed building and the Seven Stars public house, has been dealt with in detail in evidence in chief, and approvals sought from the Secretary of State, and granted where necessary (D28, D29, D30, D31, DCC/6).
- 7.97 The air quality monitoring assessment confirms the predicted adverse impact on air quality at locations similar to Highgate or Sacheravel Street, although this is not regarded as significant. Similarly an adverse impact is predicted for noise at these locations although again the increase in noise levels would be regarded as insignificant.

**Ms D Skrytek, Mr H Tangley, Mr Peter Ambler, Mr C Upchurch, Ms Vanita Young, Ms Joani Oakden, Mr D Cuddy, Mr C Pritchard, Mr Patterson Mhlanga, Ms Alice Webb, Ms Cassandra West, Ms Alison Fernandes (IP54, IP55, IP56, IP57, IP58, IP59, IP60, IP61, IP62, IP63, IP64 and IP65)**

- 7.98 A number of alternatives were appraised during the formation of the scheme. These alternatives have been considered and are shown in the ES (D18). The current proposals are chosen as the best of those alternatives (D132).
- 7.99 There is no evidence to support the assertion that the current ring road puts people off driving around the city centre. It is accepted that the current network of roads signposted as the inner ring road is unsuitable for the current and predicted traffic levels demanded of it. The scheme would provide an appropriate new standard of route for this traffic.

- 7.100 The impact of the scheme on the city's air quality has been dealt with in the evidence in chief (DCC/6). This states that whilst there may be adverse noise or air quality impact at specific locations immediately adjacent to the proposed route, the scale of the impact is relatively minor. Correspondingly, there are other areas of the city where traffic levels would be reduced as a result of the scheme, which are predicted to enjoy the benefit of marginally lower noise levels and improved air quality.
- 7.101 The requirement of the Department for Transport to assess carbon dioxide emission levels was not in place at the time of producing the formative documents for this scheme.

**Mr Richard Butler (IP8, IP9)**

- 7.102 The points made by Mr Butler in his two personal objections have substantially been dealt with in the Council response to the Derby Heart case (IP12, IP13).
- 7.103 The replacement access to no 7 Kedleston Road would be safe and commodious. Moving the retaining walls closer to the house would not increase intrusion or loss of privacy because of the acute angle of the line of sight from the footway that would be 1.5 metres below house floor level. The rights to enter upon the land would cease after the works were completed. The CPO plans are not inaccurate but reflect the likelihood that some owners would not wish to take ownership or responsibility for the repositioned walls after construction.
- 7.104 A dropped kerb would be incorporated in the scheme to facilitate cycle access to Friary Street from Stafford Street.
- 7.105 Human Rights have been constantly considered by the Council, as could be seen from reports of Committee and Cabinet meetings of the Council.

**Ms Jane Temple (IP25)**

- 7.106 The scheme has not been designed to attract more traffic, its advantages in terms of public transport, cycling and walking are substantial and the damage it would cause in terms of heritage is offset by the advantages to heritage within the city elsewhere. English Heritage noted that despite the disadvantages there are environmental advantages to be gained from the construction of a King Street/Garden Street link road. There would be an immediate reduction in the volume of traffic in King Street, providing an opportunity to introduce public realm improvements that would enhance the appearance of King Street and enable it to function better as a service street for the local community. Following discussions with English Heritage the proposals in the Strutt's Park conservation area were amended to minimise impacts on the historic environment and subsequently the Secretary of State granted Conservation area consent for the works following advice from English Heritage and guidance in PPG15. A similar outcome resulted in respect of the alterations to the cartilage of the Grade II listed Seven Stars

public house on King Street (DCC/3, D32).

**Mr Peter Steer (IP26 and IP27)**

- 7.107 The emergency services have been consulted on the proposals and have raised no objection to the closure of the side roads.
- 7.108 Severance of the scheme has been assessed using recognised methodology of the Department for Transport. The scheme would establish a defined route with a dedicated footway/cycleway on each side of the road and a number of upgraded signal controlled crossing points for pedestrians.
- 7.109 The inner ring road already exists in the area, but as a series of smaller roads forming a very indirect and congested overall route. The new scheme would allow traffic that already uses this route to be moved onto a more appropriate purpose built road. The proposals provide for a number of new footpath/cycleway links to maintain, and in some cases enhance, use of the area by pedestrians.
- 7.110 At Five Lamps it is accepted that there would be some local adverse effects but the range of mitigation levels proposed including the new build form at Five Lamps and King Street would minimise the effects on this area (D32).

**Mr Tony Dunn (IP29)**

- 7.111 It is accepted that there would be some increase in traffic at Five Lamps but the proposed improvements would adequately deal with that traffic.

**Ms Penny De Abreu (IP30 and IP31)**

- 7.112 The closure of Brook Street would reduce rat running and the closure of St Helen's Street from King Street would mean that pedestrian crossing facilities would be able to be provided at this junction across King Street. There would be some impact on the conservation areas but this impact is offset by improvements elsewhere, as described in the evidence in chief and as endorsed by English Heritage. Overall, pollution would be relatively insignificant and in some places would actually reduce.
- 7.113 The effect of severance has been assessed in accordance with the flexibility allowed in the DfT's methodology.

**Miss A Baines (IP32)**

- 7.114 The overall benefit of the scheme is set out in the evidence in chief and is substantial, in achieving its desired outcomes. There would be some damage to the environment of the Strutt's Park conservation area, which would be offset by the measures proposed. The Secretary of State granted conservation area consent for the works in accordance with the advice from English Heritage and guidance in PPG15 (D30, D33, D34, DCC/3, DCC/6)

**Mr & Mrs B Armitage (IP34)**

7.115 Whilst there would be some local adverse effects in the Five Lamps area the range of mitigation measures including new build form at Five Lamps and King Street would minimise the effects. The rebuilding in the Five Lamps area would use reclaimed materials from the demolition of existing buildings and walls (D33, D34, DCC/3, DCC/6).

**Mr D Atkinson (IP35)**

7.116 The scheme is based on a policy in the adopted Local Plan review. At the Local Plan inquiry a Government inspector considered objections to part of the scheme. No significant changes were made to this Local Plan review of policy: that clearly indicates that the proposal is consistent with national Government planning policy. The scheme is consistent with the one put forward at the Local Plan Inquiry stage (DCC/21,DCC/51).

7.117 With regard to the concern about the scheme's consistency with European policy, an Environmental Statement accompanied the planning application for the scheme (D18). The Statement examines relevant matters of environmental sensitivity. The Statement was prepared in accordance with the Town & Country Planning (Environmental Impact Assessment) England & Wales Regulations 1999 that encapsulate the requirements of the EC Directive 85/337/EEC.

7.118 All the new roads would be subject to a 30mph speed limit. The chicane referred to at the Five Lamps junction is not being removed, and the bends, although not as severe as existing, would still cause traffic to pass slowly through the area. At King Street, the junctions would be signal controlled and would give pedestrians better and safer crossing facilities. The road would be similar to all of the other major routes within the city that do not have chicanes.

7.119 Air quality would not be severely adversely affected (DCC/8).

7.120 Whilst inevitably with a scheme of this scale there would be some adverse effects to the local amenity and townscape, the details have been designed to keep this to a minimum. Much of the new road would cross areas of little amenity value, including car parks and areas of land that have been vacant for many years. The new landscape treatment alongside the route would lessen the impact of the scheme on adjacent areas. The scheme would also reduce traffic in many unsuitable streets within the city and from residential streets around the city. This would have a positive effect on amenity in those areas.

7.121 There are no outstanding objections to the scheme from English Heritage, either relating to the Strutt's Park conservation area or the Friar Gate conservation area. The proposals to reduce traffic within parts of Friar Gate, and the city centre conservation areas, would have a beneficial effect on the character of those areas and the setting of a number of city links.

7.122 At the Derby Local Plan Inquiry, the Inspector concluded that, "overall

whilst there would be local areas within the Friar Gate conservation area that would experience adverse effects, there would also be extensive areas within the city centre and Friar Gate conservation area that would benefit from the reduction in traffic arising from the scheme resulting in enhancement" (DCC/21). There would be no significant adverse effects on the spatial character of the conservation area. The Inspector at that Local Plan Inquiry also considered that, "approval of the Connecting Derby scheme would offer tangible benefits in that it would secure a modern road network to remove unnecessary traffic from the city centre and residential areas". The scheme would therefore remove blight and encourage redevelopment. The overall business environment is currently affected adversely by the lack of a complete inner ring road, poor amenity and burdensome traffic. Very few business premises would be displaced. Some others, of types that flourish where there is through traffic, would find themselves in a less advantageous position. Others may lose adjacent street parking to bus lanes, although this might result from the overall scheme strategy rather than the inner ring road itself. The improvement would support city centre regeneration (SU/1, SU/4, SU/5, SU/8). Various sites around the line of the inner ring road are undergoing regeneration schemes and the Derby Cityscape master plan promotes a number of developments on brown field sites around the city centre (D62)

#### **Mr Colin Underhill (IP36)**

7.123 There is no evidence that the works would cause an increase in antisocial behaviour in the truncated streets. Current advice from the police is that antisocial behaviour and crime would probably reduce as a result.

#### **Mr & Mrs M A Bennett (IP37 & IP38)**

7.124 Whilst there would be some local adverse effects, the range of mitigation measures, including new build form at Five Lamps and King Street, would minimise the effects on the area.

#### **Mr Stephen Johnson (IP39)**

7.125 The scheme would have safety benefits, and reduce accident potential for young children. Overall noise and pollution levels would not change significantly and the scheme would incorporate more green areas than it removes (DCC/8, DCC/18, DCC/25).

#### **Ms Kate Chollerton on behalf of Mr Justin Smith & Mr & Mrs Robert Smith (IP40)**

7.126 The access to Nos. 11-13 Kedleston Road is shown on the Side Roads Order plan. However, the Council is negotiating with the objector to try to come to an agreement regarding the access arrangements.

#### **The Partners of Charnwood Surgery (IP42)**

7.127 Overall there would be very little change in the noise and air quality as a result of the scheme. Some areas would suffer an adverse but

insignificant affect whilst other areas would gain. Parking facilities would be maintained at Wilmot Street and at Little City car park near the surgery. There would be no significant adverse safety threats for patients relative to the current highway network (DCC/8).

### **Dr G R Allen on behalf of Wellside Surgery (IP43)**

7.128 Although the access to the surgery and its car park would change as Burton Road became two-way, the access to these premises would be no more difficult than access to any other. Access would be maintained during opening hours, during the construction period.

7.129 The scheme would actually take traffic away from inappropriate routes. Broadly speaking, air quality and noise would not significantly change as a consequence of the scheme. The scheme would include adequate pedestrian crossing points, and the creation of additional road crossing points to maximise pedestrian benefits (DCC/4, DCC/8).

### **Ms Sharon Henry (IP44)**

7.130 The impact of the scheme on air quality and noise is set at broadly neutral, although some areas would benefit and some areas would suffer an adverse position (DCC/8). In any case the scale of the impact would be relatively minor. All works in the conservation area have been granted conservation area consent by the Secretary of State in accordance with advice from English Heritage and guidance in PPG15. All listed building consents have also been granted (D30, D31, D32, D33, D34). The scheme would deliver benefits to the character of some conservation areas and the setting of numerous listed buildings through a reduction in traffic volumes in certain areas. At the City of Derby Local Plan Inquiry, the Inspector concluded that, "in my opinion, the harm caused by the widened road is capable of being mitigated and there is every reality of significant enhancement to the character and appearance of the conservation area and the setting of listed buildings. Nevertheless it would be of the utmost importance for the Council to achieve a comprehensive scheme of the highest townscape quality to remedy the damage caused by the original widening of Ford Street and the added impact of this scheme".

### **Mrs Barbara Stirrup and Mr Gerard Stirrup (IP45 & IP46)**

7.131 The road proposals at Five Lamps would smooth curves, increase capacity and thereby reduce delays, and improve road safety. The cost of the works in this vicinity is estimated at about £½million.

7.132 There will be sufficient interruption with through flow of traffic, through the junction, to control speeds and reduce danger. There may be some increase in traffic through the junction but changes in noise and pollution would not be significant.

7.133 In respect of CPO Plots 6 and 7, any land not kept for the works, after construction, would revert to the original owner. The new access point in CPO Plot 6 is shown as "w" on the SRO Drawing AS/SRO.27. The CPO is

the appropriate and normal method of securing land, even for a temporary construction period. The distance between the road and the house on CPO Plot 7 would be reduced, and pollution would be negligible, and contained by the improved traffic flow passed this point. Temporary access points have not been shown on the SRO drawings. Access would be maintained to these properties during the construction. Pertinent access points indicated as the new means of access on SRO drawings are clear. The final detail of the access will be confirmed following discussions with the owners.

#### **Mr A J Thompson (IP47 & IP49)**

7.134 The Council's core proofs of evidence in chief set out the case for the scheme. The emergency services have been consulted and have not objected to the closure of side roads. It is recognised that Mr Thompson would be made homeless as a consequence of the scheme but there are properties available for lease within the area.

#### **Mr Paul Grimsdell (IP52)**

7.135 The benefits of the scheme are set out in the core proofs of evidence. There is significant congestion within Derby but is difficult to define precisely. Five Lamps is regarded as a congestion zone.

#### **Mr Douglas Jagers (IP53)**

7.136 The impact of the scheme on the city's air quality and noise level indicate that there may be an adverse effect at specific locations immediately adjacent to the proposed road but the scale of the impact is relatively minor. Correspondingly, there are other areas of the city centre where traffic levels would be reduced as a result of the scheme that are predicted to enjoy the benefit of marginally lower noise levels and air quality. Therefore, it is unlikely that the scheme would have a significant impact on the health of young children near the proposed route of the road. Schools are located well clear of the road corridor (DCC/36).

#### **The Strutt's Park Residents Association (IP66)**

7.137 The Council considered alternatives at Five Lamps on 6 April 2004 based on its report on consultation carried out in November and December 2003, that set out relative advantages and disadvantages of the options (DCC/61, D132).

#### **Derby Cycling Group (IP67)**

7.138 The scheme would provide a 54% increase in bus lanes that cyclists could use in addition to all the dedicated cycle paths that would be provided. The Council would continue to co-operate with the Group should the scheme proceed, through regular meetings with the cycling officer (DCC/64).

## 8. CONCLUSIONS

### Introduction

- 8.1 Bearing in mind the submissions and representation I have reported, I have reached the following conclusions, reference being given in square brackets to earlier paragraphs of this report where appropriate.
- 8.2 In the case of land to be acquired under the Compulsory Purchase Order, and having regard to the statutory criteria and advice contained in ODPM Circular 6 of 2004, I must be satisfied that there is a compelling need in the public interest which justifies interfering with the human rights of those with an interest in the land affected, that the Derby City Council has a clear idea of how it intends to use the land it seeks to acquire, that the necessary resources to carry out its plans would become available within a reasonable timescale, to avoid premature acquisition, and the scheme is unlikely to be blocked by any impediment to implementation. I also need to be satisfied that the adverse environmental impact is proportionate having regard to the mitigation proposed. In respect of land to be compulsorily purchased for the provision of off street parking under the provisions of the Road Traffic Regulations Act 1984 I shall need to be satisfied that such provision is necessary to reduce or prevent congestion of traffic in the area and that the means of access and egress proposed to the off street parking is reasonable.
- 8.3 With regard to the Side Roads Order, it must be shown that alternative routes for highways proposed for stopping up are reasonably convenient and that where private means of access are to be stopped up that another reasonably convenient alternative is available or will be provided if needed.

### Legal Submissions

- 8.4 I received a large number of legal submissions. Being matters of law they are not for me to determine but I indicate on each my own assessment of the arguments. In doing so I give references to my earlier reporting of the points raised in the relevant submissions. The submissions are contained, together with the Council's response, in the attachments to Annex D. The gist of the submissions and my associated assessment is:
- 8.5 **Implications of the claimed defective and unlawful ES used in the planning application.**

The issue was whether the information before decision makers at the time of the application for planning permission was thorough and sufficient to enable them to fully appreciate the heritage harm that may be caused by the scheme. Derby Heart claimed that it was not (the ES was defective and therefore unlawful), particularly in respect of heritage, heritage policy and the assessment of the impact of the scheme on heritage. Had further information been available to decision makers in the ES then they may

not have granted planning permission and therefore the scheme would not have advanced to the Orders stage. It was also contended by Derby Heart that an ES, once established for a scheme, could not be added to. Therefore Orders could not be confirmed as a matter of law [6.1]. The Council, in response, stated that the planning permission for the whole scheme had been granted and it was not within the remit of this inquiry to consider it. The planning permission was not called in by the Secretary of State and is not subject to Judicial Review [4.14, 4.15]. It was not legally challenged, but in any event the ES is entirely adequate in terms of heritage material. The pending Judicial Reviews of the Listed Buildings and Conservation Area consents are not on the basis of an inadequate ES [4.16, 7.7]. The requirement, pursuant to the 1999 Regulations, is that, at least, the ES should contain descriptions of the scheme, of the measures envisaged to avoid, reduce or remedy the significant adverse effects of the scheme, data to identify and assess the main effects on the environment, an outline of alternatives studied and a non-technical summary. The requirement is that there is sufficient information to enable a determination of the significant effects of the scheme on the environment. The Regulations require environmental information to be taken into account by the planning authority before planning permission is granted. Environmental information is defined as the ES, any further additional information and representations made by those invited to comment (in this case including English Heritage) [7.7]. The ES does not have to describe every environmental effect, only the main effects, as determined by *Smith v Secretary of State* [2003] Env L.R. 32. English Heritage was fulsome in their praise of the ES, (November 2004 version), which they regarded as comprehensive.

- 8.6 For the current procedures and Orders I have taken the granted and unchallenged planning permission as the basis of the scheme before me. At the inquiry, and in advance of it, was a significant volume of environmental material, including supplementary ES material. All aspects of heritage were vigorously presented and tested at the inquiry and this wealth of relevant material played a major role in my consideration of the proposals. No objector complained about any inadequate opportunity to examine witnesses who presented this evidence. The inquiry was particularly thorough in this respect. In my view it cannot be held that the material at the inquiry, or the procedures or opportunities for testing it, were in any way deficient in terms of the current ES, including heritage issues. I note that English Heritage were of the view that the ES at the time of the planning application was "both comprehensive, helpful and praiseworthy". They were aware of the relevant policy even if it was not explicit in the ES [7.10]. It is clear from the evidence that there was a considerable concentration on heritage issues, a number involving English Heritage, at the time of considering the planning permission issues. Reports to the councillors who were the decision makers were made accordingly. I am not convinced that those decision makers would not have been well aware of the key heritage disadvantages of the scheme when considering the planning permission [1.10, 4.55-4.56, 4.64].

## 8.7 Human rights issues

Mr Woodward claimed that the human rights of residents would be affected if the Council did not apply the policy expressed PPG 17 in respect of public open space [6.60]. The Council deals with this in its response to Mr Woodward [7.70]. They reject any suggestion of interference with human rights because, at the inquiry, they did not consider PPG17 appropriate as a policy consideration as the green areas that would be affected by the scheme were not classified as open space or have planning permission for such use. At the inquiry I had particular regard to the issues raised in Mr Woodward's evidence and the fact that the Council were not prepared to recognise the need to apply PPG 17 in this particular set of circumstances, for understandable reasons, did not influence my conclusions at all. The issues and respective arguments before me were clear and quite sufficient to enable me to appreciate the concerns of residents as expressed by Mr Woodward. In my opinion, at the time of the inquiry, there was no requirement on the Council to accept the policy stipulations set out in PPG 17 [7.32,7.70].

- 8.8 Mr A J Thompson, in claiming that he would be made homeless by the scheme did not mention any infringement of his human rights and he did not appear at the inquiry. Nevertheless I have had regard to his evidence and the Council's response in coming to my conclusions and I draw attention to Mr Thompson's potential position of homelessness [6.103, 7.134].

## 8.9 Material not in native languages

Ms Li and Ms Zanolli considered the CPO documentation written in English, their non-native language, constituted an infringement of natural justice and disadvantage to their understanding of the matters before them. The Council in response to that matter pointed out that the publication of CPO documents in the English language was standard procedure [6.69, 6.71, 7.82, 7.83]. There is no requirement under the longstanding Procedures for translation in England. From the documentary evidence and from that which emerged at the inquiry I am satisfied that, with Mr Richard Butler acting as advisor to and correspondent with them, they would not have been seriously disadvantaged by the standard documentation being printed only in English. They were represented well at the inquiry [6.69, 6.71].

## 8.10 Village green application as an impediment

The application, by Mr Underhill, for village green status on an area of land needed for the scheme constitutes, in Derby Heart's view, an impediment to the scheme proceeding [6.1, 6.24, 6.25]. The CPO does not include replacement land to compensate for the purchase of the potential "open space". No Section 19 Certificate has been published. The Council, in response, did not consider the application as a bar to the implementation of the CPO. Even if the village green status was granted

in due course they argue that there would be a remedy under Section 16 of the Commons Act 2006 [7.32, 7.70]. For my part it is a matter of fact that at the inquiry the green area of land referred to did not carry such status, and may never do so, and consequently I deal appropriately with these issues in my conclusions at paragraphs 8.28 and 8.29. Should village green status be granted it seems to me that that could constitute an impediment to that part of the CPO and fresh procedures may need to ensue [6.58, 7.32].

#### **8.11 Inappropriate use of employees as Expert Witnesses**

Derby Heart's submission considered that Council employees are not impartial expert witnesses to the inquiry [6.11]. The Council's response drew attention to the professional qualifications of its witnesses, in the areas of expertise in which they gave evidence, and that they were entitled to express a personal professional view without that being of major concern [7.7]. In my opinion, throughout the inquiry the Council witnesses strongly supported the scheme and the case for the Orders but their evidence was thoroughly tested, and to my mind was consistently impartial and professional. I am aware that the use of Council employees and other professional employees of Promoting Organisations at inquiries is commonplace and longstanding, perhaps almost universal. I note the complaint was not repeated in the closing submission of Derby Heart, but it was not withdrawn. I have accorded full weight to the evidence of the Council witnesses where I considered, after cross-examination and re-examination, that it merited such weight. I am satisfied that there was no bias in the way they presented evidence or in their arguments in favour of the scheme.

#### **8.12 Adequacy of consultations**

In Derby Heart's submission they claim that the consultation process was inadequate (Ms Temple's claim when acting for Derby Heart)[6.1, 6.5-6.7]. The Council's response whilst not conceding any inadequacy drew attention to the establishment, under cross-examination, that the complaint referred to the earlier planning application stage and was not necessarily associated with the Orders before the inquiry [7.7]. They stressed that the planning permission has been granted and is not subject to legal challenge [4.12, 4.13]. The claimed inadequacy of the earlier consultation was, in my view, not convincing, but it is not a matter of particular concern to the Orders before the inquiry because, in my judgement, there was adequate consultation and advertising of procedures for the scheme, Orders and the inquiry [7.5, 7.8].

#### **8.13 Authority to partially accept or modify a scheme**

In Derby Heart's submission (Annex D) they claim that the presentation of the project as one scheme, with all supporting material, including the ES referring to the complete scheme, means that the Inspector cannot recommend or the Secretary of State confirm anything other than the complete provision contained in the Orders. The Council's response is that the environmental information available to the decision maker must be

sufficient to allow him/her to determine the likely significant effects of the scheme. That information is not confined to the ES. The Inspector would have before him all the information for the complete scheme. That would be sufficient to cover a partial scheme, as there cannot be additional environmental effects from a lesser scheme (DCC/71, Annex D). In my opinion, if Derby Heart's view is right that must mean that it would not be proper for the Orders to be modified on confirmation. Modification of Orders on confirmation is far from uncommon and Ministers are empowered by Section 8(3) of Schedule 1 of the Highways Act 1980. At the inquiry I was satisfied that the totality and content of the evidence presented was quite sufficient to enable reasoned judgements to be made about the scheme as a whole and any individual part of it.

### **Conclusions with regard to the scheme as a whole**

I turn now to my consideration of the overall scheme and the associated issues.

### **Background, Policy and Objectives**

- 8.14 The scheme has developed since 1958. Since 1998 the Council has engaged with the public in a series of exhibitions, consultations and newsletters and has taken into account public views about the emerging proposals in coming to decisions leading up to the planning permission. In my opinion, and recognising that minor administrative errors occurred in the long processes, the consultations with the public were sufficient to ensure that the public had ample opportunity to make their views known. I dismiss suggestions that the errors that occurred were serious and that the development process was seriously flawed [4.12, 4.15, 4.18, 6.5-6.8, 7.5, 7.7, 7.8].
- 8.6 The scheme complies with relevant national, regional and local policies [4.20-4.30]. The corridor of the scheme has clearly been protected in public documents for many years [4.19-4.21]. Planning permission is in place [1.9]. The Department for Transport have accepted the scheme for substantial funding [4.43]. The Derby City Council has granted the remainder of the funds necessary for the scheme, including Five Lamps [4.17].
- 8.7 There is compelling unchallenged evidence showing that traffic and environmental conditions associated with the current network signposted as the inner ring road are severe. The network is congested in the peak periods and much of the ill suited streets burdened with substantial traffic throughout the day. Traffic generated by new developments would worsen the problem and, unless countered, would impede the city's efforts for regeneration and an improvement in the quality of people's lives and safety. The scheme would satisfactorily channel traffic away from those inappropriate streets onto a purpose built modern highway. It would deal adequately with the traffic demands of the design year of 2007, in accordance with the design parameters set by the Derby City Council of restricting traffic near the city centre. In my opinion it would substantially meet its objectives in that regard and the meeting of those objectives would amount to a substantial public benefit [4.10, 4.31,

4.32, 4.38, 5.1, 6.16, 7.19].

### **Traffic and Public Transport**

- 8.8 Traffic modelling of the scheme has been thorough, but has its limitations. The question is whether or not those limitations are so unsatisfactory as to prevent the Orders being confirmed. In this regard, I conclude that the traffic survey work and analysis was appropriate for an urban scheme of this type [4.32]. In my view, it was quite sufficient to demonstrate the relative strengths and weaknesses of the project [4.33,4.38]. Furthermore, I accept that the predicted 5% increase in traffic resulting from inducement to travel caused by the road improvement is reasonable and an inevitable by-product of replacing the chronic network of streets with a commodious direct highway [6.3, 7.2].
- 8.9 In adopting a design year of 2007 the Council has deliberately restricted capacity to discourage excessive inducement of traffic whilst providing an appropriate level of road capacity for motorised and non-motorised users. The junctions have been designed for 2007 peak hour flows and would therefore experience some limited queuing in future peak hours but I am satisfied that the scheme would provide an appropriate highway for cars and other traffic whilst not excessively inducing generated traffic around the city centre and through the urban area [4.33, 4.44, 4.35].
- 8.10 There was convincing evidence to show that current congestion does obstruct buses, increase journey times and inhibit reliability. I am also satisfied with the evidence showing that the scheme would enhance facilities for buses leading to an improvement in service and reliability. The scheme has the support of the bus operating companies. These companies are private enterprises but there was no convincing evidence to persuade me that they would abandon the improved bus routes into and out of the city. I therefore dismiss the suggestion that the provision of bus priority lanes would be a waste of public money. Consequently I conclude that the new and approved inner ring road would assist public transport, by reducing congestion generally and providing bus lanes to bypass queues at junctions in the peak hour. The proposals for bus enhancements for King Street and Five Lamps would also assist bus journey times and reliability [6.17-6.19, 6.63, 6.64, 7.23, 7.24, 7.25].
- 8.11 In the light of the above I conclude that both public and private transport interests are balanced and well catered for by the scheme.

### **Pedestrians, cycling, equestrians and severance**

- 8.12 I now turn to consider the effect of the scheme on non- motorised users of the highway.
- 8.13 First, pedestrians and severance. In my view, in accordance with the natural demands of a busy urban area, the design of the scheme has been well shaped to cater for pedestrians who would be adversely affected by it, or who would take advantage of the new corridor [4.2, 4.7, 4.46]. This would encourage walking as an alternative to motorised

transport. At the inquiry a great deal of time was spent debating whether the analysis of pedestrian movement in the dense urban area was in accordance with the national Design Manual for Roads and Bridges, and thereby adequate or not. I accept that the national approach advocated in the DMRB (which itself is geared towards the assessment of design of trunk roads or motorways, not urban roads) has not been followed, but that flexibility away from the manuals defined approach is both acceptable for non trunk roads and appropriate for a dense urban area close to the city centre. The DMRB recognises the need for flexibility [6.15, 7.18]. I also accept that it would have been unreasonable, perhaps impracticable, for the authority to analyse all origins and destinations of people within the compressed built up area [7.18]. In my opinion such an approach would not have been a justifiable use of public funds and the efforts to identify pedestrian desire lines was a practicable and reasonable one.

- 8.14 In my opinion, the more important issue is whether pedestrians have been adequately catered for by the scheme and whether the imposition of the new roadway, creating as it would a swathe through the urban area, would create severance and threat to such a degree as to have an unacceptable impact on pedestrian movement. In my judgement the scheme, including footways alongside the carriageways and 40 controlled pedestrian crossings over the new roadways would, both adequately and safely, provide for pedestrians. I note that about half the crossings would be sited near the proposed roundabouts and the pedestrian phase of the signal system would be set to avoid interference with the capacity of traffic on other arms, or other turning paths of the roundabout system. I further note that the City of Derby's Urban Traffic Management System could be used to optimise the balance between pedestrians and vehicles. Moreover, the scheme by providing pedestrian and cycle links at stopped up ends of the culs-de-sac would not frustrate existing pedestrian movement [4.2, 4.7, 4.46, 6.15, 6.22, 6.47, 6.81, 6.84].
- 8.15 However, there is, in my mind, no doubt that the scheme in creating a new road corridor between Osmaston Road and Uttoxeter New Road would introduce a permanent severance barrier. I am persuaded by Mrs Underhill's evidence in that, along this length, the barrier would be both physical and psychological. The widening proposed for Stafford Street, Ford Street and Friar Gate would, to a degree, also increase severance, but that already exists to an extent [6.47, 7.55].
- 8.16 Overall, whilst I am of the view that the physical and to some extent psychological effect of the scheme would be partially mitigated by its design, which eradicates any substantial differential in level from the surround area, and by the succession of crossing facilities mentioned above, the imposing presence of the new highway from Osmaston Road to St. Alkmunds Way would remain as a psychological barrier in the minds of the population [4.2, 4.9, 6.15, 6.47, 6.57, 6.96-6.98, 7.18, 7.55, 7.128].
- 8.17 The reduction in traffic along King Street, coupled with the pedestrian measures proposed, would reduce severance along that busy street. At

Five Lamps there would be very little change to the existing severance [4.1, 4.2, 6.11, 7.39, 7.112].

- 8.18 I turn now to the relief from severance that the scheme would bring to the streets that, for years, have carried the burden of constant traffic throughout the day. Many of these streets are residential areas, the nature of which is that dwellings face directly onto the narrow footways and roadway. Pedestrian/vehicular conflict in these areas is constant and obvious. Closing the streets to through traffic would in my view greatly reduce this conflict, severance, danger and pollution and thereby significantly, immediately and permanently improve the area [4.35, 4.46].
- 8.19 To put the severance effects of the scheme into context, the key question is the balance of the relief that the scheme would offer to the many against the more widespread general burden of the new road corridor, both within and outside conservation areas. This is, overall, a very fine balance and whilst I accept the disadvantage introduced by the scheme, the severance caused would not be of sufficient weight, when offset by the substantial relief from the scheme, to prevent confirmation of the Orders [4.35, 4.46, 6.47].
- 8.20 I conclude that the scheme would cater well for pedestrians and thereby encourage walking, and that the new severance introduced by it is an acceptable price to pay for the overall benefits that would accrue.
- 8.21 I heard no convincing evidence to support a suggestion that the scheme should cater for equestrians or horse drawn vehicles and I conclude that no regard should be had to that suggestion [6.61, 7.71].
- 8.22 Last, cyclists. These have been catered for by the cycle tracks alongside the inner ring road but also in other directions. I note that the Derby Cycling Group are divided in their opinion of the scheme but recognise good cycling aspects of it. I conclude that relative to the current situation on the network cycling is positively catered for by the proposals, but I would urge the Council to continue to liaise with the Derby Cycling Group. I heard no convincing evidence to show that the Council had future plans to remove cycle lanes should future widening come about [4.3, 4.4, 4.22, 6.20, 6.21, 6.107, 7.27, 7.138].
- 8.23 I conclude that the scheme would cater well for cyclists and would thereby encourage modal shift.

### **Funding, Economics and Timing**

- 8.24 I am content that the value of the scheme has been adequately assessed in accordance with Department for Transport rules. I am also content that they have underwritten the scheme to the value of £26.73million and that arrangements would be in place to raise further funds of about £6.5million. Thereby, I conclude that adequate funding is earmarked for construction, except for the area at Five Lamps, which is estimated to cost a further £0.5million. I am also content that the Council would find

those funds from its budget. [4.41, 6.26, 6.45, 7.33-7.35].

- 8.25 I accept that the estimated costs of the scheme are reasonable, given its stage of preparation, and the relatively simple ground level construction, devoid of difficult engineering. Significant contingency sums are unlikely to be called upon. I do accept that the unknown quantity of statutory undertakers apparatus is a potential threat to the accuracy of the cost estimate but here contingency allowance has been made. I also accept that the value of land in the Council's ownership has not been included in the estimate used for economic assessment. As the land is already owned by the Council those values would not impact on the funding of the scheme, and I accept the Government Office's view in this regard that these values would not be substantial and thereby unlikely to unduly influence the cost benefit analysis of the scheme. Without those land costs included the benefit to cost ratio of about 12 indicates very good value for money, and even taking the most pessimistic assumption of land costs it was established that this benefit to cost ratio would still be substantial, and well above any threshold of concern for the Government Office [6.26, 7.34, 7.35].
- 8.26 I note that without Five Lamps and King Street the loss of benefit to the scheme would be more than offset by cost savings and that the benefit to cost ratio would actually rise above 12 [6.26, 7.40].
- 8.27 The contract for construction, based on an early contractor involvement type of contract, has been let and the work could start in 2007 subject to confirmation of the Orders [4.44]. The timing of the confirmation of the Orders would depend on the outcome of the village green application [7.70, 8.10].
- 8.28 I therefore conclude that the scheme would offer a very good investment of public funds, with or without the proposals at Five Lamps or King Street; that funds would be available within a reasonable timescale and, providing there is no impediment arising as a consequence of the village green application, works could start in the near future.

### **Safety**

- 8.29 The scheme would accrue substantial safety benefits, in the order of 1,900 accidents saved over a 60year period relative to the network situation without the scheme [4.40]. Clearly it would achieve its objective of reducing road traffic accidents.

### **Noise, Vibration and Pollution**

- 8.30 Relative to the current situation, the scheme, overall, would not create harmful noise, vibration or pollution. There would inevitably be pockets of new noise and new pollution although these would not be significant. The scheme, in reducing through traffic from residential areas, would benefit many in respect of noise and pollution. There was no convincing evidence that the scheme would introduce new problems of vibration. Overall, noise, pollution and vibration would reduce. Any noise, air and

pollution disadvantages of the scheme would, at worst, be minor. Overall the scheme would have a small beneficial affect for the city [4.47- 4.49, 6.23, 6.38, 6.51, 6.54, 6.73, 6.75, 6.84, 6.94, 6.96, 6.98, 6.99, 6.100, 6.105, 7.15, 7.30, 7.31, 7.49, 7.66 7.91, 7.100, 7.129, 7.136].

### **Impact of Scheme on the Green Urban Environment**

- 8.34 I now consider the issue of open space. The matter of application for the reclassification of a green area to village green status has been raised in a legal submission and commented upon elsewhere in the report. I shall not mention that particular issue further here [2.2, 2.3, 8.10].
- 8.35 However, it is clear that the scheme would generally provide significant areas of green space in a linear fashion adjacent to the new or widened carriageway. That is a most satisfactory aspect of the proposals [4.9]. However, there are two existing open areas that would be removed by the scheme, near Wilson Street/Gerard Street and Abbey Street, and close by that area at Wilson Street/Gerard Street and Forester Street. There is particular concern over loss of that amenity in the heart of the urban area. I fully accept the Council's evidence that these areas were formally acquired for the road corridor and, in my opinion, it is to the considerable credit of the Council that they have both established and maintained these areas in a state fit for public use and enjoyment, over many years. There is ample evidence to show that these areas are well used by the public. I am persuaded of that and that of the local amenity value of the areas by the evidence of Mr Woodward in particular. Removal of them would clearly be a disadvantage of the scheme, and whilst this disadvantage would fall well short of justifying that the scheme with its excellent traffic, safety, environmental and economic advantages should not proceed, I am of the view that is a strong case for a replacement area, close by, to be sought and developed as green space by the Council. There is no such proposal in the Compulsory Purchase Order and in my view the scheme is the weaker for that. [6.58-6.60, 7.32, 7.70].

### **Impact on the Made Urban Environment**

- 8.36 A great deal of inquiry time was spent debating the impact of the scheme on made environment and, in particular, on heritage, conservation areas and listed buildings. The scheme, in drawing traffic away from residential streets and sensitive areas would deliver significant benefit for those areas and the environment of a substantial number of listed buildings. It would also reduce existing harm in parts of the city's conservation areas as traffic would redistribute from these areas to purpose built roads. In my opinion the benefits of this would be substantial [4.45, 4.50, 4.57, 6.9-6.14].
- 8.37 However, areas of Friar Gate conservation area and Strutt's Park conservation area would carry additional traffic on a wider road. Listed buildings within these areas would need to be demolished. The widening of Stafford Street and Ford Street, and the increased traffic there, would cause harm in the conservation area that, in my opinion, would negate

the advantages created elsewhere. It is clear that English Heritage and the Secretary of State accepted the need for demolition of both listed buildings and others in conservation areas. In my opinion the general mitigation works described by the Council, including tree planting in the Friar Gate conservation area, are essential to the acceptability of the scheme and I regard them as public commitments should the works proceed. I conclude that, having regard to the views of all concerned at the inquiry, English Heritage and the report of the Local Plan inquiry, overall, harm created by the scheme between Osmaston Road and St Alkmunds Way would generally be balanced by the benefits which would accrue from the scheme. The scheme would have little effect on archaeology [4.52, 4.61, 4.65, 6.13, 6.14, 6.87, 6.87, 6.89].

### **Conclusions with regard to King Street and Five Lamps**

- 8.38 At King Street, I am persuaded that the removal of half of the traffic onto the King Street link would clearly help the setting of the important St Helen's House, whilst the Friends Meeting Place of silent contemplation would not be unduly disturbed. Elsewhere in the King Street area I am also satisfied that the endeavours of the Council to facilitate new build is in accordance with the advice from English Heritage, and would offset and reduce the impact of the King Street link road on the area generally. The area of shrub woodland near the Seven Stars public house, neglected, abused and polluted as it is, is, in my view, of limited public use either ecologically or in terms of amenity. Proper management of the residual area would enhance the public enjoyment of this area and benefit nature. [4.55, 4.62-4.64, 6.29, 6.9-6.11, 6.52, 6.72, 6.79, 6.82, 6.89].
- 8.39 As mentioned above I note the advice of English Heritage that the Council should facilitate a new development to enhance the townscape of the area of the proposed link road and ease its acceptability into the historic area. Those endeavours should be pursued with vigour [4.55].
- 8.40 In my opinion the King Street link road would ease congestion and advantage buses. An associated cycle lane would be provided and I am satisfied that pedestrian crossing facilities at St Helens Street, King Street and Lodge Lane would adequately and commodiously cater for pedestrians. The stopping up of St.Helen's Street with King Street would therefore be justified. The replacement bus stop on the Link Road would be quite satisfactory. I conclude that the King Street link would be an acceptable and advantageous addition to the highway network in this part of Derby and should proceed [6.27, 6.106, 7.37, 7.39].
- 8.41 At Five Lamps, there is no dispute that the demolition of No. 40 West Avenue and the removal and replacement of the retaining walls to Nos. 3-5 Kedleston Road, would harm the conservation area. I am conscious that English Heritage, after expressing a strong objection to the scheme at Five Lamps, withdrew that objection partly on the basis of replacing walls with high quality materials and the specified new build attached to No. 42 West Avenue. On that basis the Secretary of State granted the necessary consents for the demolitions to proceed [4.16]. I am also

conscious of the care and attention paid by the Council in an effort to make the impact of the scheme in this area acceptable. However, there is strong evidence to show that the demolition of No. 40 West Avenue, in particular, would still create a long term situation which, based on views expressed at the inquiry, would be less satisfactory than at present, a matter generally not in dispute. What is in dispute is the associative damage which some claim would occur to the World Heritage site because of the knock-on harm done to the buffer zone (Strutt's Park conservation area). Much was made of this at the inquiry but the fact that the works at Five Lamps are relatively small scale, and could not be seen from any part of the World Heritage site, is paramount in the formation of my opinion that there would be no meaningful adverse effect on the World Heritage site, despite the many arguments made to the contrary. I therefore dismiss the World Heritage site consideration as being of material value as far as the subject matter before the inquiry is concerned. However, I conclude that the scheme, even with its offsetting rebuilding works, would significantly harm the heritage setting and general environment of the Five Lamps area [4.16, 4.62, 4.63, 6.10, 6.52, 6.54, 6.68, 6.76, 6.82, 6.83, 6.84, 6.85, 6.87- 6.89, 6.93].

- 8.42 I now turn to the consideration of the proposed improvements to the Five Lamps junction and gyratory system. These have been designed to be complementary to the King Street link, but the improvement at Five Lamps would be physically separated from King Street by substantial lengths of Duffield Road and Garden Street. The Five Lamps junction would therefore operate relatively independently of the link from King Street itself. In other words, the two improvements in this corridor are not interdependent, and neither are they dependent upon the inner ring road itself.
- 8.43 I am clear that the complex junction at Five Lamps would be improved as a highway by the proposals of the Council. It would provide an improved carriageway alignment and improved sight lines. It would add capacity and could reduce accidents. However, as an element of improvement within the overall scheme, the case on traffic and economic grounds is weak. I am persuaded of this by the evidence of both Mr Steer and Mr Grimsdell and by the Council's traffic and economic analysis of the scheme without Five Lamps [6.82, 6.104, 7.3]. The economic case for the scheme would be more robust without the Five Lamps and King Street improvement whilst, at Five Lamps, queuing traffic would reduce and delays decrease in the design year, for some parts of the day, should no improvement proceed. I accept that there would be improvements for buses but there was no convincing evidence to suggest that bus delays at this junction are substantial and little substantial evidence to support the case for the junction improvement.
- 8.44 I conclude that the improvement at Five Lamps would be of only marginal public benefit to the overall scheme and, in my judgement, could not be justified as compelling in the public interest [4.1, 4.38, 6.8, 6.82, 6.88, 6.101, 6.104, 7.24, 7.135, 7.137, 7.118].

### **Conclusion with regard to the Brook Street and Willow Row junction.**

- 8.45 I now consider the closure of the Brook Street, Willow Row junction from St Alkmunds Way. The proposed closure would prevent local area traffic from directly entering or leaving one carriageway of the ring road. That traffic would need to re-circulate in the locality and thereby increase flows at King Street and Five Lamps or use Friar Gate and Bridge Street and other local roads in order to eventually access the ring road. That would be a disadvantage for the local network and present some limited inconvenience for residents. On the other hand, an extra junction onto the ring road would be unwelcome, it would cause conflict of traffic and pedestrians and prevent an important pedestrian crossing of the ring road. I accept that rat running could ensue. The issue is very finely balanced, but within the overall scheme a localised one. I have considered this very carefully, but in my judgement, and on a fine balance, the arguments for the junctions being retained are currently not strong enough to persuade me to not recommend confirmation of the Order. The alternative vehicular route is reasonable.
- 8.46 I therefore conclude the Brook Street, Willow road junction should be stopped up, but that the Council keep the issue under review, especially in respect of the predicted diversion of traffic to Five Lamps [6.31, 6.36, 6.50, 6.76, 6.84, 7.37].

### **Conclusions on Individual Objections**

- 8.47 My conclusions in respect of the evidence in chief and rebuttal material of the Council and evidence of Derby Heart and Friends of the Earth is as reported above. Those conclusions cover many of the issues that were of concern to individuals. In regard to other issues raised by individual objectors who appeared at the inquiry my conclusions are:

#### **Mr D Yeomans, (also of Derby Heart), and Mr Ferid Kervin (Both are statutory objectors).**

- 8.48 I conclude that the Clutch Centre tenanted by Mr Yeomans and the Bosnia Herzegovina Club would both be required for the scheme and that the Council working with Mr Yeomans and the Club would endeavour to find a suitable replacement property. I commend that as a continuing and dedicated action [6.33, 6.35, 7.43, 7.45].

#### **Mr Stephen Coult obo SportsMarketing (statutory objector).**

- 8.49 I note the Council's position and conclude that this would be a satisfactory fall back provision under the SRO if agreement between the parties is not finally realised [6.37, 7.48].

**Mr Kevin King (statutory objector).**

8.50 I accept the inevitability that houses and historic buildings need to be demolished for this urban scheme and that those losses would be offset, in public interest, by the benefits of the scheme [6.36, 7.46].

**Mrs Anne Underhill.**

8.51 I have dealt with the effects of severance at paragraphs 8.13-8.19 above. I am persuaded of the benefits that would readily and quickly accrue from the stopping up of side roads and am persuaded by the reported police view in respect of reduced antisocial behaviour that may then be seen [6.46, 6.47, 7.55].

**Mr Chris Lee.**

8.52 In my view, the disadvantages associated with keeping the Cavendish Street junction open would be significant and retention of the junction cannot be justified as an alternative to the scheme. Neither can amendments to the Ford Street/Friar Gate junction for the small service advantages to those with an interest in Cavendish Street [6.48, 6.49, 7.56, 7.57].

**Ms Louise During.**

8.53 It is clear that there would be very little additional material adverse effect on 3 Duffield Road or North Parade as a result of the scheme. The relocated bus stop at the rear of the Seven Stars public house is a suitable re-location which would serve the public reasonably well [6.50-6.52, 7.59-7.62].

**Mr Peter Ansen.**

8.54 I accept the Council's evidence in respect of the health related effect of the scheme and that efforts to involve the local population were made in respect of the consultation exercise in late 2003. Hgv's should not be a new problem in the centre of Derby. In my view the adverse effects of this scheme on Duffield Road properties would be insignificant [6.53-6.56, 7.63-7.66].

**Mr Christopher Woodward.**

8.55 I have addressed my opinion on the merits of stopping up side roads earlier in this report but also accept that inevitably some current motorised routes would be lengthened as a consequence. I have taken full note of Mr Woodward's concerns on green and open space above in my conclusions [6.57-6.60, 7.76-7.70].

**Mrs Gwen Sandhu.**

8.56 I note Mrs Sandhu's concerns, most having been addressed above in my conclusions. I am satisfied that the Council have, with the Environment Agency, properly addressed drainage [6.61, 6.67, 7.71-7.77].

## **Conclusions with regard to Written Objections**

- 8.57 For the most part these objections are insufficiently particularised to permit them to be fully assessed in detail, other than as reported on above in my conclusions on the merits and disadvantages of the scheme. I am satisfied that the scheme addresses all material general issues expressed by written objections and as mentioned earlier I conclude that, whilst there are bound to be adverse effects of a scheme of this type, there would be no disproportional impact in terms of health, social, safety or amenity environment concerns.
- 8.58 In terms of material specifics not covered above, I accept that parking adjacent to the medical practices would not be as convenient as present but there would be nearby public car parks and crossing facilities as well as car parking at the premises themselves. I cannot conclude that the alterations to the nearby and already busy junction would be of a great new threat to these establishments [6.68-6.108, 7.78-7.138].

## **Environmental Assessment**

- 8.59 The promoting authority's Environmental Assessment complies with the European and UK Directives and it is noted that statutory and a number of non-statutory bodies have been consulted during the course of the development of the scheme. The original ES was produced for the earlier planning application and supplemented as proposals developed. At the inquiry there were no significant changes made to the ES, although there was a lengthy debate about the completeness of the Statements during earlier stages of the scheme's development. The associated legal issue is set out at paragraph 8.5. I am satisfied that the ES contains sufficient information to enable the significant effects of the scheme on the environment to be assessed. It is adequate in terms of the requirements set out in the 1999 Regulations. The complete set of ES documents and comments made on them have been fully taken into account in reaching my conclusions [4.14, 4.15].
- 8.60 A significant amount of evidence was called in respect of the impact of the scheme on the historic environment of the city and beyond, and referred to in written objections. I have taken account of this evidence and earlier relevant evidence in the ES, in this regard, in reaching my conclusions.

## **The Orders**

### **Conclusions with regard to the Compulsory Purchase Order**

- 8.61 I have studied the provisions of the CPO in detail. As a consequence, I have formed the view that the CPO would, in a very few places, over-

provide for land needed for the construction of the scheme. The details of this over-provision are set out in DCC/69. In respect of Plots 28a and 29 mentioned in DCC/69 I accept the sound reasons in the public interest for acquiring the land as set out in the CPO Plan and Schedule. Plot 110 is not required for the scheme and should be deleted should the Orders be confirmed. Plots 1-19 inclusive should be removed from the CPO in accordance with the recommendation to remove the Five Lamps part of the scheme. I accept the need for modification of the scheme in respect of Plot 218. This modification should delete, "to carry out landscaping and re-grading works", and insert, "to construct and maintain a retaining wall". Plots 236, 243 and 251 should be removed from the CPO if it is confirmed. I have studied the Schedules and Plans accompanying the CPO and the engineering plans for the scheme and can find no evidence other than that specified in the modifications I have set out above of any proposal to purchase land or rights other than those necessary to implement the scheme. There have been no assertions to the contrary other than those I have reported upon. I am satisfied that the Order, as modified, addresses no more land than would be necessary and that the Derby City Council has a clear idea of how it intends to use the land. The Government and the City Council have made funding provision for the scheme and, as the contract has been let, if the Orders are confirmed work could start in 2007, for which reason I am also satisfied that no land would be acquired ahead of time. I am also satisfied that the land acquired for off street parking is justified in accordance with the tests set out in The Road Traffic Regulation Act 1984. I am therefore satisfied that, apart from the Plots I propose be excluded by modification of the Order, there is a compelling case for compulsory purchase in the public interest of all the land concerned.

- 8.62 At the inquiry, it was demonstrated that the Council had secured planning permissions and consents in respect of the necessary demolitions of listed building and demolition in conservation areas. An application has been made by an objector for "village green" status on an area of land in the Council's ownership, but potential planning permission for such use of that area has not been granted and, in any event, there would be a legal remedy available to the Council if this application were granted [1.9, 2.2, 6.58, 6.59, 7.32, 7.70]. For that reason I am satisfied that, at the inquiry, there was no impediment established to the implementation of the scheme.
- 8.63 In my view and having regard to ODPM Circular 6 of 2004, there is a compelling case for the scheme to be implemented in order to promote and improve provision for public transport, cycling and walking, overcome significant daily congestion and to improve safety. Therefore I am persuaded that there is a compelling case for the land's compulsory purchase in the public interest, (with the exception of the recommended plots that should be deleted from the CPO), that justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation. I see no reason why the CPO should not be confirmed as modified, the modifications having regard to the conclusions I have drawn in respect of the Five Lamps junction and other more minor matters. With particular regard to Section 8(3)(a) of

Schedule 1 of the Highways Act, for my part, I do not regard any of the recommended modifications as being "substantial", even though the Five Lamps junction improvement was controversial. In reality, Five Lamps is a small element in the scheme and, although it is well known locally, its limited context to the whole scheme can be explained by its cost, which, at £0.5m is in the order of only 1.5% of the cost of the whole project, estimated at over £33m [4.43].

### **Conclusions with regard to the Side Roads Order.**

8.64 Generally I am satisfied that the proposals for improving or stopping up of highways and for stopping up private means of access in these Orders are justified. With regard to highways, other reasonably convenient routes would be available before highways are stopped up and with regard to private means of access those replacement means of access still required would become available before each stopping up takes place. I see no reason why the Side Roads Order should not be confirmed as modified; the modifications having regard to my recommendation in respect of the improvements that I cannot justify at Five Lamps. The modifications are set out at Annex C. In respect of Five Lamps I confirm that I am satisfied that the local Side Roads Orders satisfy the necessary tests set for them should my recommendation not to confirm the CPO in that area be not accepted.

### **Summary of Overall Conclusions**

8.65 Based on the findings that I have outlined above, I conclude that there is a compelling case in the public interest for the construction of the majority of the scheme. The case for a new purpose built road, to modern standards and with well thought out mitigation measures, between Osmaston Road and St Alkmunds Way is, in my opinion, overwhelming and urgent. I also conclude that there is a strong case for building the King Street link. In the case of the improvements at Five Lamps, and whilst I appreciate the benefits of the scheme there, I cannot conclude that there is a compelling case for it to enable me to recommend confirmation of the Orders relative to that area. It is accordingly my view that the major part of the scheme is in the interest of the public; it is urgently needed and should be allowed to proceed.

8.66 However I am aware of the legal view held by Derby Heart in respect of the appropriateness of my recommendation to confirm only part of the Orders, and thereafter the Secretary of State's legal authority to confirm the Orders with part of the scheme deleted as a modification. I note the counter argument put by the Council and I am aware of Section 8(3) of Schedule 1 of the Highways Act 1980 that to my mind empowers the Secretary of State accordingly. As mentioned above Five Lamps is not a

significant element of the overall scheme [8.63]

- 8.67 I have considered each of the formal elements of the scheme against criteria set out in this report and, with the exception of the elements of it mentioned at paragraph 8.61 above, and in Annex C, conclude that they would be met.
- 8.68 The scheme would not, to my mind, have any disproportionate adverse impacts. I have had regard to these and all other matters raised both at the inquiry and in writing but they do not outweigh the conclusions I have reached.

## RECOMMENDATIONS

- 9.1 I recommend that:

The DERBY CITY COUNCIL (A6/A601 CLASSIFIED ROADS) COMPULSORY PURCHASE ORDER 2006 be modified as set out in Annex C of this report, and so modified be confirmed, together with

The DERBY CITY COUNCIL (A6/A601 CLASSIFIED SIDE ROADS ORDER) 2006 which should also be modified as set out in Annex C of this report, and so modified be confirmed.

(Signed)

*W. S. C. Wadrup*

W S C Wadrup

INSPECTOR

**ANNEX A APPEARANCES****APPEARING ON BEHALF OF DERBY CITY COUNCIL**

Counsel: Mr Jeremy Cahill Q.C. Ms Bridget Foster No. 5 Chambers	Instructed by: Mr Paul Wakefield Solicitor of Marrons
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WITNESSES called

Mr David Powner BSc, MICE Project Manager Special Projects Derby City Council	Mr Andrew Croft BA, MA Head of Heritage Midlands and the North Atkins Heritage
Mrs Christine Durrant Beng, DIS, CIM, Ceng, MICE Assistant Director Highway and Transport Derby City Council	Mr Gary Holliday BA, M. Phil, MLI Partner FPCR
Mr Julian de Mowbray BSc, DEH, DMS, DANC, MCIEH Group Leader – Pollution Control Derby City Council	Mr Nasar Malik BSc, MSc, Ceng, MICE, FIHT Director Atkins Transport Planning
Mr John Stewart Principal Planner Development Control Derby City Council	Mr Robert Salmon BA, MA, DMS, MRTPI Head of Plans and Policies Derby City Council
Mr Michael Newman BEng (Hons), Ceng, MIHT Principal Engineer Waterman Civils	

**APPEARANCES (cont'd)**

FOR DERBY HEART:

Mr Philip Petchey of Counsel, who called:

Mr Richard Butler\*

Mr Peter Steer

Mr Tony Dunn

Ms Jane Temple

Ms Penny DeAbreu

Mr David Yeomans\*

Mr Colin Underhill

Mr Chris Woodward

Dr Joan D'Arcy

Mr Maxwell Craven

Mr William Grange

Mr Geoffrey Lane

**OTHER OBJECTORS**

Mr Peter Steer, obo Friends of the Earth and Ms D Skytrek

Mr Kevin King\*

Mr Peter Ansem

Mr Ferid Kervic obo Bosnia Herzegovina Club\*

Mrs Anne Underhill

Mrs Gwen Sandhu

Ms Louise During

Mr Chris Lee

Mr Stephen Coult obo Sports Marketing Ltd\*

Mr Christopher Woodward, on his own behalf.

\*Statutory objectors.

**ANNEX B DEPOSIT & INQUIRY DOCUMENTS**

<b>CORE DOCUMENTS</b>		
D1	Town and Country Planning Act 1990 (as amended) together with subordinate legislation	
D2	The Acquisition of Land Act 1981 (as amended) together with subordinate legislation	
D3	PPG13: Transport	DCLOG
D4	PPG15: Planning and the Historic Environment	DCLOG
D5	PPG16: Archaeology and Planning	DCLOG
D6	PPG17: Planning for open Space	DCLOG
D7	DCC (A6/A601 Classified Roads) Compulsory Purchase Order 2006 with plans 8 August 2006	DCC
D8	DCC (A6/A601 Classified Roads) Side Roads Order 2006 with plans of 7 August 2006	DCC
D9	DCC (A6/A601 Classified Roads) Compulsory Purchase Order 2006 -Statement of Reasons of September 2006	DCC
D10	DCC (A6/A601 Classified Roads) Side Roads Order 2006, Statement of Reasons of September 2006	DCC
D11	DCC (A6/A601 Classified Roads) Compulsory Purchase Order 2006 Copy of Served Notice August 2006	DCC
D12	DCC (A6/A601 Classified Roads) Side Roads Order 2006 Copy of Served Notice of August 2006	DCC
D13	DCC (A6/A601 Classified Roads) Compulsory Purchase Order 2006 Copy of Site Notice and associated notes September 2006	DCC
D14	DCC (A6/A601 Classified Roads) Side Roads Order 2006 Copy of Site Notice and associated notes September 2006	DCC
D15	Derby City Council (A6/A601 Classified Roads) Compulsory Purchase Order 2006 Copies of Press Notices from Derby Evening Telegraph of 31 August 2006 & 7 September 2006	DCC
D16	DCC (A6/A601 Classified Roads) Side Roads Order 2006 Copies of Press Notices from the Derby evening Telegraph and The London Gazette 31 August 2006	DCC
D17	Connecting Derby Drawings produced to accompany Planning Applications	DCC
D18	Connecting Derby Environmental Impact Assessment – Statement Nov-04	DCC
D19	Connecting Derby Environmental Impact Assessment – Appendices Nov-04	DCC

D20	Connecting Derby Environmental Impact Assessment - Non Technical Summary Nov-04	DCC
D21	Connecting Derby Environmental Impact Assessment - Statement (ADDENDUM) Aug 06	DCC
D22	Connecting Derby Environmental Impact Assessment - Statement (ADDENDUM) Non Technical Summary Aug 06	DCC
D23	Connecting Derby Planning Applications: DER/704/1380,1381,1382,1383 – Notices July 2004 and November 2004	DCC
D24	Connecting Derby Planning Applications: DER/704/1380,1381,1382,1383 Report and Minutes 3 February 2005	DCC
D25	Connecting Derby Planning Applications: DER/704/1380,1381,1382,1383 Statements sent to Government Office in support of the applications 15 June 2005	DCC
D26	Letter from Government Office East Midlands - Conservation Area Consent DER/704/1382 - Ref: EMP 1020/443/10 of 21 December 2005	GOEM
D27	Letter from Government Office East Midlands - Planning Application non-intervention DER/704/1380 - Ref: EMP 1020/219/29 21 December 2005	GOEM
D28	Connecting Derby Planning Application: DER/1105/1883 and DER/704/1380 - Demolition of wall at Friar Gate Goods Yard – Notice, Report and Minutes 9 February 2006	DCC
D29	Letter from Government Office East Midlands – Listed Building Consent DER/1105/1883 – Ref: EMP 1020/271/24 - 9 May 2006	GOEM
D30	Letter from Government Office East Midlands – Listed Building Consent DER/704/1381 – Ref: EMP 1020/271/23 of 24 August 06	GOEM
D31	Letter from Government Office East Midlands – Listed Building Consent DER/704/1383 – Ref: EMP 1020/443/11 of 24 August 06	GOEM
D32	Connecting Derby Planning Applications: DER/806/1312 Notice, Report and Minutes Outline 40 West Avenue of 12 October 2006	DCC
D33	Connecting Derby Planning Applications: DER/704/1380 Notice, Report and Minutes Amendments and Environmental Statement Supplement of 9 November 2006	DCC
D34	Connecting Derby Planning Applications: DER/704/1380 Local Authority Application Decision: Permission granted 9/10 November 2006	DCC
D35	City of Derby Local List	DCC
D36	Statutory List - City of Derby Buildings of Special Architectural or Historical Interest of Oct-03	DCC

D37	Strutt's Park Conservation Area of Dec-03	DCC
D38	Friar Gate Conservation Area of Dec-03	DCC
D39	City Centre Conservation Area of Dec-03	DCC
D40	Connecting Derby - Consultation History	DCC
D41	Connecting Derby Newsletters	DCC
D42	Connecting Derby Reappraisal Annex E Mar-04	DCC
D43	Connecting Derby Reappraisal Annex E - Addendum 1 Aug-04	DCC
D44	Connecting Derby Reappraisal Annex E - Addendum 2 Aug-04	DCC
D45	Derby City Centre Simulation Model - DfT Questions - Economic Report of Feb-05	DCC Atkins
D46	Connecting Derby - Archaeological Evaluation Jan 06	University of Birmingham
D47	Connecting Derby - Archaeological Evaluation - Buildings Record of Feb 06	University of Birmingham
D48	Connecting Derby - Contamination Assessment Desk Study Report of Jul-05	Clear Enviro Consultants
D49	Connecting Derby - Flood Risk Assessment of Oct-05	Clear Enviro Consultants
D50	Friar Gate Urban Design Study of Jul-04	Munro & Whitten
D51	City of Derby Local Plan Review and proposals maps – adopted 2006 (Policy CC16 and Policy T2)	DCC
D52	City of Derby Local Plan – Adopted 1998	DCC
D53	City of Derby Local Plan - First Deposit 2001 (Policy CC29 and Policy T2)	DCC
D54	City of Derby Local Plan – Inspector's Report Jan-05 (Policy CC29 and Policy T2)	
D55	NUMBER NOT USED	
D56	City of Derby Local Plan - Revised Deposit 2002	DCC
D57	City of Derby Local Plan Review Proposed Modifications to Local Plan Review Sep-05	DCC
D58	City of Derby Local Plan Review - Revisions to proposals map Autumn 2002	DCC
D59	Derby and Derbyshire Structure Plan (Transport Policy 14) 2001	DCC & Derbyshire
D60	Derby Joint Local Transport Plan 2001-2006 (LTP 1) Jul-00	DCC & Derbyshire
D61	Derby Joint Local Transport Plan 2006-2011 (LTP 2) Jul-05	DCC & Derbyshire

D62	Masterplan Jan-05	Derby Cityscape
D63	Regional Spatial Strategy for the East Midlands RSS 8 Mar-05	GOEM
D64	2020 Vision - Community Strategy 2003 – 2006 Apr- 05	Derby City Partnership
D65	The Future of Transport – White Paper 2004	DfT
D66	Guidance on Local Transport Plans 2004	DfT
D67	DCC Planning and Technical Services Committee - Derby City Centre Transportation Strategy - Study Brief 17 June 1998	DCC
D68	DCC Planning and Technical Services Committee - Derby City Centre Transportation Strategy - Results from Public Consultation 23 September 1998	DCC
D69	DCC Planning and Technical Services Committee - Derby City Centre Transportation Strategy - Problem Statement 1 February 2000	DCC
D70	DCC Planning and Technical Services Committee - Derby City Centre Transportation Strategy - Consultation Document June 1999	DCC
D71	DCC Policy Committee - Derby City Centre Transportation Strategy - Results of Public Consultation 29 February 2000	DCC
D72	DCC Policy Committee - Derby City Centre Transportation Strategy - Adoption of Preferred City Centre Transportation Strategy 7 June 2000	DCC
D73	DCC Policy Committee - Connecting Derby Transport Project - Proposed Traffic Management and Access Arrangements 16 May 2001	DCC
D74	DCC Policy Committee - Connecting Derby - Funding and Land Acquisition Issues 20 June 2001	DCC
D75	DCC Policy Committee – A6 Duffield Road Corridor Transport Improvements 20 Jun 2001	DCC
D76	DCC Cabinet - Connecting Derby Phase 2 - Land Acquisition 13 May 2003	DCC
D77	DCC Cabinet – Connecting Derby Phase 3A – Junction Options at Uttoxeter New Road and Stafford Street 15 July 2003	DCC
D78	DCC Cabinet - Connecting Derby - Approval of Design and Associated Matters 6 April 2004	DCC
D79	DCC Cabinet - Connecting Derby - Compulsory Purchase Orders 20 July 2004	DCC
D80	DCC Cabinet - Connecting Derby - Approval of Funding 14 June 2005	DCC
D81	DCC Cabinet – Connecting Derby – Land Acquisition and Side Roads Order 4 July 2006	DCC

D82	Planning Application Code 71/647	Derby County Borough Council
D83	Planning Application Code 72/813	Derby County Borough Council
D84	Planning Application Code 73/157	Secretary of State
D85	Connecting Derby Planning Applications: DER/806/1312 Decision Notice	Derby City Council
D86	Design Manual for Roads and Bridges (DMRB) – Volume 12 'Traffic Appraisal of Road Schemes'	Department for Transport
D87	Derby City Centre Simulation Model, Local Model Validation Report (Atkins, April 2004)	Atkins
D88	NUMBER NOT USED	
D89	NUMBER NOT USED	
D90	NUMBER NOT USED	
D91	Derby Simulation Model Forecasting Report (Atkins, April 2004)	Atkins
D92	TEMPRO, Trip End Model Presentation Program (version 4.2, May 2003)	
D93	Department for Environment, Transport and the Regions (DETR), National Road Traffic Forecasts (Great Britain) 1997	
D94	NUMBER NOT USED	
D95	NUMBER NOT USED	
D96	Department for Environment, Transport and the Regions (DETR), A New Deal for Transport: Better for Everyone	
D97	Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990	
D98	Highways (Inquiries Procedure) Rules 1994	
D99	Email from Government Office North East to Richard Butler	
D100	Planning Policy Statement 1, Delivering Sustainable Development	DCLG
D101	County Borough of Derby Development Plan and Town Map 1958	County Borough of Derby
D102	Derbyshire Structure Plan, Approved Written Statement	Derbyshire County Council
D103	City Centre Local Plan, Written Statement	Derby City Council

D104	Draft Friar Gate/ Markeaton Local Plan	Derby City Council
D105	Derbyshire Structure Plan, Approved Written Statement	Derbyshire County Council
D106	Sustainable Communities: People, Places and Prosperity	ODPM
D107	Draft East Midlands Regional Plan	East Midlands Regional Assembly
D108	Derby City Council Corporate Plan 2006-2009	Derby City Council
D109	Derwent Valley Mills World Heritage Site Management Plan	
D110	Final Minute to Government Office East Midlands from English Heritage – Connecting Derby Phase 3B	English Heritage
D111	Letter from Dr A Myers to Mr J Stewart	Derbyshire County Council
D112	Highways Act 1980 - Relevant extracts	
D113	Road Traffic Regulation Act 1984 – Relevant extracts	
D114	The Human Rights Act 1998 – Relevant extracts	
D115	The National Air Quality Strategy Stage 4 Report – Nitrogen Dioxide Air Quality Management Area	Derby City Council
D116	The National Air Quality Strategy Stage 4 Report – PM10 Air Quality Management Area	Derby City Council
D117	Supplementary Report – PM10 Air Quality Management Area	Derby City Council
D118	The National Air Quality Strategy Updating and Screening Assessment for Derby	Derby City Council
D119	Updating and Screening Assessment & Action Plan Updates (Second Review and Assessment of Air Quality)	Derby City Council
D120	Detailed Assessment for Nitrogen Dioxide (Second Review and Assessment of Air Quality)	Derby City Council
D121	Detailed Assessment for PM10 (Second Review and Assessment of Air Quality)	Derby City Council
D122	Local Air Quality Management Technical Guidance LAQM. TG (03)	DEFRA
D123	NUMBER NOT USED	
D124	DfT Technical Advice Note 79/99	Department for Transport
D125	TUBA Software/Manual	
D126	TRANSYT Software/Manual	

D127	DMRB Volume 13 'Economic Assessment of Road Schemes'	Department for Transport
D128	COBA11 Software/Manual (SEE D127)	
D129	WebTAG Unit 3.4.1 'The Accidents Sub-Objective'	
D130	WebTAG Unit 3.4.2 'The Security Sub-Objective'	
D131	Derby Simulation Model - TRANSYT Model Report, Atkins, July 2005	Atkins
D132	Derby City Council Cabinet - Connecting Derby – King Street and Five Lamps Consultation Plan and Options Review	Derby City Council
D133	Government Office East Midlands letter 14/12/00 – Initial Approval	GOEM
D134	Government Office East Midlands letter 19/12/03 – Withdrawal of Full Scheme Acceptance	GOEM
D135	Government Office East Midlands letter 12/04/06 – Programme Entry	GOEM
D136	Extract from the Town and Country Planning (General Permitted Development) Order 1995	
D137	Regional Funding Allocation (see D140)	
D138	NUMBER NOT USED	
D139	East Midlands Submission - Regional Funding Allocation Advice	EMRA / EMDA
D140	Letter from Secretary of State – Regional Funding Allocation	
D141	Connecting Derby Planning Applications: DER/1102/1692 Report and Minutes	Derby City Council
D142	2020 Vision - Community Strategy 2006-2009	Derby City Partnership
D143	Derby City Council Corporate Plan and Action Plan 2007-2010	Derby City Council
D144	PPS 23	
D145	PPG24	
D146	Circular 06/04	ODPM
D147	Connection Derby – Data Collection & Traffic Reassignment Study - Atkins Final Report 15/07/02	Atkins
D148	DCC Statement of Case	DCC
D149	2007/08 Highways & Transport Work Programme 20 Feb 07	DCC

<b>DERBY CITY COUNCIL DOCUMENTS</b>	
DCC/1	Core Proof No 1 Planning Policy
DCC/1A	Summary of Core Proof No 1
DCC/2	Core Proof No 2 Transport Policy
DCC/2A	Summary of Core Proof No 2
DCC/3	Core Proof No 3 Planning History
DCC/3A	Summary of Core Proof No 3
DCC/3B	Supplementary Information dated 25 April to that in Core Proof 3
DCC/4	Core Proof No 4 Transport and Economics
DCC/4A	Summary of Core Proof No 4
DCC/5	Core Proof No 5 Highways Layout and Construction Details
DCC/5A	Summary of Core Proof No 5
DCC/6	Core Proof No 6 Heritage
DCC/6A	Summary of Core Proof No 6
DCC/7	Core Proof No 7 Urban Form and Landscape
DCC/7A	Summary of Core Proof No 7
DCC/8	Core Proof No 8 Air Quality and Noise
DCC/8A	Summary of Core Proof No 8
DCC/9	Core Proof No 9 Overall Public Benefit
DCC/9A	Summary of Core Proof No 9
DCC/10	Core Proof No 10 Public Engagement and Consultation
DCC/10A	Summary of Core Proof No 10
DCC/11	Appendix to the Core Proofs
DCC/12	Drawing General Layout Showing Surface Treatments Drawing No AS/GEN/76A – Replaces AS/GEN/76 part of D17
DCC/13	Opening Submissions
DCC/14	Amendments to Order Documentation
DCC/15	Bundle of Letters dated 19 September 2006 to the Derby Emergency Services
DCC/16	Letter of Support dated 6 <sup>th</sup> July 2000 from Derbyshire Constabulary
DCC/17	Drawing WP42/GEN/84 Construction Stages Aug 2006
DCC/18	Drawing AS/GEN/81 25/10/06 Existing & Proposed Areas of Greenspace
DCC/19	Planning Control Minutes 12 October 2006 Code No DER/806/1312
DCC/20	Council Cabinet meeting 28 Nov 2006 Contract & Financial Procedure Matters Report
DCC/21	Friar Gate/Markeaton Local Plan Inspectors Report
DCC/22	Letter dated 9 <sup>th</sup> Feb 2007 Re Butler v Secretary of State for Local Communities and Others
DCC/23	Application for Village Green Status for Wilson Street Green
DCC/24	Derby Joint Local Transport Plan Annual Progress report July 2005
DCC/25	Note on the number of trees lost and planted with Connecting Derby & information on planting sizes and growth
DCC/26	Identification of land at Five Lamps for possible road improvements: Relevant documentation
DCC/27	Detailed note on the funding issues surrounding Connecting Derby
DCC/28	Information relating to bus journey times

DCC/29	Casualty Statements at key locations affected by Connecting Derby for 2004, 2005, 2006
DCC/30	Revised Figure 2: Modelled Air Quality Receptor Locations (CP8 p10)
DCC/31	Points of Clarification related to the Traffic & Economic Evidence/Summary Evidence ( Mr Nasar Malik CP4/CP4A)
DCC/32	Copy of the Derby Borough Council (Abbey Street (South)) CPO 1977 as confirmed with modification by the Secretary of State for the Environment on the 6 <sup>th</sup> Day of July 1978
DCC/33	Map referred to in the Derby Borough Council (Abbey Street (South)) CPO 1977
DCC/34	Map referred to in the Derby City Council (Abbey Street (North)) CPO 1977
DCC/35	Drawing ST4/1200/15 Jan 07 Connecting Derby Stage 4 – Ford Street to Stafford Street
DCC/36	Drawing AS/GEN/83 04/07 Proximity of Schools & Other Educational Establishments to Connecting Derby Proposals
DCC/37	Drawing ST2/1200/09 Jan 07 Stage 2 King Street & Five Lamps
DCC/38	Drawing ST4/1200/11 Jan 07 Stage 4 – Ford Street to Stafford Street
DCC/39	Drawing ST4/1200/17 Jan 07 Stage 4 – Ford Street to Stafford Street
DCC/40	Drawing ST2/GEN/03A 01/04/04 Proposal to Realign King Street from Queen St to Connecting Derby Tie in At St. Alkmunds Bridge
DCC/41	Transport & Economic Impact of Excluding Phase 3
DCC/42	City of Derby Local Plan Review Public Local Inquiry Response to Objection to Policy CC29: Connecting Derby to Mr Trevor Lloyd Davis, Derby Heart, Ms D Skrytek & Derby & South Derbyshire Friends of the Earth
DCC/43	City of Derby Local Plan Review Public Local Inquiry Response to Objection to Policy CC29: Evidence of Mrs Durrant Connecting Derby to Mr Trevor Lloyd Davis, Derby Heart, Ms D Skrytek & Derby & South Derbyshire Friends of the Earth
DCC/44	Drawing Listed Buildings (from fig.7.9 in ES)
DCC/45	Additional to DCC/26
DCC/46	Note on points of clarification arising during the Inquiry
DCC/47	Note on assessment of alternative scheme without Phase 3B
DCC/48	Planning Application Document Inner Ring Road dated 31 Mar 1987 387/374
DCC/49	Application for demolition of a listed building dated 30 Mar 1987 Application 387/373LB
DCC/50	Planning Highways & Transport Individual Cabinet Meeting 13 Dec 2006 – Duffield & Kedleston Road Improvements
DCC/51	Drawing AS/GEN/84 Land Reserved in Local Plan & CPO Boundary
DCC/52	Drawing AS/GEN/85 Land Reserved in Local Plan & Proposed Design
DCC/53	Points of Clarification related to the Cross Examination of the Traffic & Economic Witness (Mr Nasar Malik CP4/CP4A)

DCC/54	Transcript of Greenpeace v Secretary of State for Trade & Industry 15 <sup>th</sup> February 2007
DCC/55	Drawing AS/GEN/90 Locations Included in Mrs Underhill's Evidence
DCC/56	Note to the Inquiry relating to 1) Use of the term residential Street 2) Benefits and disbenefits to residential properties
DCC/57	Note on input to the scheme from walking & cycling groups
DCC/58	Points of Clarification related to the use of the term 'design year'
DCC/59	Email dated 26 <sup>th</sup> April 2007 from Mr David Pope at DFT re treatment of value of land.
DCC/60	Letter of 30 April 2007 to Dr G R Allen concerning Wellside Surgery
DCC/61	Letter of 1 May 2007 to Clive Lemmon, Strutt's Park Residents Association relating to Five Lamps Junction
DCC/62	Letter of 1 May 2007 to Mr/Mrs Stirrup responding to e-mail of 15 April 2007
DCC/63	Drawing AS/GEN/92 (05/2007) – Existing Inner Ring Road
DCC/64	Response to Derby Cycling Group's points in e-mail of 23 April 2007 (O/72/1,2)
DCC/65	Table: Full list of objectors
DCC/66	Table: Objectors appearing at Inquiry
DCC/67	Drawing showing categories of land ownership
DCC/68	Letter dated 2 May 2007 to the Association of Indian Women
DCC/69	Responses in respect to issues raised during discussions of CPO plan with Inspector, Friday, 27 April 2007
DCC/70	Matters arising from Mrs Sandhu's evidence
DCC/71	Closing Submissions
<b>INDIVIDUAL PROOFS ( RESPONSES TO ORIGINAL OBJECTIONS)</b>	
DCC/IP2	IP No 2 Objection by Ms Graziella Zanolli
DCC/IP3	IP No 3 Objection by Ms Graziella Zanolli
DCC/IP4	IP No 4 Objection by Mr Richard Butler
DCC/IP5	IP No 5 Objection by Mr Dave Yeomans
DCC/IP6	IP No 6 Objection by Mr Stephen Day on behalf of Trust Inns Limited
DCC/IP7	IP No 7 Objection by Mr K Dowd
DCC/IP/8	IP No 8 Objection by Mr Richard Butler
DCC/IP/9	IP No 9 Objection by Mr Richard Butler
DCC/IP10	IP No 10 Objection by Mr Richard Butler on behalf of Ms Li Zhi
DCC/IP11	IP No11 Objection by Mr Richard Butler on behalf of Ms Li Zhi
DCC/IP12	IP No 12 Objection by Mr Richard Butler as Chair of Derby Heart
DCC/IP13	IP No 13 Objection by Mr Richard Butler as Chair of Derby Heart
DCC/IP14	IP No 14 Objection by Mr Christopher D Woodward
DCC/IP15	IP No 15 Objection by Mr Christopher D Woodward
DCC/IP16	IP No 16 Objection by Ms L During

DCC/IP17	IP No 17 Objection by Ms Louise During
DCC/IP18	IP No18 Objection by Ms Louise During
DCC/IP/19	IP No 19 Objection by Sports Marketing International
DCC/IP20	IP No 20 Objection by SJ Berwin on behalf of Norwich Union Life & Pensions
DCC/IP21	IP No21 Objection by SJ Berwin on behalf of Norwich Life & Pensions
DCC/IP22	IP No22 Objection by Mr Chris Lee
DCC/IP23	IP No23 Objection by Mr Robert Hodges
DCC/IP24	IP No 24 Objection by Ms Dianne Richardson
DCC/IP25	IP No 25 Objection by Ms Jane Temple
DCC/IP26	IP No 26 Objection by Mr Peter J Steer
DCC/IP27	IP No 27 Objection by Mr Peter J Steer
DCC/IP28	IP No 28 Objection by Ms Dorothy Skrytek
DCC/IP29	IP No 29 Objection by Mr Tony Dunn
DCC/IP30	IP No 30 Objection by Ms Penny DeAbreu
DCC/IP31	IP No 31 Objection by Ms Penny DeAbreu
DCC/IP32	IP No 32 Objection by Mr A Baines
DCC/IP33	IP No 33 Objection by Mrs Anne Underhill
DCC/IP34	IP No 34 Objection by Mr & Mrs B Armitage
DCC/IP35	IP No 35 Objection by Mr David C Atkinson
DCC/IP36	IP No 36 Objection by Mr Colin Underhill
DCC/IP37	IP No 37 Objection by Mrs M A Bennett
DCC/IP38	IP No 38 Objection by Mr A L Bennett
DCC/IP39	IP No 39 Objection by Mr Stephen Johnson
DCC/IP40	IP No 40 Objection by Ms Kate J Chollerton on behalf of Mr Justin Smith & Mr & Mrs Robert Smith
DCC/IP41	IP No 41 Objection by Browne Jacobson LLP on behalf of Sports Marketing International Ltd
DCC/IP42	IP No 42 Objection by Ms Judith Kirkland on behalf of The Partners of Charnwood Surgery
DCC/IP43	IP No 43 Objection by Dr GR Allen
DCC/IP44	IP No 44 Objection by Ms Sharon Henry
DCC/IP45	IP No 45 Objection by Mrs Barbara C M Stirrup
DCC/IP46	IP No 46 Objection by Mr Gerard J Stirrup
DCC/IP47	IP No 47 Objection by Mr A J Thompson
DCC/IP48	IP No 48 Objection by Mr Kevin M King
DCC/IP49	IP No 49 Objection by Mr A J Thompson
DCC/IP50	IP No 50 Objection by Mr K M King
DCC/IP51	IP No 51 Objection by Mr Ferid Kevric on behalf of The Trustees of the Bosnia Herzegovina Club
DCC/IP52	IP No 52 Objection by Mr Paul Grimsdell
DCC/IP53	IP No 53 Objection by Mr Douglas Jagers
DCC/IP54	IP No 54 Objection by Ms Dorothy Skrytek
DCC/IP55	IP No 55 Objection by H Langley
DCC/IP56	IP No 56 Objection by Mr Peter Ambler
DCC/IP57	IP No 57 Objection by Mr C Upchurch
DCC/IP58	IP No 58 Objection by Ms Vanita Young
DCC/IP59	IP No 59 Objection by Ms Joani Oakden
DCC/IP60	IP No 60 Objection by Mr D Cuddy

DCC/IP61	IP No 61 Objection by Mr C Pritchard
DCC/IP62	IP No 62 Objection by Mr Patterson Mhlanga
DCC/IP63	IP No 63 Objection by Ms Alice Webb
DCC/IP64	IP No 64 Objection by Ms Cassandra West
DCC/IP65	IP No 65 Objection by Ms Alison Fernandes
DCC/IP69	IP No 69 Objection by Mrs Sandhu
DCC/IP70	IP No 70 Objection by the Strutts Park Resident Association
DCC/IP71	IP No 71 Objection by Mr Ansen
DCCIP72	IP No 72 Derby Cycling Club Group
<b>REBUTTAL PROOFS</b>	
DCC/RP1	RP 1 Rebuttal Proof to Derby Heart History of Connecting Derby
DCC/RP2	RP 2 Rebuttal Proof to Derby Heart Public Engagement & Consultation
DCC/RP3 (GL)	RP 3 Rebuttal Proof to Derby Heart Historic Built Environment
DCC/RP3 (JD)	RP 3 Rebuttal Proof to Derby Heart Historic Built Environment
DCC/RP3 (MC)	RP 3 Rebuttal Proof to Derby Heart Historic Built Environment
DCC/RP4	RP 4 Rebuttal Proof to Derby Heart Severance
DCC/RP5	RP 5 Rebuttal Proof to Derby Heart Traffic
DCC/RP6	RP 6 Rebuttal Proof to Derby Heart Bus Services & Connecting Derby
DCC/RP7	RP 7 Rebuttal Proof to Derby Heart Cycling & Connecting Derby
DCC/RP8	RP 8 Rebuttal Proof to Derby Heart Walking & Connecting Derby
DCC/RP9	RP 9 Rebuttal Proof to Derby Heart Air Quality
DCC/RP10	RP 10 Rebuttal Proof to Derby Heart Open Space
DCC/RP11	RP 11 Rebuttal Proof to Derby Heart Finance & Connecting Derby
DCC/RP12	RP 12 Rebuttal Proof to Derby Heart Five Lamps & King Street Area Derby
DCC/RP13	RP 13 Rebuttal Proof to Derby Heart Clutch Centre
DCC/RP14	RP 14 Rebuttal Proof to Derby Heart Regional Spatial Strategy for the East Midlands (RSS8)
DCC/RP15	RP 15 Rebuttal Proof to Derby Heart Overall Public Dis-Benefit
DCC/RP/16	RP16 Rebuttal Proof to Mr C D Woodward Ref O/14,15/1
DCC/RP/17	RP17 Rebuttal Proof to Mrs Anne Underhill Ref O/33/1
DCC/RP/18	RP18 Rebuttal Proof to Friends of the Earth O/28/1,2
DCC/RP/19	RP19 Rebuttal Proof to Ms Louise During Ref O/16,17,18
DCC/RP/20	RP20 Rebuttal Proof to Mr Peter Ansem Ref O/17,1
<b>SUPPORTER DOCUMENTS</b>	
SU/1/1	University of Derby - Letter of Support dated 2 <sup>nd</sup> April 2007
SU/2/1	Highways Agency - Letter of Support dated 29 <sup>th</sup> March 2007
SU/3/1	Nicola Hoskins - Email of support dated 4 <sup>th</sup> April 2007
SU/4/1	Derby Cityscape - Letter of Support dated 29 <sup>th</sup> March 2007
SU/5/1	Derby Chamber of Trade - Letter of Support dated 26 <sup>th</sup> March 2007
SU/6/1	Mr Richard Toone - Email of Support dated 4 <sup>th</sup> April 2007

SU/7/1	Trent Barton Buses - Letter of Support dated 14 <sup>th</sup> March 2007
SU/8/1	Clowes Developments (UK) Limited - Letter of Support dated 28 <sup>th</sup> March 2007
SU/9/1	Mr C E Lockley - Statement of Support

<b>OBJECTORS DOCUMENTS</b>	
<b>Derby Heart – O/12,13</b>	
O/12,13/1	Core Proof 1 History of Connecting Derby
O/12,13/2	Core Proof 2 Public Engagement & Consultation
O/12,13/2A	Core Proof 2 Evidence
O/12,13/3A	Core Proof 3 Historic Built Environment -Dr D'Arcy
O12/13/3A1	Core Proof 3 Evidence Dr D'Arcy
O/12,13/3B	Core Proof 3 Historic Built Environment -Mr Lane
O/12,13/3C	Core Proof 3 Historic Built Environment – Mr Craven
O/12,13/4	Core Proof 4 Severance
O/12,13/5	Core Proof 5 Traffic
O/12,13/5A	Core Proof 5 - Evidence
O/12,13/6	Core Proof 6 Bus Services & Connecting Derby
O/12,13/6A	Core Proof 6 - Evidence
O/12,13/7	Core Proof 7 Cycling & Connecting Derby
O/12,13/7A	Core Proof 7 - Evidence
O/12,13/8	Core Proof 8 Walking & Connecting Derby
O/12,13/8A	Core Proof 8 - Evidence
O/12,13/9	Core Proof 9 – Air Quality
O/12,13/9A	Core Proof 9 - Evidence
O/12,13/10	Core Proof 10 – Open Space
O/12,13/10A	Core Proof 10 - Evidence
O/12,13/11	Core Proof 11 – Finance & Connecting Derby
O/12,13/11A	Core Proof 11 - Evidence
O/12,13/12	Core Proof 12 – Five Lamps & King Street Area
O/12,13/12A	Core Proof 12 - Evidence
O/12,13/13	Core Proof 13 – Clutch Centre
O/12,13/14	Core Proof 14 – Regional Spatial Strategy for the East Midlands (RSS8)
O/12,13/15	Core Proof 15 – Overall Public Dis-Benefit
O/12,13/16	Questions of Clarification of Core Proofs of DCC
O/12,13/17	Note to the Inquiry 18 <sup>th</sup> April 2007
O/12,13/18	Extracts from The English Landscape in the Twentieth Century
O/12,13/19A	Opening Statement
O/12,13/20	Extract from book titled Derbyshire By Nikolaus Pevsner
O/12,13/21	Note 2 to the Inquiry
O/12,13/22	Set of overhead slides used by Mr Steer in giving evidence on Air Quality CP9
O/12,13/23	Email to DCC from Mr Butler dated 23 Apr 07 re DMRB question
O/12,13/24	Email to DCC from Mr Woodward dated 23 Apr 07 re DCC Rebuttal to Derby Heart Core Proof 4
O/12,13/25	Photograph: Present south view of Nos 42 & 40 West Avenue

	(Five Lamps)
O/12,13/26	Photograph: Artist's view of No 42 West Avenue post demolition with proposed annexe No 40 West Avenue
O/12,13/27	WebTag 3.6.2 The Severance Sub-Objective
O/12,13/28	PPS 9: Planning Policy Statement 9: Biodiversity & Geological Conservation
O/12,13/29	Note (3) Re Derwent Valley Mills World Heritage Site
O/12,13/30	Supplementary evidence to Core Proof 15 – Air Pollution & Noise; Ms Barbara Rimmington, East End Quality of Life Initiative; January 2006
O/12,13/31	Closing Submission by Mr Philip Petchey of Counsel
O/12,13/32	Extract from Connecting Derby leaflet; Derby City Council – September 2001
<b>Mr Chris Woodward – O/14-15</b>	
O/14,15/1	Proof of Evidence
<b>Louise During – O/16,17,18</b>	
O/16,17,18/1	Proof of Evidence
O/16,17,18/2	Bundle of Correspondence to DCC re statutory undertakings
O/19	Ms Kate Cholerton on behalf of <b>Sports Marketing International Ltd</b>
<b>Norwich Union Life &amp; Pensions Limited – O/20 (CPO Plots 72-77)</b>	
O/20/1	Letter dated 26 <sup>th</sup> April 2007 Withdrawal of Objection
<b>Norwich Union Life &amp; Pensions Limited – O/21 (PMA No 34 SRO ref 39)</b>	
O/21/1	Letter dated 26 <sup>th</sup> April 2007 Withdrawal of Objection
<b>Mr Chris Lee – O/22</b>	
O/22/1	Re DCC/IP22 Requests for additional information
O/22/2	Proposed modification at Friargate/Ford Street/Stafford Street
O/22/3	Closing Statement of Mr Chris Lee
<b>Derby and South Derbyshire Friends of the Earth – O/28</b>	
O/28/1	Proof of Evidence
O/28/2	Letter of Objection dated 14 Feb 2007
<b>Mrs Anne Underhill – O/33</b>	
O/33/1	Proof of Evidence
O/34	Mr and Mrs B Armitage
<b>Mr David Atkinson – O/35</b>	
O/35/1	Email dated 16 <sup>th</sup> Feb 2007 confirming reliance on original representation
<b>Sports Marketing International – O/41</b>	
O/41/1	Letter dated 15 March 2007 Re Intention to be represented
O/41/2	Letter dated 26 March 2007 Re Agreement but reserving the right to appear
O/42	Ms Judith Kirkland on behalf of <b>Charnwood Surgery</b>
<b>Dr G.R. Allen – O/43 (Wellside Medical Centre)</b>	
O/43/1	Fax of objection dated 15 <sup>th</sup> Feb 2007
O/43/2	Letter of Objection Dated 14 <sup>th</sup> March 2007
O/43/3	Response dated 11 <sup>th</sup> April 2007 to DCC IP/43
<b>Mr &amp; Mrs Stirrup O/45,46</b>	
O/45,46/1	Letter dated 28 <sup>th</sup> March 2007 from Milner McCrea re representation

O/45,46/2	E-mail Statement dated 15 <sup>th</sup> April 07
<b>Mr Kevin King O48</b>	
O/48	Letters of objection
<b>Mr Paul Grimsdell -O/52</b>	
O/52/1	Email Objection dated 18 November 2006
<b>Mrs G Sandhu – O69</b>	
O69/1	Letter dated 26 <sup>th</sup> March 2007 re Intention to make a submission
O/69/2	Set of Photographs + CD ROM of same
O/69/3	Proof of Evidence with Fact Sheet 19/001 (Institute of Advanced Motorists and Area Panel 5 leaflet (Derby City Council
O/69/4	Press cuttings
O/69/5	Response to document DCC/70
<b>Strutt's Park Residents Association –O/66</b>	
O/70/1	Letter of objection dated 8 <sup>th</sup> March 2007 re options
<b>Mr Peter Ansem – O/71</b>	
O/71/1	Proof of Evidence dated 13/4/07
O/71/2	Response to Rebuttal Proof
<b>Derby Cycling Group – O/67</b>	
O/72/1	Email to programme Officer dated 24 Apr 07 Re appearance
O/72/2	Representation to the Derby Inner Ring Road PI dated 23 Apr 07

<b>DOSSIER CONTAINING ORIGINAL OBJECTIONS AS BELOW, all referenced O/</b>	
1	National Grid <b>(withdrawn)</b>
2	Ms Graziella Zanolì
3	Ms Graziella Zanolì
4	Mr Richard Butler
5	Mr David Yeomans, and The Clutch Centre
6	Mr Stephen Day, Trust Inns
7	Mr (Ms) K Dowd
8	Mr Richard Butler
9	Mr Richard Butler
10	Mr Richard Butler on behalf of Li Zhi
11	Mr Richard Butler on behalf of Li Zhi
12	Mr Richard Butler on behalf of Derby HEART
13	Mr Richard Butler on behalf of Derby HEART
14	Mr C D Woodward
15	Mr C D Woodward
16	Ms L During
17	Ms Louise During
18	Ms Louise During
19	Ms Kate Cholerton on behalf of SMI
20	S J Berwin on behalf of Norwich Union <b>(withdrawn)</b>
21	S J Berwin on behalf of Norwich Union <b>(withdrawn)</b>
22	Mr Chris Lee
23	Mr Robert Hodges
24	Ms Dianne Richardson

25	Ms Jane Temple
26	Mr P J Steer
27	Mr P J Steer
28	Ms Dorothy Skrytek on behalf of Friends of the Earth
29	Mr A Dunn
30	Ms Penny DeAbreu
31	Ms Penny DeAbreu
32	Miss A Baines
33	Mrs Anne Underhill
34	Mr Mrs B Armitage
35	Mr David Atkinson
36	Mr Colin Underhill
37	Mrs M A Bennett
38	Mr A L Bennett
39	Mr Stephen Johnson
40	Ms Kate Cholerton on behalf of Mr & Mrs Smith
41	Mr S Coult on behalf of SMI
42	Ms Judith Kirkland on behalf of Charnwood Surgery
43	Dr G R Allen on behalf of Wellside Surgery
44	Ms Sharon Henry
45	Ms Barbara Stirrup
46	Mr Gerard Stirrup
47	Mr A J Thompson
48	Mr Kevin King
49	Mr A J Thompson
50	Mr K King
51	Mr Ferid Kevric on behalf of the BH Club
52	Mr Paul Grimsdell
53	Mr Douglas Jagers
54	Ms Dorothy Skrytek
55	Mr (Ms) H (L) Tanglely
56	Mr Peter Ambler
57	Mr (Ms) C Upchurch
58	Ms Vanita Young
59	Ms Joani Oakden
60	Mr/Ms D Cuddy
61	Mr/Ms C Pritchard
62	Mr Patterson Mhlanga
63	Ms Alice M Webb
64	Ms Cassandra West
65	Ms Alison Fernandes
66	The Strutt's Park Residents Association
67	The Derby Cycling Group
68	The Association of Indian Women (treated as part of the Derby Heart case for rebuttal purposes)
69	Mrs G Sandhu
70	Mr Clive Lemmon on behalf of Strutt's Park Residents Association
71	Mr Peter Ansem

<b>GENERAL INQUIRY DOCUMENTS</b>	
M1	Document Numbering System
M2	Pre-Inquiry Meeting Agenda
M3	Notes for Guidance of Inspectors
M4	Notes from the Pre-Inquiry Meeting
M5	Pre-Inquiry Meeting Attendance List
M6	Inquiry Attendance Sheets

## **ANNEX C    MODIFICATIONS**

### **Requested by the Council**

-to change the highway boundary on the north side of Cavendish Street at its junction with Ford Street as shown on SRO plan AS/SRO/26A (DCC/14),

-to change the CPO to reduce the area of plot 64 to 376 sq. m., as shown on CPO plan AS/CPO/OS/28A (DCC/14),

-with reference to plot 218 of the CPO the schedule should read.."to carry out landscaping and regarding" and not "to construct and maintain a retaining wall".

**The following plots should not be acquired because the need for them cannot be justified in order to construct or maintain the scheme:**

Plots 236, 243 and 251. They should be removed from the CPO.

**The following modifications to the Orders would be required to reflect the removal of the Five Lamps improvement:**

**CPO.** Plots 1 to 19 inclusive, shown on sheet No. 1 of the CPO,

**SRO.** Removal of the stopping up of private means of access Nos.47, 48 and 49, and the corresponding cancellation of new means of access x, w and v. Removal of the stopping up of the irregular parcel of highway, reference 1.26, between West Avenue and Garden Street and cancellation of the associated highway improvement at Kedleston Road, all as shown on SRO Site Plan 5.

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**ANNEX D LEGAL SUBMISSIONS  
INCLUDING OPENING AND CLOSING SUBMISSIONS**

The three documents referenced 1 and 2 below were extensively referred to by the parties in making legal submissions and are attached hereto. They include:

1-the opening and closing submissions of Derby Heart (O12, O13/31) and an extract from the Burroughs Day v Bristol City Council case,

2-the closing submission of the Council (DCC/71),

Other inquiry documents relevant to the legal issues can be found at:

Ms Jane Temple's Derby Heart's evidence, (O12/ O13- core proof of Ms Temple). This is covered in the closing submission of Derby Heart,

Mr. Christopher Woodward's evidence (O14, O15),

The written evidence of Mr Richard Butler (O8/9) and Mr. Kevin King (O48), who both drew attention to human rights issues but did not substantiate them at the inquiry,

The written evidence of Mr A J Thompson (O49),

The written evidence of Mr Richard Butler, when acting for Ms Zanolli (O2, O3) and for Ms Zhi (O4, O10, O11).