

THE COUNCIL OF THE CITY OF STOKE-ON-TRENT (WATERLOO ROAD /  
COBRIDGE ROAD / ELDER ROAD JUNCTION IMPROVEMENTS)

COMPULSORY PURCHASE ORDER 2019

THE HIGHWAYS ACT 1980

THE ACQUISITION OF LAND ACT 1981

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PROOF OF EVIDENCE

DAVID STUBBS OF STOKE-ON-TRENT CITY COUNCIL

ON BEHALF OF THE ACQUIRING AUTHORITY

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**Department for Transport Ref: NATTRAN/WM/HAO/210**

## **1. QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is David Stubbs.
- 1.2 I am a Chartered Civil Engineer and hold an Honours Degree in Civil Engineering.
- 1.3 I am the Strategic Manager for Highways Infrastructure and Transport at Stoke-on-Trent City Council (SOTCC). My role includes ensuring the City Council has a Transport Strategy/Policy which aims to develop and deliver the required Highway and Transport infrastructure to contribute to stimulating economic growth, create a healthy / safer city and protecting the environment.
- 1.4 I have 34 years' experience within the area of Highways and Transportation.
- 1.5 I have acquired a good understanding of the business case development required for highway improvement schemes and a significant knowledge of their associated design and delivery.
- 1.6 I confirm that my evidence includes all facts relevant to the opinions I have expressed.
- 1.7 I confirm that I have no conflicts of interest of any kind other than those expressed in my evidence.

## **2.0 SCOPE OF EVIDENCE**

- 2.1 This Statement of Evidence focuses on demonstrating that there is a compelling case in the public interest which justifies the confirmation of the CPO. It will do this by showing that there is both a need for the Waterloo Road / Cobridge Road / Elder Road Junction Improvement and that there is the funding and necessary Council Authority and approvals in place to allow this scheme to be delivered.
- 2.2 My Evidence also deals specifically with points raised in the objections of Mr Steven Stanley owner / proprietor of Sherwin Rivers Printers.

## **3.0 BACKGROUND TO THE SCHEME**

- 3.1 This Junction is located at the intersection of two 'A' Classified roads, the A50 and the A53 and acts as a key 'gateway' to the Stoke-on-Trent city centre whilst experiencing significant levels of congestion and delay especially during peak hours.

### **3.2 North Staffordshire Road Network Junction Assessment – Feasibility Study**

In July 2007 SOTCC completed a comprehensive review and feasibility design of 24 key junctions across the City as part of the 'North Staffordshire Road Network Junction Assessment – Feasibility Study'. This used the government's NATA (New Approach to Transport Appraisal) multi-criteria decision framework and was the Government's Transport Scheme Appraisal Criteria used at that time, the core principles of which remain in the current assessment guidance, WEBTAG.

- 3.3 The key aims and objectives of this study were to:
  - improve operational efficiency

- improve efficiency for public transport
- improve accessibility, for the local community to access goods and services
- improve safety for all travellers
- encourage walking and cycling, wherever possible.
- protect and where possible enhance the natural environment.
- improve air quality.

3.4 This study concluded that, based on the above, there were three priority junctions which should be taken forward for further assessment and development, Waterloo Road / Cobridge Road junction was one of these 3 priority schemes. The other two schemes are currently also funded, approved by the City Council and are in the process of being delivered.

### **3.5 Severance / Accessibility / Public Transport**

3.6 This junction currently also causes severance to the local communities and restricts accessibility for them to goods and services in the local area due to the lack of adequate pedestrian crossing facilities. Unfortunately, until funding could be identified to allow the improvement of the capacity of the junction, any further pedestrian crossing facilities would have a very significant and negative impact on congestion at this junction as a result.

3.7 By way of example, it should be noted that the junction is located approximately:-

- 140m from the Cobridge Community Health Centre and doctors surgery.
- 150m from the Forest Park Primary school on Waterloo Road.
- 280m from the access to Central Forest Park.
- 365m from the access to the largest retail park in the City, at Festival Park.
- 675m from the City Centre.

All within a reasonable walking distance from the junction.

3.8 As part of ongoing liaison with the major bus operators in the city, First Bus has, over a number of years identified this junction as one of their key priorities for the city council to improve across the city, as a result of the journey time delays to their bus services running along this key corridor.

### **3.9 North Staffordshire Transport Multi-modal Model (NSTMM)**

3.10 The City Council has developed a North Staffordshire Transport Model which is used extensively within the City Council as an aid to decision making in relation to transport schemes and land use changes as well as other uses.

It allows a detailed understanding of traffic flows on the existing and consequences of changes to road traffic conditions on both the local and strategic road network. This very complex multi-modal transport model has been fully validated by the Department for Transport and has been used to prepare the recently approved Transport Business Case for the £40m Etruria Valley Link Road Project, which secured DfT funding earlier this year.

3.11 This model has more recently, as part of the work carried out to identify key transport improvements required to support the proposed revised Joint Local Plan, identified this junction as a priority site within the City where there remains significant levels of congestion on all arms of the junction, particularly at peak times.

#### 4.0 **KEY OBJECTIVES**

4.1 The primary objectives for the Waterloo Road/Cobridge Road/Elder Road Junction Improvement are to:-

- Reduce congestion.
  - Thereby reducing journey times for all users including commuters, public transport, freight/haulage, thereby resulting in tangible economic benefits to the local economy.
- Unlock economic growth.
  - Through benefits to nearby housing development and improved access and connectivity to the City Centre, Burslem and Tunstall town centres.
  - Provide an efficient road / transport network that encourages vital new business development into this important part of the City.
- Improve safety for all users
  - Thereby reducing the risk of road traffic accidents and giving priority to pedestrians over vehicles.
- Improve the health of those who live and work in this area of the City
  - Through encouraging more sustainable forms of transport including walking, cycling and public transport.
  - By reducing harmful NO<sub>2</sub> vehicle emissions by reducing the idling time of vehicles whilst queuing at the junction.

#### 5.0 **DESCRIPTION OF THE SCHEME**

5.1 A more detailed description of the proposed junction improvement works is contained on a plan within the Stoke on Trent City Council Statement of Case, however, in summary, consists of:-

- Widening of all four arms of the junction.
- Provision of new controlled pedestrian crossing facilities on all arms of the junction.
- Provision of safer improved right turn facilities

#### 6.0 **NEED FOR THE SCHEME**

##### 6.1 **Transport Policy**

6.2 The need for the scheme has been identified over a long period, but was formally established as part of the **Local Transport Plan Transport Strategy (LTP3) 2011/12 to 2025/26** as formally approved as a Policy document by the City Council on 8<sup>th</sup> September 2011. Within this policy document, it states:

*“Congestion is a problem in every town, city and urban area in the UK and Stoke-on-Trent is not currently exceptional in terms of its congestion (though it may be considered exceptional in terms of the ability of the wider network to absorb the overspill from this problem going into the future). There are a number of current hotspots on the network which may require further consideration:*

- *M6 Junction 15 /A500 junction at Hanchurch*
- *A519/A5182 at Hanchurch*

- A50/A500 junction at Sideway
- A53 Etruria Road junction with the A500
- A52/A5272 junction at Lime Kiln
- A50/A52 junction at Joiners Square
- **A50/A53 junction at Cobridge**

*These locations are likely to worsen over time particularly if the core strategy aspirations become a reality”*

### 6.3 **Planning**

#### 6.4 **National Planning Policy**

6.5 The National planning policy is set out in the National Planning Policy Framework (“NPPF”) which was adopted on 27 March 2012. The Scheme directly responds to two core principles of the NPPF as follows:

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

#### 6.6 **Local Planning Policy**

6.7 The Local Plan, the joint Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006 - 2026, was adopted by the respective Councils in October 2009.

6.8 The Local Plan acknowledges that: “...*The CCNW (City Centre North West) area will become a popular and diverse area comprising high quality, connected and sustainable residential neighbourhoods supported by thriving employment uses, attractive open spaces and excellent community infrastructure. It will act as a gateway to the City Centre and embrace its heritage and setting, preserving and enhancing architecture of merit and strength through quality design and development. As opportunities arise there will be attention to improving the Waterloo Road Corridor and Cobridge Lights junction to allow enhanced provision for this important north-south public transport corridor.*”

6.9 Whilst planning permission is not required for this scheme, in my view, the proposals set out for the junction improvement correlate very well with the aspirations of the Local Plan as outlined above.

#### 6.10 **Transport Assessments**

##### 6.11 **Department for Transport – National Productivity Investment Fund**

6.12 In June 2016 Stoke-on-Trent City Council submitted an economic appraisal to the Department for Transport (DfT) as part of a bid to fund the Scheme from the DfT’s National Productivity Investment Fund (NPIF). In preparing the bid a Cost / Benefit Ratio was required to be determined. In order to produce this, a ‘LINSIG’ traffic model was developed which would determine the operational performance of both the existing and the proposed junctions. The

scheme benefits would then have been derived from the results obtained from this comparative assessment. The process followed was in accordance with the principles outlined in the DfT transport analysis guidance, 'WebTAG', to estimate monetary benefits from the Scheme as compared to scheme costs. The present value of benefits over a 60 year appraisal period was valued at £10.1 million and the scheme has a Benefit to Cost Ratio (BCR) of 2.0 . This implies that for every £1 spent the scheme would generate £2 worth of monetary benefit.

6.13 The DfT demonstrated its support of the Scheme by its acceptance of the Council's bid and the award of a grant of £2.09m towards its implementation.

#### 6.14 **North Staffordshire Road Network Junction Assessment – Feasibility Study**

6.15 This major transport assessment outlined in Paragraph 2.2 above and concluding that of the 24 key road junctions within the City, Waterloo Road/Cobridge Road/Elder Road junction is a top 3 priority scheme in need of improvement.

#### 6.16 **Nearby Development Sites**

6.17 One such development is the Barratt Homes Development site providing 193 new homes, located directly at the Waterloo Road / Elder Road junction. One further site whose planning application is shortly to be considered by the City Council and has been designated by the City Council as a designated Housing Zone Site, is the Bluefield Sandbach proposal for 450 new homes, located only 390metres away from the junction along Waterloo Road.

6.18 Both of these developments will increase traffic flow and increased pedestrian movements through this junction, causing increased congestion. Increased traffic growth without mitigation will exacerbate congestion on the surrounding network which will, in turn, worsen existing air quality levels in the vicinity of these new residential developments.

## 7.0 **FUNDING AND DELIVERY**

### 7.1 **Council Approval to Progress the Scheme**

7.2 A City Council Cabinet Report 26 June 2018 approved the commitment of £3m in the City Council's capital programme to the delivery of this Scheme.

7.3 The above report outlines the cost and funding for the scheme as follows.

“The cost estimate for scheme is £5.09m the funding for which is summarised in the Financial Implications section within this report. This scheme is being part funded by the Department for Transport to the value of £2.09m. There is £3.0m of funding allocated within the City Council's capital investment programme, as outlined within the approved 2018/19 to 2022/23 Medium Term Financial Strategy.”

7.4 The City Council recognises that, with the uncertainty over timescales for the acquisition of 3rd party land, this may require the programme for delivery of the scheme to be extended and as such any funding allocated to the scheme will remain in place within its capital programme and will be carried forward into future years as necessary.

7.5 The report also gained Council approval to formally progress the Compulsory Purchase of 3<sup>rd</sup> party land required for the Scheme. The report recommendations sought the following approval,

“That Cabinet authorise the Assistant Director (Governance) in consultation with the Director of Place, Growth and Prosperity and the Cabinet Member for Regeneration, Heritage and Transportation on the basis that there is a compelling case in the public interest to:-

- i) Make and submit to the Secretary of State for confirmation a Compulsory Purchase Order (CPO) in relation to Waterloo Road / Cobridge Road / Elder Road Junction Improvement Scheme pursuant to the provisions of Sections 239, 240 250 and 260 of the Highways Act 1980 (as amended); the Acquisition of Land Act 1981 and all other enabling powers for the acquisition of land and rights for the purpose of delivering the Waterloo Road / Cobridge Road / Elder Road Junction Improvement Scheme in order to undertake a general improvement scheme aimed at reducing traffic congestion and facilitating the safe and efficient movement of pedestrians, general traffic and public transport services through the junction;
- ii) Accept possession of any land / property affected by the proposed CPO subject to terms having been agreed;
- iii) Subject to the CPO being confirmed, to make a General Vesting declaration under the provisions of the Compulsory Purchase (Vesting Declarations) Act 1981 or to serve notices of entry and to treat under the provisions of the Compulsory Purchase Act 1965 and all other enabling powers in respect of any land / property and interests included in the CPO;
- iv) Complete the voluntary acquisition of any land or property affected by the aforementioned scheme subject to terms having been agreed.”

7.6 Details of the procurement route for the Construction Works are set out in para 7.7 below. The cost estimate for the works element of the scheme was derived from a contracted Schedule of Rates within an existing Highways Works Framework Contract with Galliford Try. This allows the City Council to reasonably accurately determine from an established Project Bill of Quantities the likely works cost of the Project.

#### 7.7 **Costs of the Scheme**

7.8 The overall costs of the scheme, including costs incurred to date and future estimated costs correspond within the overall allocated City Council Budget of £5.09m and have been determined, a summary of which is outlined below. These costs are kept under continual review through a financial change management process.

• Fees	£ 703,000
• Land / Property Acquisition	£1,405,000
• Works / Utilities	£2,612,000
• Risk and Contingency.	<u>£ 370,000</u>
• <b>Total</b>	<b>£5,090,000</b>

#### 7.9 **Project Programme – Key Milestones**

• Detailed Design / Contract Documents	Completed
• Completion of Land Acquisition	26 March 2021
• Council Approval to award Works Contract	16 April 2021
• Commencement of Phase 1 (Cobridge Rd /Elder Road Corridor)	7 <sup>th</sup> May 2021
• Completion of Phase 1 Contract	1 <sup>st</sup> November 2021

- Commencement of Phase 2 (Waterloo Road Corridor) 19 July 2021
- Completion of Phase 2 Contract 18 December 2021

#### 7.10 Procurement of the Works - Works Contract

7.11 The City Council has already procured a 2 year, extendable to 4 year, NEC3 Highways Works Framework Contract with Galliford Try, which commenced in June 2020. This is a term 'call off' contract for various highway improvement works in the City and has no intrinsic value at the outset, but various individual highway schemes are awarded over the contract period. This contract has allowed the City Council to work closely with Galliford Try as part of a Early Contractor Involvement process for the Waterloo Road/Cobridge Road/Elder Road Project, prior to award of the works contract in order to minimise risk and future delays during the construction phase.

### 8.0 OBJECTIONS RAISED ON BEHALF OF THE TRUSTEES OF MR A STANLEY (DECEASED) & SHERWIN RIVERS.

#### 8.1 Grounds of Objection

8.2 **Limited negotiations**, that the Council was relying upon the CPO to secure the premises and that it had not actively engaged in negotiations, thus resulting in the Objector incurring significant abortive costs

#### 8.3 Response

8.4 I would strongly disagree that there have been limited negotiations with Mr Stanley and his agent. Extensive negotiations have progressed since Mon 30 November 2015 as well as the City Council making efforts to identify suitable properties should they become available. Mr Stanley entered into discussions with a local property developer, regarding the availability of the newly constructed Unit 3, Tunstall Trade Park, approximately 2.8km (1.7miles) to the north of Sherwin Rivers.

8.5 Regrettably, due to the nature of the financial re-imbusement that Mr Stanley was insisting on as part of the overall financial relocation package, the City Council could not legitimately agree to Mr Stanley's reimbursable costs.

8.6 This included a 3<sup>rd</sup> party property insurance claim to which the City Council were not a direct party to and to which the City Council's Insurers advised Mr Stanley he needed to make a claim against the sub-contractor responsible for him incurring this cost.

8.7 In addition, the City Council disputed the legitimacy of the financial mechanism in which Mr Stanley was intending to fund the acquisition of Unit 3, such that this would not seek to mitigate costs incurred by the City Council, ie through removal of funding from his SIPP pension fund and his associated loss of income from that Pension fund as a result. Funding the acquisition through a variety of alternative means eg a bank loan or through existing savings would have mitigated and significantly reduced costs to the City Council.

8.8 The City Council did not feel either of these were legitimate costs that should be borne by the City Council and tax payer, however, Mr Stanley was insistent that these costs had to be paid by the City Council, despite the Council advising him that we are a publicly accountable body. Due to the protracted length of these discussions over this crucial issue the Developer then



withdrew his offer to sell and advised the City Council they were putting the Unit on the open market. The City Council then entered into negotiations directly with the developer to acquire the Unit directly, in order to safeguard this as an option going forward. This was a very critical decision for the City Council, particularly recognising and understanding the associated risks with such an acquisition.

- 8.9 To demonstrate the City Council's commitment to relocating Sherwin Rivers rather than relying on a CPO, the City Council sought approval and then proceeded with the direct acquisition of the Unit, with the aim to then sell the Unit back to Mr Stanley, with a commitment to continue negotiations thereby allowing their relocation to complete and avoid the need for a Public Inquiry.

Further detail of the negotiations is addressed in the Statement of Mr Berman, and despite the above the Council will continue to attempt to reach agreement with the Objector in the remaining two weeks before the Inquiry commences.

The Council have taken every reasonable step to facilitate the Objectors move to new suitable premises (and in fact gone beyond what might usually be requiring of an Acquiring Authority in these cases) and acquire their interest.

On this basis if the Council has to resort to compulsory purchase to acquire the Objector's interest it will be because it is a last resort.

## **8.10 Finance of the Scheme.**

### 8.11 Response

- 8.12 Section 7.0 of this document clearly sets out that the required funding for the Scheme is in place and the estimated costs for the project are within this overall budget.

The Secretary of State can have confidence that if the CPO is confirmed the Scheme will go ahead.

## **8.13 Further quantification of the Cost Benefit Analysis used to support the Scheme**

### 8.14 Response

- 8.15 The Cost Benefit Analysis was carried out in accordance with the requirements of the Department for Transport as part of the City Council's bid for funding from the Government's National Productivity Investment Fund, this was a competitive fund to which all Local Authorities could submit a bid, and for which I understand 76 bids were submitted for the limited funding available.

- 8.16 The Cost /Benefit process followed is outlined in Paragraph 6.12 above. The actual traffic model data used as the basis for deriving the scheme benefits was produced from the North Staffordshire Multi-modal Transport Model, as outlined in more detail in paragraph 3.9 above.

- 8.17 The DfT scrutinised the bid to ensure that the submission was in accordance with their Transport Assessment Guidance (TAG) requirements, in keeping with the principles of the DfT WebTag guidance. Part of this includes the detailed derivation of the Benefits and the Costs of the scheme, from which the BCR was produced.

- 8.18 **Whether the Scheme itself will relieve congestion in the long term and whether reducing vehicle usage would be a better option**

8.19 The City Council's approved transport policy identifies the need for schemes and initiatives that are focused on encouraging sustainable means of travel, and also measures that are able to reduce congestion and provide tangible economic benefits to the local economy, recognising that wholesale and significant modal shift towards reducing car use, is not likely to be achieved in the very short term.

8.20 In June 2016 the City Council responded to a DfT Funding initiative to increase the country's productivity, recognising that transport plays a significant contributory role in this. A priority for the City Council is to promote and deliver economic growth in both the short, medium and long term. The City Council, in approving the award of funding from the DfT and allocating over £2m from its own capital programme, recognises the benefits and high value for money this scheme will bring to the local economy through a reduction in congestion, as well as other benefits. These include:-

- improving the health of the local community by reducing NO2 vehicle emissions,
- improving accessibility by introducing controlled pedestrian crossing facilities on all arms of this busy junction, thereby encouraging walking as an alternative means of transport, for those who felt unable to safely use this junction previously.
- Improved junction geometry and operation of the traffic signals is also expected to reduce the risk of road traffic accidents.
- Shorter journey times for bus journeys, thereby encouraging greater use of public transport.

8.21 **The use of the CPO should be a last resort and that the Council are relying upon the CPO rather than progressing negotiations. Consequently, the CPO is an infringement of the Objector's human rights.**

8.22 The City Council continue to remain committed to the relocation of Sherwin Rivers Printers, if at all possible.

8.23 I believe the City Council has used its best endeavours to progress negotiations with Mr Stanley from the outset, at our first meeting on 30 November 2015 at Mr Stanley's office to the present day. It is regrettable to myself that the relocation of Sherwin Rivers Printers has not yet been achieved without the need for a CPO. As a result, and the lack of a jointly agreeable position, this has meant that a report was approved by the City Council some 2 years and 7 months after this first meeting, and approved the use of CPO powers to improve the highway at this junction in order to achieve the outcomes and benefits this much needed scheme will bring.

8.24 I consider that after 2 years and 7 months of discussions and negotiations with Steven Stanley and his Agents, and no progress being made on reaching an amicable resolution, the use of CPO powers was indeed a last resort for the City Council.

## 9.0 Conclusion

9.1 It is therefore considered that in order to achieve the statutory purpose of carrying out the Waterloo Road, Cobridge Road/ Elder Road Junction Improvement Scheme the use of powers under Section 239 (3) and Section 240 (2)(a) of the Highways Act are required. Should this CPO be confirmed, I can confirm that the acquired land will become a highway maintainable at the public expense. I can also confirm that the City Council do not require the compulsory acquisition of any land lying beyond the 220m limit specified in the Highways Act Section 249(1) and in Column 1 of Part 1 of Schedule 18.

- 9.2 This Scheme will deliver on some of the key outcomes set out in the City Council's Local Transport Plan (LTP3) transport policy, including reducing congestion, unlocking economic growth, improving road safety and improving the health of those who live and work in this area of the City.
- 9.3 I can confirm that £2.09m of funding from the Department for Transport remains available for use on this scheme and is held by the City Council, and also confirm that the City Council will fund the remaining costs of the scheme to ensure its completion.
- 9.4 The use of CPO powers has only been used as a very last resort, due in part to the 2 years and 7 months of negotiations that took place prior to a decision being taken by the Council to approve the use of CPO powers to try to reach agreement with the Objector.
- 9.5 It is for that reason that there is a compelling case in the public interest for the CPO to be confirmed.