

PROPOSED NOTTINGHAM EXPRESS TRANSIT SYSTEM ORDER

PROMOTERS' REBUTTAL PROOF OF EVIDENCE

IN RELATION TO

THE OBJECTION AND EVIDENCE OF

WILFORD COMMUNITY GROUP

OBJECTION NUMBER 831

1 Introduction

- 1.1 This rebuttal proof of evidence has been prepared on behalf of Nottingham City Council and the Nottinghamshire County Council (together "the Promoters") to respond to particular aspects of the objection and evidence of Wilford Community Group.
- 1.2 In particular, Wilford Community Group has raised new points that the Promoters have not previously addressed in the proofs of evidence prepared by their witnesses, which were submitted to the Inspector and each statutory objector on 9 October 2007.
- 1.3 It is not intended that this rebuttal proof should address further points that witnesses for the Promoters have already covered in their evidence; however, cross-references to relevant paragraphs of those witnesses' proofs of evidence are given below, where appropriate.
- 1.4 It is intended that this rebuttal proof should be a composite response by the Promoters to those new points raised in the evidence of Wilford Community Group and referred to above. In this respect, for cross-examination purposes the name of the Promoters' witness who is responsible for each aspect of this rebuttal proof is given at the beginning of each section below.

2 Defined terms

2.1 The following defined terms are referred to throughout this rebuttal proof:

- “the Objector”* means Wilford Community Group;
- “the Objector’s Statement of Case”* means the statement of case submitted by Wilford Community Group on 17 August 2007;
- “the Objector’s evidence”* means the Objector’s Statement of Case which the Objector has indicated wishes to be taken as the Objector’s evidence;
- “the Order application”* means the application for the proposed Order submitted on 26 April 2007; and
- “the proposed Order”* means the proposed Nottingham Express Transit System Order.

3 Promoters’ rebuttal of the Objector’s evidence

3.1 The Route, p6-8

- 3.1.1 *The Objector argues that the “Clifton via Queens Drive” route would provide greater patronage than the proposed route and that “There has been no independent scrutiny of NET’s patronage figures for either the Queens Drive route or for stops in Wilford”. (Chris Deas, Dave Carter)*
- 3.1.2 The consideration of route options is contained in Mr Deas’ Proof [NET.P1/A] at section 6.0 and a report from MVA on appraisal of route options is found at Appendix 3 of NET. B1/13. In determining the most appropriate route for NET Phase Two, the Promoters have employed the combined knowledge, experience and professionalism of the two councils’ officers and some of the most respected specialist firms in the country. The methodology for determining patronage is explained in Mr Carter’s Proof [NET.P3/A], which also identifies his qualifications, experience and professional status appropriate to this assessment.
- 3.1.3 *The Objector “disputes NET’s figures for residences in the catchment area of the “Wilford Village” tram stop. Therefore, we have little confidence in NET’s (hitherto unpublished) figures for the other stops in Wilford”. (Callum Gibson)*
- 3.1.4 The Promoters and the Objector engaged in some considerable discussion and correspondence on alternative stop locations throughout 2004 and more recently, particularly with regard to the Objector’s suggestion for an alternative or addition to the “Wilford Village” stop at Main Road to be located east of the embankment opposite Bader Road but the Objector did not hitherto suggest different catchment household numbers. It may be the effect of poor reproduction but the 400m catchment circle indicated at Map 2 in Appendix B of the Objector’s evidence indicates a centre point north of the stop location. If moved to a more accurate position the catchment would take in more houses. It should also be noted that the reduced 400m distance was to compare access to the alternate stop locations (Bader Road v Main Road) by the more elderly people in the village, whereas many other

potential users would be within the easy capability of an 800m catchment more usually used for estimating patronage and accessibility to stops. With the exception of approximately 20 properties, all of Wilford Village lies within 800m of one or other of the two proposed stops at Main Road and Wilford Lane. Also, the note of the 5 February 2004 meeting between the Objector and the Promoters' representative (included as Appendix C of the Objector's evidence) indicates that at that time the Promoters' representative (PA) was asked whether patronage had been understated, implying that the Objector considered more, not less, people might use the stops.

relevant to schools if a stop was built at Bader Road.

- 3.1.5 The Promoters remain of the view that the proposed stops are in the best locations to provide a beneficial service to meet the needs of the village residents, visitors to the local amenities and the schools.
- 3.1.6 *The Objector questions the location of the "Wilford Village" stop, contending that "NET says that although there is little support for the "Wilford Village" stop, a lack of consensus means that this is de facto the best stop. Wilford Community Group disagrees with this approach". (Callum Gibson)*
- 3.1.7 This is a misinterpretation of what was said at the 5 February 2004 meeting (as recorded in the meeting notes included at Appendix C of the Objector's evidence). The discussion was regarding the Objector's suggestion for a stop near Bader Road as noted at 3.3 above. Our widespread consultation had not identified a strong support for this proposal.
- 3.1.8 The reasons the Promoters did not favour a Bader Road stop were fully explained to the Objector during the lengthy interaction referred to above and are broader than patronage alone, as outlined at section 7.3 of the Objections Response Proof [NET.P8/A]. In particular, the Promoters consider that a stop at this relatively isolated location would not provide an appropriate level of security and safety for users at or approaching the stop and improving this situation would require the removal of approximately 200 metres of the embankment, significantly changing the environment for residents.
- 3.1.9 It is noted that the Objector does not now appear to be arguing for a Bader Road stop.

3.2 Wilford Toll Bridge, p9-10

- 3.2.1 *The Objector argues for an alternative crossing point, contending that "If the route has to go via Wilford, the costs of re-engineering Wilford Toll Bridge should be diverted to build a new crossing from Victoria Embankment to the east of the former railway embankment adjacent to Tremongers Pond. This will have a less adverse impact on the Site of Importance for Nature Conservation and the households on Coronation Avenue, and could allow for a stop closer to the Nottingham Emmanuel School". (Callum Gibson and Ian Gilder)*
- 3.2.2 Consideration of alignment options at this location is contained in section 7.2 of the Objections Response Proof [NET.P8/A] and Mr Gibson's Proof [NET.P2/A] at 4.14. It can be seen that the factors taken into consideration in rejecting the alternatives are considerably more complex than the Objector's suggestion that the reasons are limited to "adverse impacts on the townscape of Victoria Embankment".

- 3.2.3 Discussions with the Environment Agency at an early stage in the project development confirmed that reconstruction of the Toll Bridge could reuse the two existing bridge foundations within the River Trent, and thereby allow the reconstructed bridge to have three spans over the river. Any alternative new bridge over the river would be required to have no piers within the river waterway, and therefore a long single span bridge would be required. It would be a requirement of the Environment Agency that either bridge would have no material impact on flood behaviour.
- 3.2.4 The Listed Building impact on the Toll Bridge is covered in Mr Gilder's Proof [NET.P6/A] at 10.24 – 10.38. Mr Gilder explains the works that are proposed to the Toll Bridge and that these will involve no changes to the external appearance of the approach arches and the faces of the pilasters will be reinstated in reclaimed or matching brickwork. The toll house will not be affected. The structure across the river was replaced in the 1980s with a modern light weight bridge deck that is out of scale with the historic, listed approach features. Mr Gilder comments that the new bridge deck will be visually more appropriate and any harm to be caused by the alterations overall has been minimised and is small. In her Proof [EH.P1/B, section 9.2], Dr Valerie Scott, English Heritage, advises "the proposal to widen the modern deck of the bridge will have little or no impact on its architectural interest".
- 3.2.5 The alignment avoids the Iremongers Pond itself but, as indicated in the Environmental Statement (p9-77), approximately 28% of the area of the Iremongers Pond SINC (which is the area bounded by the Trent, former railway embankment, Coronation Avenue and Main Road) is lost. The loss will be partly offset by the creation of new water-margin habitats and access to the area will be retained. Alternatives to this alignment could have a more significant impact on habitat, flood risk and amenity. The alignment suggested by the Objector, for a new bridge to the east of the old railway alignment, would place the stop in a very isolated position (outside school hours) with no passive surveillance and further from the village. This alternative would also be within the river floodplain and a SINC – in this case the Trentside West Bridgford SINC.
- 3.2.6 *The Objector also states that "NET's justification for the re-engineering of the Toll Bridge implies that it is little used and needs improvement". (Callum Gibson)*
- 3.2.7 The Promoters' justification has no such implication. It is acknowledged that the bridge is well used by pedestrians and cyclists and the works will retain this use when the tramway is in operation.
- 3.3 **"Alternative" stop, p11**
- 3.3.1 *The Objector asks that "Mention of an "alternative" stop opposite St Patrick's School should be formally removed from the plans". (Callum Gibson)*
- 3.3.2 During development of the proposals there was considerable consultation and discussion with individuals and the Objector, including site visits to view the Main Road and Coronation Avenue area. This informed the design and decision process. At the time of writing the Environmental Statement (ES), issues regarding the Main Road stop were not fully resolved and the ES therefore addresses the impacts of an

alternative site on Coronation Avenue near St Patrick's School. The Promoters are now satisfied that the Main Road stop is the most appropriate location and, subject to the outcome of the Public Inquiry not concluding otherwise, the Promoters would not wish to retain the Coronation Avenue alternative.

3.4 Using Wilford as a Construction Site, p12

3.4.1 *The Objector is concerned that "Using Main Road between Coronation Avenue and the Toll Bridge is at best inconvenient to the several hundred school children who use it as a safe access to school, and at worst a danger to the safety of children and residents". (Callum Gibson)*

3.4.2 General comments on the control of construction sites are contained in section 3 of the Objections Response Proof [NET.P8/A]. Use of this particular work site is explained in Mr Gibson's Proof [NET.P2/A] at 5. Loss of the Toll Bridge during the works is covered in Mr Woodbury's Proof [NET.PP5/A] at 11.6.

3.4.3 The section of Main Road through Wilford Village which is to be closed to vehicular traffic immediately to the south of Wilford Toll Bridge is proposed as a construction site. This would primarily be to facilitate the work required to Wilford Toll Bridge and would also be used to service the section of the route between the Wilford Toll Bridge and Compton Acres.

3.4.4 It is recognised that Main Road is sensitive and that construction traffic along Main Road will need to be carefully managed. Under the Code of Construction Practice (CoCP), the Contractor will be contractually obliged to agree with the Highway Authority proposed measures to be taken with respect to traffic and highway safety. Construction vehicle movements will only normally be permitted during the standard working hours laid down in the CoCP.

3.4.5 The works at Wilford Toll Bridge will require access to both sides of the bridge. It will not be practicable to provide this solely from the north via a temporary bridge for construction traffic due to the span required over the River Trent. However, once the new bridge is in place construction traffic could also use the bridge to access the construction compound from the north. Dependent on the Contractor's detailed methodology and phasing of construction, some construction traffic would also be able to use the tram corridor from Wilford Lane as a construction access route to the Coronation Avenue and Main Road area.

3.4.6 Nottingham Moderns Rugby Club, p13

3.4.7 *The Objector claims that "There is a serious risk to the viability of Nottingham Moderns Rugby Club that provides many sporting facilities and venues for charitable events". (Callum Gibson)*

3.4.8 The Objector argues that loss of uncontrolled on-street parking along Main Road will mean that people will not be able to access the area and so will no longer use the sports field or attend events. The Objector also states that the Promoters have made no provision for adequate access for emergency vehicles.

- 3.4.9 It is the Promoters' contention that the tram service will improve access for the many users of this facility. Visitors to rugby matches and other events will be able to take advantage of the tram should they choose not to arrive by car.
- 3.4.10 Safety is a key factor in all the design and the proposals will ensure the maintenance of access for emergency vehicles – a new access ramp is to be constructed along Work 12A. The tram rails, etc, will not be an impediment to this access. The current situation of uncontrolled on-street parking provides no better guarantee of access.
- 3.4.11 Discussion is ongoing with the Clubhouse Chairman, Shaun Fox, regarding the possibility of a new car park for the club, accessed from the existing route via the Ferry Inn car park. If the proposal can be realised it should also provide parking and vehicular access for the other uses of the field, including the annual bonfire event organised by the Trent Bridge Rotary Club. The proposal may remove the requirement for the new access ramp from Main Road.
- 3.4.12 Notwithstanding this possibility, as noted at 7.2.2 of the Objections Response Proof [NET.P8/A] the proposals already include a new car park on Main Road itself. This will hold 28 cars and should meet the current need under normal circumstances.

3.5 Proposed Off Street Parking Provision, p14-15

- 3.5.1 *The Objector claims that "Proposed replacement parking facilities are inadequate, unwelcome and not supported by residents. The location inside both a conservation area and a Site of Importance for Nature Conservation is unacceptable". (Ian Gilder, Graham Woodbury)*
- 3.5.2 In addition to comments above, the proposed car park is partially within the conservation area but this location is already used for uncontrolled on-street parking. Mr Gilder's Proof [NET.P6/A] notes that the conservation area boundary follows no known features (3.46). The scope and type of works required for this car park do not require an application for Conservation Area Consent (CAC) and therefore no CAC application has been made. The proposed car park itself does not impact on the SINC – the route alignment determines the impact on the SINC and the presence of the car park does not require any additional land. The proposed new car park and tram works will maintain the character of the Wilford CA and the setting of the Ferry Inn.
- 3.5.3 As explained in general terms in Mr Woodbury's Proof [NET.P5/A], the City Council as Highway Authority could introduce time limited parking restrictions to the car park if it becomes attractive to commuters.

4 Conclusion

- 4.1 The main thrust of the Objector's case appears to be that Wilford Village residents and visitors will suffer adverse impacts from the NET Phase Two proposals but receive no benefits as, in the Objector's view, rather than the proposed Clifton route being via Wilford it is perceived as using Wilford as a convenient route to Clifton, rather than choosing the alternative route via Queens Drive, and that the residents of Wilford

Village are largely outside the catchment area of the proposed tram stops such that residents would not be able to use the tram service easily.

- 4.2 Wilford village is situated approximately 2 km south of the city centre. However, to all except cyclists and pedestrians, the village effectively comprises a cul-de-sac with the only access being to the south onto Wilford Lane. Motor vehicle journeys to the city centre must go via Trent Bridge, a distance of over 5 km, or via Clifton Bridge, over 6 km. The tram would, therefore, provided a considerable journey advantage for residents wishing to access the city area.
- 4.3 The evidence provided by the Promoters' witnesses in their Proofs, together with this Rebuttal Proof, demonstrates that the Promoters have undertaken appropriate assessment and appraisal of route options to best meet the stated aims and meet the Government's strict criteria for public infrastructure investment. The choice of route in the vicinity of Wilford Village does provide the opportunity for improved public transport for all of the village and the concerns of the Objector are either unfounded or can be appropriately mitigated.

30 November 2007