



Department for Transport

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Your Ref: TMC/266/3002

Our Ref: NATTRAN/WM/LAO/103

Date: 30 November 2016

Dear Mr Cassidy

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981**

**THE WORCESTERSHIRE COUNTY COUNCIL SOUTHERN LINK ROAD
(WORCESTER) COMPULSORY PURCHASE ORDER 2015 ("the Order")**

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the Public Local Inquiry ("the Inquiry") held at County Hall, Spetchley Road, Worcester, WR5 2NP on the 20 and 21 September 2016 before Mr I Jenkins BSc CEng MICE MCIWEM, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Order submitted for confirmation by Worcestershire County Council ("the Council").

2. If confirmed by the Secretary of State the Order would authorise the Council to purchase compulsorily the land and new rights described in the schedule to the Order for the purpose of the improvement of the A4440 Worcester Southern Link Road, Worcester.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the issues relating to the Order and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report. The Inspector reported at IR2.4 that of the three objections which were duly made to the Order, only one remained at the opening of the Inquiry and that on the second day of the Inquiry the remaining objection was withdrawn.

4. The Inspector's report summarises legal/procedural submissions at IR3.1 to IR3.2.13 and the case as outlined by the Council is at IR4.1 to IR4.3.1. The Inspector's conclusions can be found at IR5.1 to IR5.2.5 and his recommendations are at IR6.1.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of conclusions reached the Inspector recommended that the Order be confirmed subject to the CPOa, b and c modifications. The proposed modifications to the Order are set out in Inspectors Document 17 (included as Annex A to this letter) and incorporated on a revised Order map (Inspectors Document 19).

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully the Inspector's report and accepts the conclusions and recommendations including the making of the modifications as referred to in paragraph 5 above.

7. The Secretary of State has carefully considered whether the purposes for which the Order is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and is satisfied that they do. In particular, he has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR5.2.1 to IR5.2.5 and is satisfied that in confirming the Order a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

8. The Secretary of State accepts that the modifications referred to in paragraph 5 above are necessary and that they should be made. Therefore he has decided to confirm, as modified by him, the Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015 and this letter constitutes his decision to that effect.

9. In confirming the Order the Secretary of State has relied on the information that the Council and others have provided, as contained in the Order and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

10. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the Order will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter and the annexed modifications, together with a copy of the Inspector's report has been sent to those parties who appeared at the Inquiries, other

interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>. Please arrange for a copy of the Inspector's report and of this letter, including its Annex, to be made available for inspection at the offices of the Council and at all other places used to deposit the Order for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

12. Notice is to be published of confirmation of the Order. Any person who wishes to question the validity of the confirmed Order, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notices that the Order has been confirmed. The High Court cannot entertain an application under section 23 before publication of the notice that the Secretary of State has confirmed the Order.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dave Candlish', with a long horizontal stroke extending to the right.

DAVE CANDLISH
Authorised by the Secretary of State
to sign in that behalf