
Report to the Secretary of State for Transport

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Transport

Date: 26 October 2016

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

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

Inquiry: Opened on 20 September 2016.

Ref: DPI/E1855/16/5

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1 CASE DETAILS

- **The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015** (the Order) was made under sections 239, 240, 250 and 260 of the *Highways Act 1980* (as amended). The Order was first published on 17 December 2015, and there was 1 duly made objection outstanding to it at the commencement of the local Inquiry.

Summary of Recommendation: I recommend that, subject to identified modifications, the Order be confirmed.

2 PREAMBLE

2.1 *The Inquiry and site visits*

2.1.1 I have been appointed by the Secretary of State for Transport (Secretary of State) to conduct a local public Inquiry for the purpose of hearing representations and objections concerning the Order. I held that Inquiry on 20 and 21 September 2016 at County Hall, Worcester. I carried out an accompanied site visit on 21 September 2016 and a number of unaccompanied site visits before, during and after the Inquiry.

2.2 *Description of the locality*

2.2.1 The A4440 Worcester Southern Link Road (SLR) forms part of Worcester's primary road network, linking the strategic road network, M5 at junction 7, and the eastern side of Worcester with the A38, A449, A4103 and A44 as well as existing and planned residential and commercial development sites on the southern and western sides of the city. The SLR is also one of two crossings of the River Severn in Worcester and it forms part of the bypass around the southern side of the city centre¹.

2.2.2 The section of the A4440 subject of the Order comprises that between the Whittington and Ketch Roundabouts, including Crookbarrow Way and part of Broomhall Way. Part way along its length, Crookbarrow Way is crossed by the Battenhall Railway Bridge (BRB), which carries the Oxford, Worcester and Wolverhampton railway line, and an accommodation bridge linking land to the north and south of the highway that falls within Upper Battenhall Farm (the UBF accommodation bridge)².

¹ CD3.

² ID6.

2.3 ***Purpose of the Order***

2.3.1 The purpose of the Order is to facilitate the construction of Phase 3 of the A4440 Worcester Southern Link Road (SLR) improvements, the aim of which is to improve access between the Whittington Roundabout and the Ketch Roundabout through the provision of a second carriageway. Phase 3 includes: dualling of the A4440 between Norton and Whittington Roundabouts, with associated modifications to existing infrastructure such as BRB and provision of a new bridleway bridge; and, completion of the dualling between the Ketch and Norton Roundabouts³.

2.4 ***Objections to the Order***

2.4.1 Of the 3 duly made objections to the Order, only 1 had not been withdrawn at the start of the Inquiry; that made by Loxley Solicitors Limited (LSL) on behalf of by Mr P Leighton and Mrs F Day. That objection was subsequently withdrawn during the course of the Inquiry, on 21 September 2016, and LSL did not call any witnesses⁴.

2.5 ***Scope of this Report***

2.5.1 This report contains a brief description of the locality, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances, documents, abbreviations and certain proposed modifications are attached as appendices. The proofs of evidence of Worcestershire County Council (WCC) were added to at the Inquiry through oral evidence. I had no reason to pursue the arguments made by objectors, as they were formally withdrawn, and do not report them below.

3 LEGAL/PROCEDURAL SUBMISSIONS

3.1 ***Statutory formalities***

3.1.1 At the Inquiry, WCC confirmed that all of the statutory formalities had been complied with and this was not disputed by any of the other parties present.

3.2 ***Modifications***

3.2.1 At the Inquiry, a number of proposed modifications to the Order were discussed.

³ CD3.

⁴ ID16.

Possible corrections to the Order identified by The Department for Transport (DfT)-CPOa

- 3.2.2 Prior to the Inquiry, DfT identified 6 minor '*Modifications Proposed to the Order if Confirmed*'⁵. At the Inquiry WCC confirmed that it accepted modifications 1 and 4-6. However, it had agreed with DfT that modifications 2 and 3 were not necessary.
- 3.2.3 I will refer to modifications 1 and 4-6, which are set out in Appendix 5 of this Report (including associated minor modifications identified at the Inquiry), as '*CPOa modifications*'. I consider that these modifications are of a minor nature and the application of them to the CPO would be unlikely to prejudice the interests of anyone.

Corrections to the Order proposed by WCC-CPOb

- 3.2.4 At the Inquiry, WCC confirmed that Antringham Developments Limited only have an interest in plot 7b, not 7a, contrary to the details set out in Table 2 of the Schedule to the Order. Therefore, the table should be corrected to identify only plot 7a. Furthermore, LSL stated that the interest in plots 6a-d of Dora Leighton, who has now died, has passed to her children Philip Leighton and Freda Day, and so her details can be removed from Table 1 of the Schedule to the Order. In addition, it also stated that B Leighton and Corndean Developments Limited have no subsisting interest in plots 6 a, b or c and so can be struck from Table 2 of the Schedule⁶.
- 3.2.5 I will refer to the associated amendments to the Order as '*CPOb modifications*'. Under the circumstances outlined, I consider that the application of these modifications to the Order would be unlikely to prejudice the interests of anyone.

Modifications proposed by WCC-CPOc

- 3.2.6 WCC confirmed that as a result of its negotiations with Network Rail Infrastructure Limited (Network Rail), which led to the withdrawal of its objection, it has determined that the land interests to be acquired from Network Rail, defined by plots 5a-d, can be reduced from those set out in the Order. That is, the area of land affected can be reduced and in relation to some parts of the remainder WCC proposes to acquire rights over the land rather than the land itself.
- 3.2.7 Furthermore, WCC indicated that as a result of changes to the scheme design since the Order was made, the land/rights over land sought by the Order as made in relation to plots 6a, 6b and 7b is now more than is

⁵ CD6.

⁶ Confirmed orally by the advocates for WCC and LSL, and reflected in ID17/18 submitted by WCC.

necessary to implement the Phase 3 works.

- 3.2.8 However, Plot 7a needs to be extended to include land outside that shown on the published Order plan. WCC confirmed that those with an interest in plot 7a have confirmed that they do not object to the additional land being included in plot 7a and it has provided documentary evidence in support of that position⁷. WCC indicated that an early access agreement with the owners of that plot has allowed a start to be made on construction works there, which I saw on site.
- 3.2.9 In addition, WCC has confirmed that the scheme which was subject of its Full Business Case, conditionally approved by the Worcestershire Local Transport Body, included the replacement of the UBF accommodation bridge⁸. However, provision for this was not subsequently included within the Order as made, giving rise to the LSL objection, as set out in the Statement of Case⁹. Nevertheless, prior to the Inquiry, WCC agreed with LSL that a replacement bridge (UBFr accommodation bridge) would be provided¹⁰ and following the formalisation of that agreement, during the course of the Inquiry, the LSL objection to the Order was unconditionally withdrawn. Making provision for the UBFr accommodation bridge would involve adding land outside that shown on the published Order plan. However, WCC confirmed that those with an interest in the additional land have confirmed that they do not object to it being included and it has provided documentary evidence in support of that position¹¹.
- 3.2.10 I will refer to the above amendments to the Order as 'CPOc modifications'. The scheme modified to include the amendments referred to is shown on drawing no. 473946/00.90/248A¹² and the Order plan amended to suit is drawing no. 473946/00.90/200B¹³. A comparison between the land requirements of the Order as made and as now proposed is shown on drawing no. 473946/00.90/246A¹⁴.
- 3.2.11 At the Inquiry, WCC confirmed that it wished to promote confirmation of the Order subject to the CPOa, b and c modifications rather than confirmation of the Order as made. It provided a revised draft of the Order incorporating the CPOa, b and c modifications¹⁵ and supporting plan¹⁶.

⁷ ID15.

⁸ Statement of Case para 5.4 and oral evidence of Mr Copnall.

⁹ Statement of Case para 12.3.4.

¹⁰ Proof of evidence Mr Hudson para 5.6.

¹¹ ID16.

¹² ID21.

¹³ ID19.

¹⁴ ID20.

¹⁵ ID18.

¹⁶ ID19.

Modifications proposed by WCC-CPOd

- 3.2.12 WCC suggested, in the event that the Order cannot be modified to take account of the addition of land, as set out above, it would be open to the Secretary of State to delete the excess land/rights over land sought by the Order as made in relation to plots 5a-d, 6a, 6b and 7b by a modification under section 13 of the *Acquisition of Land Act, 1981* (ALA 1981). I will refer to this suggested option as 'CPOd modifications'.
- 3.2.13 WCC has not provided a revised draft of the Order incorporating only the CPOd modifications. It would be necessary to revise the requirements of the Order in accordance with the CPOc modifications insofar as they relate to plots 5a-d, 6a, b and 7b only (not plot 7a).

4 THE CASE FOR WORCESTERSHIRE COUNTY COUNCIL (WCC)

The gist of the material points made by WCC in its written and oral submissions were:

4.1 Public interest

Need

- 4.1.1 The A4440 Southern Link Road (SLR) forms a key part of Worcestershire's primary road network. Growth in travel numbers along this route has resulted in current demand exceeding available capacity, over key sections of the route, and journey times and speeds are forecast to deteriorate further in future years in the absence of significant infrastructure improvement works. In view of the importance of the SLR to the Worcestershire economy, a major programme of improvements has been developed by WCC under the working title of the Worcester Transport Strategy (WTS).
- 4.1.2 The National Planning Policy Framework gives encouragement to development that: makes it easier for jobs to be created in cities, towns and villages; and, improves the conditions in which people live, work, travel and take leisure. The overarching 'vision' of the *South Worcestershire Development Plan, 2016* (SWDP) includes '*that residents and businesses enjoy better accessibility within and beyond the area through the implementation of major improvements to the highway network, in particular the A4440...*'. SWDP Policy 4 identifies '*...Delivering Transport Infrastructure to Support Economic Prosperity G. The following transport schemes, as identified within the Worcestershire Local Transport Plan, are the most significant for the successful implementation of the SWDP: i. Worcester Transport Strategy...*'.
- 4.1.3 The WTS is to be implemented in phases. The Order is intended to facilitate

the implementation of Phase 3, the objectives of which are: to address current congestion issues at the Ketch, Norton and Whittington Roundabouts; and, deliver significant primary route network capacity enhancements at key pinch points along this route, through dualling of the existing carriageway.

- 4.1.4 WCC believes that the public benefits of Phase 3 would be considerable. These are fully described in the material before the Inquiry, but in summary Phase 3 would: support growth of the Worcestershire economy by easing congestion on the SLR, thereby reducing travel times and costs incurred by network users; improve the performance and attractiveness of the SLR as a bypass for Worcester City Centre, encouraging its use as an alternative to the constrained central area and the local residential network; improve access to the strategic road network and key international hubs, such as Birmingham International Airport, from areas to the west and northwest of Worcester; unlock development at the South Worcester Urban Extension (SWUE) site, thereby supporting the delivery of around 23,200 new dwellings and 25,000 new jobs across South Worcestershire; and contribute to environmental objectives by reducing congestion in Air Quality Management Zones. The scheme would provide very high value for money, as demonstrated by the calculated Benefit-to-Cost Ratio (BCR) of 4.5.
- 4.1.5 There is therefore an urgent need for the improvement to take place. Indeed such is the importance and urgency of the Phase 3 works that the first part is already underway. The fact that the work has commenced does not lessen the case for confirmation of the Order; rather it increases its necessity, so that the work for the scheme as a whole can proceed without any impediment with all interests cleared from the title of the land to be acquired.

Modifications

- 4.1.6 The scheme, like most important schemes, has evolved over time and refinements have been made to it. The most significant change has been the inclusion of the UBFR accommodation bridge. This was originally part of the scheme upon which the business case was based, but wasn't included in the Order. It has now been included, enabling the LSL objection to be withdrawn. The current scheme, including the UBFR accommodation bridge, is as shown on drawing no. 473946/00.90/248 and Order Plan drawing no. 473946/00.90/200B. In order to construct the bridge some additional land has been included. The amount of land to be taken has also been reduced in some other respects. There are no objections at all in respect of these changes. In relation to the additional land now to be included, express consent from all those with a subsisting interest in the land affected has been obtained¹⁷.

¹⁷ ID16.

- 4.1.7 The scheme as shown on drawing no. 473946/00.90/248 and Order plan drawing no. 473946/00.90/200B includes all the land required for the purpose of implementing the scheme, and does not include any land which is not necessary. WCC therefore submits that the scheme as shown on those drawings, which includes the CPOc modifications, should be confirmed. Consequential amendments have been made to the Order and Schedule to reflect the changes that have been made and the CPO can be confirmed as modified in accordance with sections 13 and 14 of the ALA 1981.
- 4.1.8 However, if it is decided that the Order cannot be confirmed as modified in accordance with drawing no. 473946/00.90/248 and Order plan drawing no. 473946/00.90/200B, the council submits that the Order as made should be confirmed. There are no outstanding objections to the Order as made. The LSL withdrawal is unconditional. This is because, by virtue of the contractual agreement entered into by them, WCC would still replace the accommodation bridge even if it is not included in the Order. The concerns previously expressed about the effects on UBF's farming practice do not therefore arise.
- 4.1.9 In the course of the Inquiry, the Inspector expressed a concern that the Order as made might have included too much land e.g. the 'bathtub' on plot 6a, and the eastern most part of plot 7b. If the Order as made does include too much land, the excess could be deleted by a modification (CPOd) under section 13 of the ALA 1981. The amount that would be deleted is not significant in relation to the scheme as a whole, and no objector or anyone with an interest would be prejudiced or adversely affected.
- 4.1.10 Although it would therefore be possible to confirm the Oder as made, with only minor modifications if necessary, WCC's preferred position is for the revised scheme shown on drawing no. 473946/00.90/248 and Order plan drawing no. 473946/00.90/200B be substituted and confirmed.

Use of land

- 4.1.11 The land subject to the Order currently has various uses including: agricultural; private means of access; and, local amenity land. The uses to which the land to be acquired would be put are illustrated on: drawing no. 473946/00.90/247 in the case of the Oder as made; and, drawing no. 473946/00.90/248A in the case of the CPOc modifications. In addition to land that needs to be acquired for implementation and mitigation of the effects of the scheme, WCC seeks rights to enable it to enter and carryout works required for the scheme, as set out in the Schedule to the Order.

Resources

- 4.1.12 WCC has estimated that Phase 3 would have a cost of around £32.99 million and has identified the resources necessary to carry out the

scheme, as follows: Local Enterprise Partnership (LEP) grants of £16.4 million; section 106 contributions from the developers of the SWUE of £16.27 million; and, other local authority contributions of £0.32 million. The LEP grants have already been received, which, together with early access agreements with some landowners, has allowed work to commence on Phase 3. Furthermore, the application for planning permission for development of the SWUE site is with the lead local planning authority, Malvern Hills District Council, for determination. WCC expects that planning permission for development of that site will be granted in the near future and it will be supported by planning obligations, pursuant to section 106 of the *Town and Country Planning Act 1990* securing the required contribution(s) towards the Phase 3 highway improvements. Pending the release of the developer contributions, WCC has resolved to put in place gap funding to make good any negative cash flow implications¹⁸.

Impediments

- 4.1.13 The scheme of improvement being promoted, including the dualling of the A4440 and the construction of the new railway bridge, can be undertaken in accordance with permitted development rights. The proposed new bridleway bridge does however require express planning permission and this has been obtained.
- 4.1.14 Although it was not included in the scheme at the time that the Order was made, it is now intended to replace the existing accommodation bridge giving access to the UBF on the south side of Crookbarrow Way. WCC explained in its evidence that, as this would involve the replacement of an existing structure within the highway, it would benefit from permitted development rights and so not require express planning permission. However, it also stated, should express permission in fact be required there is no doubt that it would be granted. As DCLG's *Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (the CPG) states at paragraph 5, in a case where planning permission is to be obtained the Acquiring Authority should demonstrate that there are no obvious reasons why it might be withheld. This requirement is fully satisfied in this case. WCC's evidence to the Inquiry demonstrates that the construction of the UBFr accommodation bridge as part of the scheme would be entirely compliant with the planning framework, both locally and nationally, including the provisions of the National Planning Policy Framework.
- 4.1.15 Apart from the need to secure confirmation of the Order there are no outstanding obstacles or impediments to the implementation of the Phase 3 works.

¹⁸ Statement of Case Appendix 2 pages 18/19 and P1 para 8.

- 4.1.16 Therefore, WCC believes that there are unlikely to be any impediments to implementation of Phase 3.

Conclusion

- 4.1.17 WCC considers that there is a compelling case in the public interest to confirm the Order.

4.2 **Human Rights**

- 4.2.1 WCC has properly considered its obligations with regard to Human Rights legislation and in discharging these obligations it has sought to strike a balance between the rights of individuals and the interests of the public. WCC has had particular regard to the rights in respect of property (Article 1 to the 1st Protocol to the European Convention on Human Rights).

- 4.2.2 There is no outstanding objection to the confirmation of the Order. The Council's case for the confirmation of the Order is entirely unopposed. Indeed it is an interesting and important feature of the case that even though LSL raised an objection in respect of a specific concern relating to the access to UBF land and the need for a UBFr accommodation bridge, it expressly acknowledged the need for the scheme. Indeed no objection has been raised at any stage to the principle of the scheme and the wider benefits it would bring forward.

- 4.2.3 WCC considers that the public interest in securing the delivery of Phase 3 clearly and demonstrably outweighs the the private loss of those people with an interest in the land and that the interference with their Human Rights would be proportionate.

4.3 **Conclusions**

- 4.3.1 There is a compelling case in the public interest for the Order to be confirmed. Interference with the human rights of those with an interest in the land affected is justified and proportionate in all the circumstances, including the availability of compensation through the statutory Compensation Code.

5 INSPECTOR'S CONCLUSIONS

Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [] to earlier paragraphs where appropriate.

5.1 Public Interest

5.1.1 CPG indicates that a compulsory purchase order should only be made where there is a compelling case in the public interest¹⁹.

Need

5.1.2 Based on the evidence presented by WCC, which is not disputed, I consider that the implementation of Phase 3 would be likely to provide considerable public benefits and it would accord with the aims of local and national planning policy. The benefits would include reduced congestion and journey times on the Worcester Southern Link Road, which is a key part of Worcestershire's primary road network. These improvements, to the southern bypass of the city, would be likely to reduce traffic levels in the constrained city centre and on the local residential highway network, improve east/west access across a wider area and facilitate strategic development to the south of the city, thereby supporting growth of the Worcestershire economy [4.1.1-4].

Land use

5.1.3 The CPG indicates that, if the acquiring authority does not have a clear idea how it intends to use the land which it is proposing to acquire, it will be difficult to show conclusively that the compulsory acquisition of the land is justified in the public interest²⁰.

5.1.4 WCC has acknowledged that the Order as made includes land for which it no longer has a use, due to changes in the layout of the works [4.1.6, 9]. I consider therefore, that compulsory acquisition of at least some of the land subject of the Order is not justified in the public interest. This weighs heavily against confirming the Order in the form made [4.1.8-10].

5.1.5 In contrast, WCC has shown to my satisfaction that the land which would be included in the Order following CPOc modifications would include all the land required for the purpose of implementing the scheme, and would not include any land which is not necessary [4.1.7, 11].

¹⁹ DCLG's Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion para 12.

²⁰ Para 13.

Resources

- 5.1.6 A significant proportion of the required funding has been secured by WCC, such that, with the benefit of early access agreements with some landowners, it has been able to commence implementation of the Phase 3 works. Furthermore, in my judgement, it appears reasonably likely that the remainder of the funding will be made available in a timely manner, through the provision of gap funding arranged by WCC, pending the release of developer contributions associated with the SWUE. This is not disputed by any party [4.1.12].
- 5.1.7 I consider therefore, that the resources necessary to acquire the land and rights to implement the scheme are likely to be available within a reasonable timescale.

Impediments

- 5.1.8 WCC has confirmed that any consents, permissions and licences required for the implementation of the scheme are in place. Furthermore, in the event that planning permission is required for the UBFr accommodation bridge, it is unlikely to be withheld. I have no reason to dispute any of these matters [4.1.13-14].
- 5.1.9 However, the Order as originally made does not include all of the land, outside the public highway, necessary for the implementation of the scheme [4.1.6]. In my view, it is possible therefore, that if the Order remained unaltered, implementation of the scheme may be blocked by those with an interest in that omitted land. Whilst the same can be said of the Order subject to CPOd modifications, it cannot in relation to the Order subject to CPOc modifications which would include all the land necessary for implementation of the scheme [4.1.7].
- 5.1.10 The CPOc modifications would involve the addition of land outside that shown on the published Order plan. Section 14 of the *Acquisition of Land Act 1981* indicates that the order as confirmed by the confirming authority shall not, unless all persons interested consent, authorise the acquiring authority to purchase compulsorily any land which the order would not have authorised that authority to purchase compulsorily if it had been confirmed without modification. In this case, WCC has stated that those with an interest in the additional land have confirmed that they do not object to it being included in the Order and it has provided documentary evidence in support of that position [4.1.6].
- 5.1.11 I consider therefore that impediments to the implementation of the scheme may well exist under the terms of the Order as made and subject to CPOd modifications. However, there are unlikely to be impediments to the implementation of the scheme under the terms of the Order subject to CPOc modifications.

Conclusions

- 5.1.12 I conclude that there is not a compelling case in the public interest for confirmation of either the Order as made or the Order subject to CPOd modifications, as the former includes unnecessary land and neither of them includes all of the land necessary to implement the scheme.
- 5.1.13 I conclude that there is a compelling case in the public interest for confirmation of the CPO, subject to CPOc modifications. Furthermore, given that the works have commenced in part, confirmation of the Order is required urgently now to ensure that the benefits of the proposed scheme can be brought forward in a cost effective and timely manner [4.1.5].
- 5.2 **Human Rights**
- 5.2.1 A number of parties have interests in the land the subject of the Order, the effect of which would be to deprive those parties, identified in the Schedule to the Order of titles and/or rights to land²¹.
- 5.2.2 The CPG indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the *Human Rights Act 1998 (as amended)*²². That is;
- 'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties'.*
- 5.2.3 Insofar as the scheme would deprive parties of land and/or rights, for the most part it would involve small parcels of agricultural land [4.1.11]. Although the works would involve the removal of the existing accommodation bridge serving UBF a replacement would be provided. Through extension of the BRB, the scheme would maintain access along the existing railway [2.3.1].
- 5.2.4 Any impact on Human Rights must be balanced against the rights and freedoms of others. I have had regard to the likely implications of the scheme, including the case in the public interest set out above, which weighs heavily in favour of the Order. I consider that the benefits that would result from Phase 3 demonstrate a compelling case in the public interest for the Order, subject to the identified CPOc modifications, to be

²¹ CD2.

²² Para 12.

confirmed. The land titles and rights sought by the Order, subject to the identified modifications, are a proportionate response to the needs of the scheme [4.2.1-3]. In my judgement, there is clear evidence that the public benefits associated with the Order would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be disproportionate and there would be no violation of their Human Rights.

Conclusions

- 5.2.5 I conclude on balance, that the purposes for which the Order has been made would, subject to CPOc modifications, sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Furthermore, I conclude that the tests set out in the CPG are met and the Order, subject to the CPOa, b and c modifications should be confirmed.

6 INSPECTOR'S RECOMMENDATIONS

- 6.1 I recommend that **The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015**, subject to the CPOa, b and c modifications, be confirmed.

I Jenkins
INSPECTOR

7 APPENDICES

APPENDIX 1 - APPEARANCES

FOR WORCESTERSHIRE COUNTY COUNCIL:

Mr J Hobson QC	Instructed by S Mallinson, WCC.
He called	
Mr N Hudson MBA MRICS	Head of Strategic Infrastructure and Economy, WCC.
Mr K Shirer BA(Hons) MRICS	Principal Valuer, District Valuer Services, The Valuation Office Agency.
Mr S Bingham BSc MSc CMILT	Associate Director, CH2M.
Mr J Copnall MEng CEng MICE	Team Leader, CH2M.

FOR MR P LEIGHTON & MRS F DAY:

Mr J Ryan Assisted by Mr G Fellowes	Instructed by Mr P Leighton.
He did not call any witnesses	

APPENDIX 2 – PRE-INQUIRY DOCUMENTS

Core Documents (CD)

- 1 Inquiry notification.
- 2 The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015.
- 3 Statement of Reasons.
- 4 Statement of Matters, March 2016.
- 5 Letters of objection.
- 6 Possible Modifications to Order If Confirmed-identified by DfT.

Proofs of Evidence (P)

On behalf of Worcestershire County Council

- 1 Mr N Hudson.
- 2 Mr K Shirer.
- 3 Mr S Bingham.

APPENDIX 3 – INQUIRY DOCUMENTS

Inquiry Documents (ID)

- 1 Drawing no. 473946/00.90/246-Comparison between as proposed CPO with as made CPO.
- 2 Drawing no. 473946/00.90/247-As made CPO with proposed scheme layout.
- 3 Drawing no. 473946/00.90/248-As proposed CPO with proposed scheme layout.
- 4 Drawing no. 473946/00.90/196A-General layout of Phase 3.
- 5 Drawing no. 04-CI-DR-0001 rev P1.1-Norton to Whittington dual carriageway general layout.
- 6 Drawing no. 04-CI-DR-0001 rev P1.2-Norton to Whittington dual carriageway general layout.
- 7 Drawing no. 473946/00.90/196B-General layout of Phase 3.
- 8 New plot details for CPO schedules.
- 9 Planning permission Ref. 14/000034/REG3-Proposed new bridleway footbridge to span the proposed dualled Southern Link Road (Crookbarrow Way).
- 10 South Worcestershire Development Plan, adopted February 2016.
- 11 Revised draft of the CPO (superseded by ID17/18).
- 12a CH2M-Housing Dependency Technical Note.
- 12b CH2M-Norton Roundabout Layout Options Modelling.
- 12c CH2M-Economic Assessment Report.
- 12d CH2M-Wider Impact Assessment.
- 13 South Worcestershire Development Plan Infrastructure Delivery Plan, updated 22 July 2016.
- 14 CH2M-Traffic Forecasting Report.
- 15 Email, dated 20 September 2016, from Burges Salmon LLP, acting on behalf of the owners of CPO plots 7a and 7b, confirming that their clients have no objection to the inclusion of additional land within the CPO, as shown on the drawing no. 473946/00.90/240C attached.
- 16 Letter, dated 21 September 2016 from Loxley Solicitors Limited confirming, on behalf of Mr P Leighton and Mrs F Day: the unconditional withdrawal of their duly made objection; and that their clients do not object to the inclusion of additional land within the CPO as shown on drawing no. 473946/00.90/200B attached.
- 17 Modified CPO-‘tracked change’ version.
- 18 Modified CPO-‘clean copy’.
- 19 Drawing no. 473946/00.90/200B-Map referred to in The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015.
- 20 Drawing no. 473946/00.90/246A-Comparison between as proposed CPO with as made CPO.
- 21 Drawing no. 473946/00.90/248A-As proposed CPO with proposed scheme layout.
- 22 Drainage and Vodafone mast evidence 21.09.2016.
- 23 Closing submissions on behalf of the Acquiring Authority.
- 24 South Worcestershire County Council’s Community Infrastructure Levy Regulation 123 List-Draft.
- 25 Letters, dated 30 September 2015 and 28 April 2016, from Worcestershire Local Enterprise Partnership confirming grant funding of £16.4 million.

APPENDIX 4 – ABBREVIATIONS

ALA 1981	Acquisition of Land Act 1981.
BCR	Benefit to Cost Ratio.
BRB	Battenhall Railway Bridge.
CD	Core document.
CPG	Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion, 2015.
CPO	The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015.
CPOa	Modifications to the Order defined in paras [3.2.2-3] and Appendix 5.
CPOb	Modifications to the Order defined in paras [3.2.4-5].
CPOc	Modifications to the Order defined in paras [3.2.6-11].
CPOd	Modifications to the Order defined in paras [3.2.12-13].
DfT	The Department for Transport.
ID	Inquiry document.
LEP	Local Enterprise Partnership.
LSL	Loxley Solicitors Limited.
the Order	The Worcestershire County Council Southern Link Road (Worcester) Compulsory Purchase Order 2015.
P	Proof of evidence.
SoC	Statement of Case.
Secretary of State	Secretary of State for Transport.
SLR	A4440 Worcester Southern Link Road.
SWDP	South Worcestershire Development Plan, 2016.
SWUE	South Worcester Urban Extension.
UBF	Upper Battenhall Farm.
UBFr accommodation bridge	Upper Battenhall Farm replacement accommodation bridge.
WCC	Worcestershire County Council.
WTS	Worcester Transport Strategy.

APPENDIX 5 – POSSIBLE CORRECTIONS TO THE ORDER IDENTIFIED BY DfT

	Article no.	Schedule plot/column	Plan plot no.	Modification
1	Article 1			Section 240 to be deleted
2	-	-	-	-
3	-	-	-	-
4		Plots 1, 2, 3, 4, 5a, 5b, 5c, 5d, 5e*, 5f*, 6a, 6b, 6c, 6d, 6e*, 7a and 7b.		Dash(-) added to columns 4 and 5.
5		Plots 1, 2, 3, 4, 5a, 5b, 5c, 5d, 5e*, 5f*, 6d, 7a and 7b.		'unoccupied' added to column 6.
6		Plot 6a, 6b, 6c and 6e*.		'owner' added to column 6.

(*)-Table updated to reflect CPOc modifications.