



Draft Report to the Secretary of State for Transport

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An Inspector appointed by the Secretary of State for Transport

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HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

Leicestershire County Council

THE LEICESTERSHIRE COUNTY COUNCIL (LOUGHBOROUGH INNER RELIEF ROAD CLASSIFIED ROAD (1) AND EPINAL WAY CLASSIFIED ROAD (2)) (SIDE ROADS) ORDER 2008

THE LEICESTERSHIRE COUNTY COUNCIL (LOUGHBOROUGH INNER RELIEF ROAD CLASSIFIED ROAD AND EPINAL WAY CLASSIFIED ROAD) COMPULSORY PURCHASE ORDER 2008

Dates of inquiry: 6, 7 and 8 October 2009

Ref: DN5064/55/7/24 & DN5064/60/1/26

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PRINCIPAL ABBREVIATIONS USED IN THIS REPORT

AADT: Annual Average Daily Traffic

AQMA: Air Quality Management Area

Baxtergate: Domain Baxtergate Nominee Ltd and Domain Baxtergate GP Ltd

BCR: Benefit Cost Ratio

CBC: Charnwood Borough Council

CEMP: Construction Environment Management Plan

COBA: Cost Benefit Analysis

CoI: Certificate of Immunity

CO₂: Carbon Dioxide

CPO: Compulsory Purchase Order

DfT: The Department for Transport

DM: Do Minimum

DMRB: Design Manual for Roads and Bridges

DoS: Degree of Saturation

DS: Do Something

EH: English Heritage

EM: East Midlands

EMA: East Midlands Airport

emda: East Midlands Development Agency

EMRA: East Midlands Regional Assembly

EMRP: East Midlands Regional Plan

GONE: Government Office for the North East

HCA: Hastings Community Association

HGV: Heavy Goods Vehicle

IP: Inter Peak

IRR: Inner Relief Road

LAA: Local Area Agreement

LCC: Leicestershire County Council

LDF: Local Development Framework

LGA: Local Government Association

LP: Local Plan

LLTP: Leicestershire Local Transport Plan

LMVR: Loughborough Model Validation Report

LTM: Loughborough Traffic Model

LTP: Local Transport Plan

M: Million

MSBC: Major Scheme Business Case

NGP: National Growth Point

NO₂: Nitrogen Dioxide

NPV: Net Present Value

ODPM: Office of the Deputy Prime Minister

PA: Per Annum

PoE: Proof of Evidence

PPG15: Planning Policy Guidance 15: Planning and the Historic Environment

PPG16: Planning Policy Guidance 16: Archaeology and Planning

RFA: Regional Funding Allocation

RTS: Regional Transport Strategy

RSI: Road Side Interviews

RSS: Regional Spatial Strategy

SoC: Statement of Case

SoS: Secretary of State for Transport

SRO: Side Roads Order

The Three Cities: Leicester, Nottingham and Derby

TRO: Traffic Regulation Order

TUBA: Transport User Benefit Analysis

CASE DETAILS

The Side Roads Order¹

- The Leicestershire County Council (Loughborough Inner Relief Road Classified Road (1) and Epinal Way Classified Road (2)) (Side Roads) Order 2008, which was sealed on 8 December 2008, under Sections 14 and 125 of the Highways Act 1980, would authorise Leicestershire County Council, in relation to the classified roads in the District of Charnwood in the County of Leicestershire, to: improve highways; stop up highways; construct new highways; stop up private means of access to premises; and provide new means of access to premises.

The Compulsory Purchase Order²

- The Leicestershire County Council (Loughborough Inner Relief Road Classified Road and Epinal Way Classified Road) Compulsory Purchase Order 2008, which was sealed on 9 December 2008, under Sections 239, 240, 246 and 250 of the Highways Act 1980, in relation to the classified roads in the District of Charnwood in the County of Leicestershire, would authorise Leicestershire County Council (the acquiring authority) to acquire land, easements and other land to: improve an existing highway and associated works, including side roads and accesses; construct a new highway and associated works, including side roads, accesses, drainage including balancing ponds and replacement rights of way/structures and associated signing and lighting; stop up highways and accesses; and mitigate the adverse effect which the existence or use of the highways proposed to be constructed or improved would have on their surroundings.

Recommendation: I recommend that the Side Roads Order be confirmed. I recommend that the Compulsory Purchase Order be confirmed.

1.0 PREAMBLE

- 1.1 I have been appointed by the Secretary of State for Transport ("SoS"), pursuant to paragraph 7 of Schedule 1 to the Highways Act 1980³ and Section 13 (3)(b) of the Acquisition of Land Act 1981⁴, to hold inquiries into the above Side Roads Order ("SRO") and Compulsory Purchase Order ("CPO"), made by Leicestershire County Council ("LCC"), and the proposed Loughborough Inner Relief Road ("IRR") Classified Road together with the Epinal Way Classified Road, giving rise to the Orders, in the District of Charnwood, in the County of Leicestershire. For ease of

¹ LCC/ID/08 and LE03

² LCC/ID/09 and LE03

³ LE10

⁴ LE11

reference, the concurrent inquiries will hereinafter be referred to as the inquiry.

1.2 The Scheme would comprise⁵:

- a new length of highway, between Leicester Road and Baxter Gate (Section 1) together with the improvement of an existing length of highway between Baxter Gate and Derby Road (Section 2). Sections 1 and 2 of the Scheme comprise the IRR;
- transport related works as a consequence of the pedestrianisation of Swan Street and Market Place (Section 3); and
- highway improvements on the A6004 at the Epinal Way/Forest Road roundabout and at the Belton Road/Belton Road West Junction (Section 4).

Although the Scheme comprises four Sections, only Sections 1, 2 and 4 are the subject of the Orders.

1.3 The inquiry commenced at 10.00 am on Tuesday 6 October 2009 in the Council Chamber, Town Hall, Loughborough and closed 11.30 am on Thursday 8 October 2009.

1.4 At the commencement of the inquiry there were two subsisting statutory Objectors and one subsisting non-statutory Objector. Only the non-statutory Objector appeared at the inquiry.

1.5 During my opening remarks, I confirmed that I would not deal with objections or parts of objections related to issues of compensation.

1.6 The main grounds of objection were that:

- there is no compelling case for the acquisition of Plots 18 and 22 and there has not been any attempt by LCC to acquire land by agreement, in accordance with the requirements of Office of the Deputy Prime Minister ("ODPM") Circular 06/2004;
- there has been no indication by LCC as to the viability of the Scheme, when it would be built and that it would be any better than other alternatives;
- the Scheme would cause an increase in noise and air pollution to properties fronting on to it and the Scheme would simply transfer the existing traffic problems in the town centre of Loughborough to another area, which is contrary to the planning framework;
- the Scheme would have an adverse impact on the below ground archaeology and on the historic urban landscape; and
- there has been insufficient evaluation of the architectural and historic importance of buildings scheduled for demolition.

1.7 At the opening of the inquiry, LCC confirmed that it had complied with all the required statutory formalities⁶.

1.8 The inquiry was conducted under the Highways (Inquiries Procedure) Rules 1994 - Statutory Instrument 1994 No 3263 Parts III and IV and

⁵ LCC/ID/20 and LE02 Appendix A

⁶ LCC/ID/19

the Compulsory Purchase (Inquiries Procedure) Rules 2007.

- 1.9 I made an unaccompanied inspection of the sites of all the Sections of the Scheme on the afternoon of 5 October 2009 and an accompanied inspection of the sites of Sections 1, 2 and 3 was made on the afternoon of 7 October 2009.
- 1.10 This report contains a brief description of the site of the Scheme and its surroundings, the gist of the cases presented and my conclusions and recommendations. In the interest of completeness, the lists of documents in Appendix A include the statement of case ("SoC"), proofs of evidence ("PoE"), LCC's responses to objections, closing statements and other evidence submitted by the parties. This, however, is subject to the proviso that these may have been added to or otherwise amended at the inquiry, either during cross examination or examination-in-chief. References to the documents listed in Appendix A are given by footnotes.

2.0 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The major part of the Scheme would occupy sites close to the town centre of Loughborough, adjacent to the route of the existing A6 and these sites comprise a mixture of land uses and building styles. Details of the area are described in LCC's Landscape PoE⁷. Two other parts of the Scheme would be on the existing A6004, remote from the town centre⁸.

3.0 PROCEDURAL MATTERS

Inquiry documents

- 3.1 At the commencement of the inquiry, I sought clarification from LCC as to why the Deposit Documents, referred to in its SoC, did not fully tally with the list of documents referred to in its POEs. LCC provided a reconciliation⁹ of the lists of Deposit Documents and Reference Documents and copies of correspondence with the Government Office for the North East ("GONE") regarding the history of document submission¹⁰. LCC confirmed that there had been no requests for any further information with regard to any documents prior to the inquiry. LCC also confirmed that any documents, which could be considered as "missing" in hard copy format from the Deposit Document set, were either Acts of Parliament, data outputs or that they had been provided on CD. I ruled that, on balance, it was unlikely that anyone had been prejudiced and that this matter should not be an obstacle to the inquiry proceeding.

Inquiry procedure

- 3.2 Towards the end of the inquiry, Dr A Clark (Objector O4) submitted that the inquiry procedure was flawed. He referred to the opening statement of Counsel for LCC¹¹ that the inquiry had attracted a low level of

⁷ LL02, Sections 2 to 5

⁸ LCC/ID/20

⁹ LCC/ID/07

¹⁰ LCC/ID/10

¹¹ LCC/ID/04

objections. Dr Clarke commented that this was untrue as many people living in Hastings Ward had recorded their opposition to the Scheme during the consultation process and that these objections had not been heard at the inquiry. Moreover, he said that the inquiry procedure had been undermined because a representative of LCC had made contact with the Hastings Community Association ("HCA") during the inquiry, in an attempt to source minutes of previous meetings held between the HCA and LCC.

- 3.3 I advised that observations made by HCA during the consultation process did not constitute objections to the Orders. I stated that, in my opinion, there was no flaw in the inquiry process as no objection from HCA was before the inquiry and that Dr Clarke had not submitted evidence to show that any objection by HCA or by any of HCA's members had ever been made. I also expressed my view that any alleged communication between LCC and HCA had taken place outside the inquiry proceedings and, as such, I ruled that no party had been prejudiced.

4.0 THE CASE FOR LCC

The material points were:

Existing Conditions

- 4.1. Loughborough lies in the centre of the Leicester, Nottingham and Derby ("the Three Cities") triangle, which has National Growth Point ("NGP") status, but it suffers from significant town centre traffic related problems. The A6, as the historic route connecting London with the North of England, passes directly through the main shopping and business areas of the town. The nuisance caused by this traffic, including that caused by Heavy Goods Vehicles ("HGVs"), makes the town centre environment unpleasant for all users.
- 4.2. To relieve pressure for traffic movements between the A6 and the east of Loughborough, a diversionary route has been developed to the east of the town centre. An alignment parallel to the A6 has been created and this was opened at the same time as the Ruses Shopping Centre development. Another diversionary route serving the southern and western parts of the town (the Ring Road) has been developed incrementally from around the mid 1960's. However, traffic studies have revealed that, since the opening of the Epinal Way Ring Road Extension in 2003, parts of this route, such as Ashby Road, have become markedly more congested with traffic flows of around 25,000 Annual Average Daily Traffic ("AADT"). This leads to corresponding vehicle movements on the A6 (High Street) of approximately 12,000 AADT.
- 4.3. The A6 through traffic conflicts directly with approximately 20,000 pedestrian crossing movements in the town centre daily. As a consequence, there were 87 road casualties between 2000 and 2005 and over the parts of the Scheme to be pedestrianised, 75% of these casualties were either pedestrians or cyclists.
- 4.4. There are some 8,500 bus passengers, who travel into and out of Loughborough town centre every day, but access is dominated by private vehicles. Although there is a bus service link to the railway station on the edge of town, there are no special provisions to assist any physical

linkage. Coupled with poor quality waiting arrangements and passenger information, these factors do little to encourage car users to switch to public transport and the opportunity to improve bus facilities is limited due to the high volume of through traffic.

- 4.5. This large quantity of slow moving through traffic also results in poor air quality and the length of the A6, through the town centre, has been designated an Air Quality Management Area ("AQMA") by Charnwood Borough Council ("CBC").

Aims and objectives

- 4.6. The Scheme, which would combine a number of measures designed to reduce traffic related problems and to help Loughborough town centre retain its competitive economic position within the East Midlands ("EM"), has the following objectives:

- reducing severance, accidents, noise and air pollution by removing vehicles from Swan Street/Market Place and other town centre streets;
- providing limited congestion relief and managing the impact of diverted traffic by completing a purpose built relief road and other related junction improvements;
- improving accessibility for pedestrians, cyclists and people with disabilities by upgrading the townscape environment; and
- providing new high quality bus infrastructure facilities on Baxter Gate/High Street and The Rushes/Derby Square.

Alternatives

- 4.7. Four highway improvement alternatives were considered for the IRR¹² and four alternative alignments were considered for Section 1 of the Scheme¹³. These were presented in the Major Scheme Business Case ("MSBC")¹⁴. It was concluded that Option D would best achieve the set aims and objectives.

Policy background

Government policy

- 4.8. National policies for transport are set out in Department for Transport ("DfT") publications: The Future of Transport – White Paper - July 2004¹⁵ and the Local Transport Act - 2008¹⁶. The Local Transport Act is intended to empower local authorities to adopt measures to meet local transport needs in relation to local circumstances. In 2007, in response to the Eddington Study on the economy and to the Stern review of climate change, DfT set out its approach to long term planning in Towards a Sustainable Transport System¹⁷.

- 4.9. In November 2008, DfT published Delivering a Sustainable Transport

¹² LE02, Appendix B and Paragraphs 5.2 to 5.13

¹³ LE02, Appendix C

¹⁴ LE05

¹⁵ LP07

¹⁶ LP10

¹⁷ LP11

System¹⁸ for consultation. This set out how Government would tackle immediate problems, how it would shape the transport system to meet longer term challenges and examined ways to tackle any transport problems that could affect climate change, economic growth and employment. In 2009, DfT issued follow up Guidance to the Regions on Delivering a Sustainable Transport System - July 2009¹⁹, which set out five broad goals for transport²⁰.

Air transport

- 4.10. The Future of Air Transport White Paper - December 2003²¹ sets out Government strategy for aviation growth and airport expansion throughout the UK. The East Midlands Airport ("EMA"), which is only nine miles from Loughborough, handles the largest number of freight-only traffic flights in the UK and it is second only to Heathrow in terms of the total volume of freight handled. Passenger numbers at EMA grew significantly to 4.7 million ("M") in 2006²². The White Paper supports the forecast growth in air passenger numbers and air freight at EMA, subject to stringent controls on night noise.
- 4.11. In December 2006, EMA published its Masterplan²³ for development up to 2030. This named Loughborough as a key town in supporting airport growth, which in turn would increase local employment and assist urban regeneration²⁴. The East Midlands Regional Plan ("EMRP")²⁵ makes it clear that associated EMA development should be focussed on the Three Cities and the sub-regional centre of Loughborough.

Rail transport

- 4.12. Loughborough has a busy railway station on the Midland Main Line between Leicester and Nottingham or Derby and it is served by direct trains to and from London. The Future of Rail White Paper was published in July 2004²⁶ and the emerging CBC Local Development Framework ("LDF") - 2026²⁷ outlines plans to redevelop Loughborough Railway Station. These plans include significant public transport infrastructure works and improved pedestrian links to the town centre.

Shared priorities for transport

- 4.13. Government and the Local Government Association ("LGA") agreed shared priorities in July 2002. These functions were set out in Guidance in Producing Local Transport Plans ("LTPs") - January 2006²⁸. The Scheme would contribute to four of these priorities by tackling congestion, delivering accessibility, providing safer roads and improving air quality²⁹. It would also fit well with the guidance on Delivering

¹⁸ LP12

¹⁹ LP13

²⁰ LP02, Paragraph 4.4

²¹ LP08

²² LP14, Table 8

²³ LP15

²⁴ LP02, Appendix C

²⁵ LP16

²⁶ LP09

²⁷ LP17

²⁸ LP18

²⁹ LP02, Paragraph 4.11

Sustainable Transport. In preparing its LTP, LCC was also mindful of the New Guidance on Local Transport Plans – July 2009³⁰. The Scheme would support five of Government’s 10 Year Plan targets³¹.

Regional policy

- 4.14. The Regional Transport Strategy (“RTS”) is part of EM’s Regional Spatial Strategy (“RSS”), which contributes to the EMRP. The RTS outlines priorities for investment that support growth in the EM Region until 2026. Loughborough is identified as a sub-regional centre of the Three Cities Sub-Area in the EMRP³² and the IRR is named in the Three Cities Sub Area as an investment priority³³ with the delivery mechanism identified via the Leicestershire Local Transport Plan (“LLTP”) process³⁴. The Scheme fits well with RSS core objectives.

Housing growth

- 4.15. The EMRP outlines a housing strategy for the Three Cities Sub-Area and it anticipates about 20% of all new housing, outside the Leicester Principal Urban Area, being provided within CBC and that the bulk of this should be provided in sustainable urban extensions to Loughborough³⁵. This would require approximately 800 new dwellings per year through to 2026. With this planned growth, the traffic situation in Loughborough would worsen significantly without major transport improvements or effective demand management measures. The RSS makes it clear that the urban concentration and growth policies would require substantial transport investment by means of NGP funding over and above the Regional Funding Allocation (“RFA”) process, together with developer contributions.
- 4.16. EMRP Policy 22³⁶ stresses the need for local authorities, the East Midlands Development Agency (“emda”) and sub-regional strategic partnerships, to work together to promote the vitality and viability of existing town centres. It highlights the benefits this would bring in reducing pressure on transport infrastructure, if these towns can become more self sufficient and do not have to rely on the Three Cities for their retail needs. The Scheme would help ensure that Loughborough maintains a competitive position in the heart of the Three Cities Sub-Area.

County Council policy

- 4.17. The LCC, Leicester and Rutland Structure Plan Written Statement³⁷ up to 2016 has been replaced by the RSS and the emerging CBC LDF. When the MSBC was prepared, the Structure Plan was instrumental in providing a strategic planning framework for development and land use consistent with national and regional policy. Policy 11 stated that land, reserved for routes for walking, cycling, buses, railways, light rapid transit or

³⁰ LP19

³¹ LP02, Paragraph 4.13

³² LP02, Appendix D

³³ LP02, Appendix E

³⁴ LP21

³⁵ LP02, Appendix F

³⁶ LP02, Appendix G

³⁷ LP20

highways, should be identified in Local Plans ("LPs") and safeguarded from other development.

- 4.18. The LLTP sets out a transport strategy for the County and details a five year implementation programme³⁸. The LLTP identifies the Scheme as a major contributory factor in achieving the vision of the Town Centre Masterplan³⁹ and facilitating longer term development and regeneration.
- 4.19. The LCC Medium Term Corporate Strategy to 2009 - Improving Life in Leicestershire⁴⁰ covers the authority's priorities for the four year period to May 2009. One of the key aspirations of the strategy was to improve the quality of life in communities, including creating a better transport system for Leicestershire that delivers safe and efficient transport, whilst at the same time safeguarding the environment⁴¹. The IRR is named within the document as meeting these objectives.
- 4.20. In response to the Local Government and Public Involvement in Health Act 2007⁴² and as a partner in Leicestershire Together, LCC has developed and approved a new Sustainable Community Strategy⁴³, as required by Section 4 of the Local Government Act 2000⁴⁴. The strategy, within the Local Area Agreement ("LAA")⁴⁵, sets out the priority outcomes for the next 5 years.
- 4.21. LCC's aim is to achieve a transport system for the county, which meets the requirements for access and economic development in a way that seeks continuous improvement in sustainability and people's quality of life. As such, the following objectives have been developed for the next five years:
- tackling congestion;
 - improving access to facilities including employment, education, health care and food shopping;
 - reducing road casualties;
 - improving air quality in the traffic-related air quality management areas;
 - reducing the impact of traffic through local communities, near schools and within town centres; and
 - managing transport assets effectively.
- 4.22. The Scheme would make a significant contribution towards delivering these objectives in Loughborough's identified priority neighbourhoods, as well as contributing to the transport needs for the wider community⁴⁶.

³⁸ LP02, Appendix I

³⁹ LP04

⁴⁰ LP22

⁴¹ LP02, Appendix J

⁴² LP24

⁴³ LP23

⁴⁴ LP25

⁴⁵ LP26, LP02 and Paragraph 4.29

⁴⁶ LP02, Appendix K

Local Plans and the Town Centre Masterplan

- 4.23. CBC's LP was adopted in January 2004⁴⁷. Its land use policies and proposals are closely related to future transportation requirements and it acknowledges a need for new roads and highway improvements, but with an increasing emphasis placed on providing better public transport, safer cycling and pedestrian routes⁴⁸. The land, required to complete the IRR, is protected by saved policies and proposals for transport set out within the LP.
- 4.24. CBC is in the process of developing a LDF, which will set out planning policies and proposals to guide future development up to 2026. LCC works closely with CBC and the Scheme forms an integral component of the emerging CBC LDF. The proposals are also included in the Loughborough Town Centre Masterplan, adopted by CBC in February 2007⁴⁹. Any emerging developments, such as that envisaged for the former hospital site⁵⁰, reflect the Scheme layout.

Scheme history

- 4.25. In 1971, a solution was published in the Loughborough Draft LP to ease traffic pressures in the central area, based on a road encircling the town centre. This was approved by LCC in 1973. CBC resolved to reserve the land needed to enable construction of this proposal.
- 4.26. Following the LP Inquiry, the Inspector's report was issued in 1992 and his decision related to the principle of the IRR, its alignment and the associated extent of land reserved for the proposal⁵¹. The Loughborough LP was adopted in 1994. The Draft CBC LP was published in 1995 and the Deposit Draft CBC LP was published in 1996. CBC considered the IRR was justified to remove A6 traffic and to facilitate town centre improvements and the LP continued to safeguard the corridor.
- 4.27. The Inspector's report, following the LP Inquiry in 1998, recognised that the IRR might no longer be needed to replace the A6, but that it would still benefit the town centre. Accordingly the CBC LP, including the Scheme, was adopted in 2004.
- 4.28. LCC Cabinet approved the first stage public consultation for transport proposals in central Loughborough in November 2004 and in July 2005 it approved the Provisional LLTP for 2006-2011. This included proposals for Loughborough town centre, involving completion of the IRR⁵². The Cabinet considered the outcome of the second stage public consultation and approved the IRR for inclusion as a named major scheme in the LLTP in March 2006. In so doing the Cabinet noted that the IRR had been identified as a priority by the East Midlands Regional Assembly ("EMRA") in the first five year programme to start in 2009, an essential pre-requisite for Government funding.
- 4.29. In November 2007, the Cabinet resolved that, subject to an indication

⁴⁷ LP03 and LP02, Appendix A

⁴⁸ LP02, Appendix L

⁴⁹ LP02, Appendix M

⁵⁰ LP06

⁵¹ LP02, Page 21

⁵² LP02, Page 23

from DfT that the Scheme was a good candidate for future funding, approval be given to publish the CPO and SRO, subject to every effort being made to acquire the land and other interests by agreement.

- 4.30. LCC published the CPO and SRO on 11 December 2008⁵³. LCC also published proposals on 24 July 2009⁵⁴ for a permanent Traffic Regulation Order ("TRO") to limit motor vehicle access to the section of the A6 between Derby Square and Baxter Gate following the completion of the IRR.

Planning Permission

- 4.31. In December 2006, the LCC Cabinet decided that the Scheme should be approved to form the basis of a planning application⁵⁵ and planning permission was granted in May 2007⁵⁶. The nature of the project means that no conditions, attached to the planning permission, have yet been discharged. However this situation does not conflict with the pursuance of completion of statutory procedures⁵⁷.

Funding

- 4.32. The Scheme has excellent prospects of being built. LCC's MSBC has had a response from DfT⁵⁸ informing the Council that the SoS has approved the entry of the Scheme into the DfT's local authority major schemes programme.

Traffic

Traffic data

- 4.33. LCC Automatic Traffic Counter data for the A6 Ashby Rd and Epinal Way measured AADT between January and December 2008⁵⁹. Manual 12 hour Classified Count data for Bridge St/Fennel St, Leicester Rd/Barrow St, Derby Rd/Regent St, Meadow Lane, Baxter Gate/Lemyngton St, undertaken in October 2005⁶⁰, indicated that HGV traffic on these important routes account for 7% of 12 hour traffic flow.
- 4.34. Roadside Interviews ("RSI") surveys were undertaken during 2005 and were supplemented by information from RSI data collected during 2002. RSI locations and details of matrix development are provided in the Local Model Validation Report ("LMVR")⁶¹.

Traffic modelling

- 4.35. Development of the Loughborough Traffic Model ("LTM") commenced in 2003. It was updated in 2005 to take account of the impact of the Epinal Way Extension and the resultant redistribution of traffic. The 2002 and 2005 RSI data was used to help build the LTM trip matrices, which included all vehicle types for the AM (0800hrs to 0900hrs) and PM

⁵³ LE03

⁵⁴ LP27

⁵⁵ LL03

⁵⁶ LE04

⁵⁷ LCC/ID/14

⁵⁸ LCC/ID/18

⁵⁹ LT03

⁶⁰ LT04

⁶¹ LT05

(1700hrs to 1800hrs) weekday peak hours. The model also included an Inter-Peak ("IP") hour, averaged from traffic conditions between 1000hrs and 1600hrs. The LTM was built and validated to a base year of 2005. It complied with the requirements of the Design Manual for Road and Bridges ("DMRB")⁶² and it was further updated in 2009⁶³.

Traffic forecasts

- 4.36. Forecasts have been prepared for the Do-Minimum ("DM") and Do-Something ("DS") scenarios. The DM scenario included a number of infrastructure improvements scheduled to be completed between 2005 and 2010⁶⁴. In addition to the DM infrastructure improvements and developments the DS scenario included the entire IRR proposal⁶⁵.

Future traffic growth

- 4.37. Travel demand matrices were produced, in accordance with DfT's Trip End Model Program guidance⁶⁶, for the opening year (2010) and the design year (2025), in accordance with DMRB⁶⁷. In addition, a forecast was produced for 2036 to support the economic assessment⁶⁸. All the analysis relates to low growth traffic forecasts⁶⁹ which have been adjusted to reflect fuel efficiency, income effects and National Road Traffic Forecasts⁷⁰.
- 4.38. The outturn growth rates of the matrices are modest. From the base year to 2010, the average AADT growth rate is 1.77% per annum ("PA"). From 2010 to 2025, the average growth rate is 1.18% PA and from 2025 to 2036, 0.77% PA.
- 4.39. The LTM is able to produce AM, PM and average IP hour two-way flows for each link in the model and it also forecasts turning movements at junctions. These flows have been used as the inputs to the capacity analyses for the Scheme design and to develop the economic assessment. AADT flows have been used to determine environmental impacts⁷¹.

DM forecasts

- 4.40. Forecasts indicate that the speed of traffic across the network would reduce between 2005 and 2010 and that, in the same period, significant additional volumes of traffic would use the A6 through the town centre, due to the lack of a suitable alternative route⁷².

DS forecasts

- 4.41. The impact of the Scheme would be the removal of traffic from the A6 within the town centre and this relief would be extended over southern

⁶² LT06

⁶³ LT07

⁶⁴ LT02, Paragraph 4.2

⁶⁵ LT02, Paragraphs 4.4 to 4.7

⁶⁶ LT09

⁶⁷ LT08

⁶⁸ LT12

⁶⁹ LT02, Paragraphs 4.10 and 4.11

⁷⁰ LT10

⁷¹ LT02, Paragraphs 4.13 to 4.17

⁷² LT02, Paragraphs 4.18 to 4.27

sections of the A6 and areas to the east of the town⁷³. Between 2010 and 2025, IP flows would increase by up to 32% in the northbound direction over the southern section of the route. The largest traffic growth would be 18% in the AM peak and 30% in the PM peak between the A6 and Aumberry Gap (northbound). These growth levels would suggest that the route would provide ongoing relief from congestion elsewhere in the network⁷⁴.

Junction capacities

- 4.42. The Scheme would result in significant turning flows at some junctions⁷⁵ and the LINSIG software package has been used to assess these signal controlled junctions, either individually or as a network comprised of a number of junctions⁷⁶. DMRB identifies the Degree of Saturation ("DoS") as an indicator of the performance of a signalised junction. A DoS of 90% indicates that a junction is operating close to its desirable capacity.
- 4.43. The assessments have been undertaken for the AM and PM peaks and to minimise the impact of the Scheme and the extent of land acquisition junctions have been designed to operate effectively in 2010 rather than in 2025. The LINSIG outputs show that junctions are forecast to operate well within capacity with a DoS below 90% on all movements. The only exception is Forest Road/Epinal Way Junction, which shows a DoS above 90% for some movements. Because of the existing highway boundary constraints at this junction, the application of a more sophisticated 'MOVA' traffic signal control is considered preferable to the acquisition of additional land in order to reduce this high DoS.
- 4.44. Junction analyses and design were undertaken prior to a final run of the LTM, which incorporated minor junction layout changes. The analyses indicated that the traffic volumes on the main alignment changed by less than 5%⁷⁷. This gave confidence that the operational design of the junctions would be able to cope with forecast traffic flows.

Induced traffic

- 4.45. Induced traffic is defined as additional or longer vehicle journeys, which would occur exclusively as a result of the Scheme. Suppressed traffic is defined as traffic re-routing due to road closure or decreased road capacity.
- 4.46. In the AM peak, the Scheme would give rise to induced traffic from the west of the town to destinations in the centre and east of the town. Relief on the Epinal Way corridor would lead to modest traffic reassignment from the west. In the PM peak, the Scheme would give rise to the suppression of trips across the town, although the net impact across the whole model would be small. The IP traffic suppression demonstrates a similar pattern to the PM peak. Changes reflect the importance of the town centre shopping and recreation trip purposes in

⁷³ LT02, Paragraphs 4.28 to 4.31

⁷⁴ LT02, Paragraphs 4.32 to 4.36

⁷⁵ LT02, Paragraph 6.2

⁷⁶ LT16

⁷⁷ LT02, Table 6.1

this modelled period⁷⁸.

Economic appraisal

- 4.47. An economic appraisal of the Scheme has been undertaken⁷⁹ using DfT's Transport User Benefit Appraisal ("TUBA") computer analysis program⁸⁰ and capital costs have been adjusted for 'optimum bias'⁸¹. For the Scheme to be economically justified, its benefits must exceed its cost of provision to give a positive Net Present Value ("NPV") or benefit to cost ratio ("BCR") greater than 1. The economic assessment of the Scheme allows for the effects of induced traffic⁸².
- 4.48. The results⁸³ show that the Scheme would have significant economic benefits with an NPV of £47.94M and BCR of 3.33 and would therefore provide good value for money. In the MSBC, submitted to DfT in August 2007, the economic assessment of the Scheme has been carried out using the opening year as 2010. Since the submission of the MSBC, the opening year has shifted from 2010 to 2011. However, the TUBA analysis⁸⁴ shows the consequential changes in NPV and BCR to be negligible.
- 4.49. The Scheme would give rise to accident benefits of £20.56M. These benefits are calculated outside the TUBA procedure using the spreadsheet based approach in accordance with Cost Benefit Analysis ("COBA") methodology⁸⁵. Compared to the DM scenario, the Scheme would result in a total reduction of 503 accidents over the 60 years appraisal period. The total number of fatalities would reduce by three, along with a total saving of 681 casualties⁸⁶. Any environmental benefits of the Scheme would be additional to these accident benefits.

Engineering

Design standards

- 4.50. The Scheme would be an urban link with a design speed of 60kph⁸⁷ and the design has been undertaken in accordance with DMRB together with relevant advisory leaflets⁸⁸. A number of Departures from Standard have been approved by LCC, as the Highway Authority, in order to reduce land take⁸⁹. Road Safety Audits of the design have been undertaken⁹⁰ and the carriageway configurations have been checked to confirm the layout would have adequate capacity⁹¹.
- 4.51. On Section 1, additional lanes would be required at the proposed junction

⁷⁸ LT02, Paragraphs 4.37 to 4.41

⁷⁹ LT12

⁸⁰ LT11

⁸¹ LT02, Paragraphs 5.3 and 5.4

⁸² LT02, Paragraphs 5.11 to 5.14

⁸³ LT02, Table 5.1

⁸⁴ LT13

⁸⁵ LT14

⁸⁶ LT15

⁸⁷ LE06

⁸⁸ LE08, LE09 and LE12

⁸⁹ LE02, Appendix D

⁹⁰ LCC/ID/12

⁹¹ LE07

entries and exits to accommodate traffic flows. To cater for these flows, two lanes would be provided in the southbound direction between Baxter Gate and the A6 Leicester Road. In the northbound direction only one lane would be necessary, but this would be widened to two lanes on the approaches to the Baxter Gate Junction. For Section 2, the existing carriageway width would be retained with local widening at the junctions.

Junctions

- 4.52. The signalisation of junctions at the southern end of Section 1 and at the northern end of Section 2 would be improved and the junction at Baxter Gate would be signalised⁹². These junctions would integrate into the existing Urban Traffic Control System, currently in operation within Loughborough, to optimise their performance. Other junctions would be modified and improved⁹³. Section 4 would convert an existing roundabout at Epinal Way/Forest Road into a signalised roundabout⁹⁴ and modify the existing Belton Road/Belton Road West Junction⁹⁵.

Pedestrian and cycle facilities

- 4.53. The junctions on the Scheme have been designed with all road users in mind, including pedestrians, cyclists and disabled persons. Tactile paving would be provided at all crossings, and rotating cones on right-hand poles at signalised pedestrian crossing points. All new and improved signal controlled junctions would have pedestrian crossings and would include advance cycle stop lines to assist cyclists using the junctions.
- 4.54. Along Sections 1 and 2 of the Scheme a shared use 3.0m wide combined footway/cycleway would be provided on both sides of the carriageway. Pinfold Jetty, which would run from Moor Lane to Pinfold Gate would be partly severed by the relief road and the remaining length of the Jetty would be connected to the new footway/cycleway.
- 4.55. Two Toucan crossings would be provided across the Scheme. One would be adjacent to Pinfold Gate and another would provide a link to the Pinfold Jetty. The existing Pelican crossing across Fennel Street would be relocated to better suit the pedestrian desire line between Church Gate East and Church Gate West.

Bus lay-bys

- 4.56. The existing bus lay-by on Barrow Street would be removed to form part of the carriageway. A new bus stop, identified only by road markings, would be provided at a similar location within the carriageway.

Effect on existing highway network and accesses to premises

- 4.57. Pinfold Gate would be stopped up, but on the town centre side of the new highway a turning bay would be provided and traffic passing along Pinfold Gate, in a south-westerly direction would be able to access the new highway⁹⁶. A length of School Street and part of Pinfold Jetty would

⁹² LE02, Paragraph 10.1

⁹³ LE02, Paragraphs 10.4 to 10.30

⁹⁴ LE02, Paragraphs 11.2 to 11.5

⁹⁵ LE02, Paragraphs 11.6 and 11.7

⁹⁶ LE02, Appendix A, Drg 0498\M\142.4

be stopped up⁹⁷. However, School Street would have a turning bay at its north-western end and Pinfold Jetty would be connected to the proposed IRR highway footway/cycleway. Although turning movements and access to and from the IRR would be modified or restricted, existing access to all premises would be retained, alternative access would be provided or access would not be required⁹⁸.

Drainage

- 4.58. Section 1 of the Scheme would have a new surface water drainage system discharging into the local sewer system operated by Severn Trent Water. The additional surface water run off would be attenuated within the site to the satisfaction of Severn Trent Water. Surface water drainage for Section 2 of the Scheme would be via the existing highway drainage system.

Earthworks

- 4.59. As the proposed alignment would generally follow the existing ground, the amount of earthworks would be minimal. Any arisings would either be recycled or disposed of off site at a licensed disposal facility.

Street lighting

- 4.60. Street lighting would comply with current British Standards and would be provided along Section 1 of the Scheme and upgraded, where required on Sections 2, 3 and 4. Cut-off lanterns would be used to minimise light pollution.

Statutory Undertakers apparatus

- 4.61. No objections to the Scheme have been received from Statutory Undertakers. Protection and diversion of the Statutory Undertakers apparatus would be dealt with in accordance with the New Roads and Street works Act 1991 (in parts amended by the Traffic Management Act 2004).

Traffic noise

- 4.62. LCC undertook a noise appraisal in 2006/7 in accordance with DfT guidance⁹⁹. This included the production of traffic noise contour plots using 3 dB bands for Sections 1 and 2 of the Scheme¹⁰⁰. Noise levels in the immediate vicinity of the Scheme would be generally in the mid to high 60 dB, LAeq, 18h range. Where the IRR would follow the route of existing roads, minor or moderate increases over the DM traffic noise levels would occur. At a small number of properties in the immediate vicinity of Section 1 of the Scheme, moderate increases over the DM traffic noise levels would arise.
- 4.63. The Scheme would also result in potentially significant changes in traffic flows on a number of surrounding roads. The most notable of these changes would be the transfer of existing traffic from the length of the A6, between Leicester Road and Derby Road, on to Sections 1 and 2 of

⁹⁷ LE03, Drg SRO1

⁹⁸ LE03, Drg SRO1 and LE02, Paragraphs 13.1 to 13.9

⁹⁹ LL04

¹⁰⁰ LL03, Drgs 0498\M\113 to 116 and LL08

the Scheme. The noise contour plots indicate that DM free-field traffic noise levels in 2025 along this section of the A6 would be in the high 60 dB LAeq, 18h range. However, with the IRR in operation, a minor reduction in traffic noise levels would result on the A6 (Leicester Road and The Rushes) and a significant reduction would result on the A6 (Swan Street and the High Street).

- 4.64. Changes in traffic flows resulting from the closure of Baxter Gate would result in a corresponding significant reduction in traffic noise in Baxter Street. However, the predicted reduction in traffic noise levels at properties along the majority of surrounding affected roads would not be as great.
- 4.65. Sections 1 and 2 of the Scheme and the junction improvements at Section 4 would also result in the transfer of some traffic away from the A6 and the town centre onto Epinal Way. The noise contour plots indicate that this would result in a minor increase in traffic noise levels at properties along Epinal Way.
- 4.66. The appraisal concluded that the overall effect of the IRR in terms of the exposure of residential properties to road traffic noise was 'Slight Beneficial'.

Air quality

- 4.67. CBC undertook an air quality appraisal of the Scheme in 2006/07¹⁰¹ on behalf of LCC in accordance with DfT guidance¹⁰². The appraisal included estimating annual mean nitrogen dioxide ("NO₂") and fine particulate matter concentrations on the IRR and surrounding roads in the town centre at distances of 20m, 70m, 115m and 175m, using the Screening Methodology set out in DMRB.
- 4.68. CBC has declared an AQMA for NO₂ along a number of main roads in Loughborough, including the A6 through the town centre and Epinal Way to the west. Based on monitored NO₂ levels, CBC would expect concentrations along Epinal Way to fall below the UK air quality objective of 40 µg/m³ by 2010. However, on the A6 through the town centre (High Street), annual mean NO₂ concentrations would still exceed the objective by the opening year of the IRR.
- 4.69. In its 2006 Air Quality Action Plan¹⁰³, CBC ranked the improvement in local air quality likely to be achieved by the IRR as high. The latest available (2007) annual mean NO₂ monitoring results indicate that existing levels in the vicinity of the IRR are in the mid to high 30 µg/m³ range. The TAG appraisal estimated that, although background NO₂ concentrations from traffic using the IRR would increase by 2010, they would not be above the NO₂ annual mean objective at a distance of 20m from the road centre.
- 4.70. The IRR would result in potentially significant changes in traffic flows on a number of surrounding roads. The most significant of these changes would be the transfer of traffic from the A6. The 2007 NO₂ monitoring results indicate that existing levels on the A6 to the north and south of

¹⁰¹ LE05, Appendix D, Sheets 9 and 10 and LL08

¹⁰² LL05

¹⁰³ LL06

the IRR are in the high 40 µg/m³ range and on High Street the level is over 75 µg/m³. The TAG appraisal predicted moderate reductions in NO₂ concentrations at 20m from Leicester Road, High Street, Swan Street and The Rushes. At properties along the majority of surrounding roads, the change in NO₂ concentrations would be at worst 'Minor'.

- 4.71. The appraisal indicates that the transfer of traffic on to Epinal Way would result in a negligible increase in NO₂ concentrations along Epinal Way and that no exceedance of the annual mean objective would occur in the Scheme opening year.

Greenhouse gases

- 4.72. CBC undertook a greenhouse gasses appraisal of the Scheme in 2006/07¹⁰⁴ on behalf of LCC in accordance with DfT guidance¹⁰⁵. This estimated the total annual Carbon Dioxide ("CO₂") emissions for the IRR and surrounding roads in the town centre in 2010 for the DM and DS scenarios. The appraisal predicted that there would be an annual increase of approximately 6% or 313 tonnes due to the operation of the Scheme.

Landscape

- 4.73. The IRR corridor (Sections 1 and 2) has been broken down into four landscape character zones¹⁰⁶ and the impact of the Scheme on these zones has been assessed¹⁰⁷ as have the landscape/townscape aspects of Section 4 of the Scheme.
- 4.74. The Scheme design has sought to minimise land take and opportunities have been taken to improve the town centre infrastructure, where practical. Consideration has also been given to the effect of major town centre redevelopment proposals¹⁰⁸.
- 4.75. Approximately one quarter of the land required for the completion of the Scheme has already been acquired by agreement¹⁰⁹ and many of the other plots required are the subject of agreements or draft agreements under Section 106 of the Town and County Planning Act¹¹⁰. Other plots are included in the CPO¹¹¹.
- 4.76. Although the Scheme did not require a formal Environmental Impact Assessment, it was assessed in accordance with DfT guidance as part of the MSBC. This examined the impact of the Scheme on the layout, density and mix, appearance, scale, human interaction, cultural and land uses of each zone¹¹². It then assessed the proposed mitigation measures shown on the planning application drawings¹¹³. A similar methodology

¹⁰⁴ LE05, Appendix D, Sheet 9

¹⁰⁵ LL07

¹⁰⁶ LL02, Appendix A and LL02, Sections 2 to 5

¹⁰⁷ LE05, Appendix D, Sheets D11 to D46

¹⁰⁸ LL02, Paragraph 1.6, LP04 and LP02, Appendix B

¹⁰⁹ LCC/ID/13

¹¹⁰ LP05

¹¹¹ LE03

¹¹² LL02, Sections 2 to 5

¹¹³ LL02, Appendix A, Drawing 0498/M/103A

was adopted for Section 4 of the Scheme¹¹⁴.

Heritage

- 4.77. It is not disputed that the loss of three historic and locally important buildings: 4 Moor Lane; Pinfold Gate Day Nursery; and 45 Baxtergate would have a major impact¹¹⁵. The effects have been assessed using WebTAG for Heritage of Historic Resources (Archaeology)¹¹⁶ and for Heritage of Historic Resources (Built Environment)¹¹⁷. It is also accepted that knowledge of the archaeology of the area has improved since the time of the LP inquiry in 1992 but, in this regard, nothing has arisen to confirm the presence of any remains of national significance. The historic road pattern would largely remain, apart from the new length of road between Aumberry gap and Pinfold gate.
- 4.78. A selection process has been undertaken to establish the preferred route for the Scheme and this has been known about for many years. Alternatives, such as dismantling the Pinfold Gate Day Nursery and building it elsewhere, were considered to be unviable. Demolition of 4 Moor Lane was deemed necessary to provide an acceptable highway layout. In spite of the response from English Heritage ("EH") to the MSBC¹¹⁸, LCC decided, on balance, that the negative impacts arising from demolition of these buildings and the effect on archaeological remains would be outweighed by the benefits arising from the Scheme.
- 4.79. The contract for the building of the Scheme would include a Construction Environmental Management Plan ("CEMP"), which typically¹¹⁹ would provide for an archaeologist to be present on site during surface excavation works. Construction of the Scheme would not involve any deep excavations.

5. THE CASES FOR THE OBJECTORS

The material points of the statutory Objectors who did not appear at the inquiry were:

Domain Baxtergate Nominee Ltd and Domain Baxtergate GP Ltd ("Baxtergate") – O1

- 5.1. There is no compelling case in the public interest to justify the confirmation of the CPO¹²⁰ and LCC has not attempted to acquire land by agreement¹²¹. Moreover, LCC has not shown that adequate funding would be available to allow the acquisition to be made within the statutory period¹²². The Scheme would result in an increase in the level of air and noise pollution to properties fronting on to the IRR and the traffic problems in the centre of Loughborough would simply be

¹¹⁴ LL02, Sections 6 and 7

¹¹⁵ SoC/1, Paragraph 9.72

¹¹⁶ LE05, Appendix D, Sheets D47 to D58

¹¹⁷ LE05, Appendix D, Sheets D59 to D70

¹¹⁸ LE05, Appendix J, Sheet 10

¹¹⁹ LCC/ID/25

¹²⁰ O1/1, Paragraphs 5 and 6

¹²¹ O1/1, Paragraph 8

¹²² O1/1, Paragraph 9

transferred elsewhere¹²³. LCC has given no indication as to when the Scheme would be built, nor has it demonstrated that it would be viable¹²⁴.

Magic Nurseries – O2

- 5.2. The acquisition of the premises, in which the day nursery is located, would cause major disruption to the nursery business. The Scheme would lead to the disruption of the education of young children attending the nursery and would cause inconvenience to parents¹²⁵. LCC has not attempted to purchase the nursery premises by negotiation, as required by ODPM, Circular 06/04¹²⁶. The Scheme is not justified in the public interest and LCC has not demonstrated that the option being taken forward is preferable to any alternatives¹²⁷.

The material points of the non statutory Objector who appeared at the inquiry were:

Dr A Clark – O4

- 5.3. The below ground archaeology of Loughborough has not been thoroughly researched¹²⁸, but evidence demonstrates the presence of burghage plots and an associated historic road layout in the centre of the town¹²⁹. The evidence base to support the probable presence of below ground archaeology, dating back to the early medieval period, has increased since the time of the LP Inquiry in 1992. If it was considered logical to update traffic data surely then archaeological data should have also been updated. The Scheme would have a negative impact on the probable existence of nationally significant deposits and on the largely fossilised historic landscape. As such, the Scheme benefits have been overstated and more rigorous and robust mitigation measures are required.
- 5.4. The impact of the scheduled demolition of 4 Moor Lane, Pinfold Gate Day Nursery and 45 Baxtergate on the historic urban environment of the town¹³⁰ has been severely underestimated. The demolition of the Pinfold Gate Day Nursery and the construction of the Scheme would have a particularly detrimental impact on the Hastings Ward community. In particular the residents of School Street, who are unaware of the cultural heritage of the area where they live, would be badly affected by increased severance.
- 5.5. The evaluation, undertaken of the impact of the demolition of these listed buildings, fails to comply with the recommendations of EH regarding the granting of a Certificate of Immunity ("CoI"). The process has not been in accord with Planning Policy Guidance 15 ("PPG15"): Planning and the Historic Environment¹³¹ and with Planning Policy Guidance 16 ("PPG16"):

¹²³ O1/1, Paragraph 7

¹²⁴ O1/1, Paragraph 9

¹²⁵ O2/1, Page 1

¹²⁶ O2/02, Pages 2 to 6

¹²⁷ O2/1, Page 2, Paragraph 5

¹²⁸ O4/7

¹²⁹ O4/02 to O4/05

¹³⁰ O4/4 to O4/6

¹³¹ LCC/ID/16

Archaeology and Planning¹³². LCC has failed to refer to relevant previous reports and documents regarding Listed Buildings assessments, which raises the level of disquiet. The Department for Culture, Media and Sports has suspended a CoI until a proper assessment has been completed. The Scheme should not proceed until remedial mitigation measures have been reconsidered and COBA has been reassessed.

6. THE RESPONSES OF LCC

The material points of the response by LCC to the statutory Objectors who did not appear at the inquiry were:

Baxtergate – O1

- 6.1. The representations made on behalf of Baxtergate are insubstantial and make no reference to the material which is available in a wide range of public documents. The thirty or forty years of continued support for the Scheme demonstrate that there is a compelling case in the public interest. The objection concerning environmental wellbeing is not supported by any evidence, nor has the evidence submitted by LCC been challenged. The Scheme would not breach any air quality objective and the effects of noise would be no greater than those that pertain in the existing situation.
- 6.2. It is not an unusual situation that the CPO has been made to secure an interest in land which has not been offered voluntarily. LCC has been successful in obtaining DfT funding¹³³.

Magic Nurseries – O2

- 6.3. The objections raised by Magic Nurseries are mostly to do with compensation matters. With regard to grounds of objection 1 and 3 (major disruption to business and the nursery becoming unviable), the Nursery owner, who purchased the premises in full knowledge of the Scheme, is aware of the procedure for serving a Blight Notice on LCC, but has chosen not to pursue it¹³⁴. With regard to grounds of objection 2 (disruption of early years of education), there are ten other providers of nursery facilities in the vicinity, so LCC considers there would be little difficulty in parents finding alternative places for their children¹³⁵.
- 6.4. Magic Nurseries has submitted that alternative accommodation is difficult to find (grounds of objection 4). LCC has attempted to identify other premises, but nothing in the area that it suggested met the owner of Magic Nursery's requirements. The owner is a national operator and hence he is not dependent upon this one outlet¹³⁶ and LCC has been in discussion with representatives of the nursery for some five years¹³⁷. It is worth noting that no objection has been made in respect of the historic qualities of the building.
- 6.5. Four highway improvement alternatives were considered for the IRR and

¹³² LCC/ID/17

¹³³ LCC/ID/18

¹³⁴ LR01, Paragraph 2

¹³⁵ LR01, Paragraph 3 and Appendix 1

¹³⁶ LR01, Paragraph 4

¹³⁷ LR01, Paragraphs 5.2 and 5.3

four alternative alignments were considered for Section 1. It was concluded that the Scheme would best achieve the set aims and objectives.

The material points of the response by LCC to the Objector who appeared at the inquiry were:

Dr A Clark – O4

- 6.6. It is notable that there are no significant objections from those whom Dr Clark purports to represent and that no alternative route has been suggested. Both the Loughborough Archaeological and Historical Society and HCA were advised about the planning application and an associated public exhibition held in February 2007¹³⁸.
- 6.7. LCC's case in respect of the impact of the Scheme upon heritage assets is clear. The planning application supporting statement¹³⁹ comments: *"The Scheme crosses the historic core of Loughborough, across what were originally medieval streets with additions in the following centuries, and which are the most important streets to retain and maintain. Where the works are likely to be intrusive below the existing building level, such as between Baxter Gate, Pinfold Gate and Aumberry Gap, any archaeological remains are likely to be truncated or lost; elsewhere the archaeological impact is likely to be minimal where existing road surfaces and adjacent areas are being reused. Maximising the archaeological information and opportunities to preserve important artefacts will require professional controls and methods to be available and applied throughout the project."*
- 6.8. The EH response of 27 November 2007 to the MSBC raised very serious concerns regarding the impact of the Scheme on important local buildings and on the wider landscape. Notwithstanding this concern, LCC deemed it appropriate for the Scheme to remain in the LLTP. A balancing exercise, undertaken in accordance with PPG15¹⁴⁰, has weighed the adverse impacts of the proposal against its benefits. Such an approach was reinforced in the report on the planning application for the Scheme¹⁴¹. In granting the planning permission, LCC also took account of the guidance in PPG16¹⁴². It cannot be said that the adverse impacts have been understated.
- 6.9. The Scheme has been thoroughly examined via the democratic process. Dr Clark has made no representations to consultations or inquires prior to this inquiry. The Scheme would result in an improvement of archaeological knowledge as, without it, such information would probably remain undiscovered.

¹³⁸ LCC/ID/21 and 22

¹³⁹ LL03, Paragraph 1.25

¹⁴⁰ LCC/ID/16, Section 5

¹⁴¹ LE04, Paragraphs 103 to 110

¹⁴² LCC/ID/17, Sections 27 and 28

7. CONCLUSIONS

- 7.1. Having regard to the foregoing, I have reached the following conclusions, reference being given in sub script to paragraphs of this report where appropriate.

The subsisting objections

- 7.2. I deal firstly with the three subsisting objections.

Baxtergate – O1

- 7.3. I carry forward consideration of the part of Baxtergate's objection, as to whether or not the Scheme is in the public interest, to my conclusions on the Scheme's compliance with the criteria for the CPO.
- 7.4. As Baxtergate has not presented any noise or air pollution evidence to contradict the results of studies presented by LCC_{4.62 to 4.71}, I consider that I can place very little weight on this part of their objection. Moreover, it seems to me that, contrary to the views expressed by Baxtergate, LCC has gone to some length to demonstrate that the Scheme would provide traffic relief elsewhere on the network_{4.41} and that junction improvements would be undertaken remote from the IRR_{4.52}. Whereas I accept that LCC has offered no specific date for project commencement or duration, I am nonetheless satisfied that the time frame for construction has been established_{4.28 and 4.48} and that a more definite programme is dependant on final funding approval which, in turn, relies on completion of statutory procedures.
- 7.5. To my mind, Baxtergate has submitted no substantive evidence in response to LCC's case and I conclude that the parts of its objection, discussed above, should not be an obstacle to me recommending whether or not the Orders should be confirmed.

Magic Nurseries – O2

- 7.6. In my opinion, this objection is concerned with compensation issues. In my opening remarks I confirmed that I would not deal with such matters_{1.5} and as a consequence I conclude that this objection should have no bearing on my recommendations.

Dr A Clark – O4

- 7.7. It is clear to me that the Loughborough Archaeological and Historical Society have been aware of the Scheme for some time_{6.6} and that the issues raised by Dr Clarke have been fully identified by LCC_{4.77 and 6.7}. I accept that the concern about the major impact caused by the demolition of historic buildings has been reinforced by the observations made by EH. However, to my mind, this impact has not been overlooked, but rather, in the balancing exercise required by PPG15_{6.8}, it has been outweighed by other Scheme benefits_{4.78}.
- 7.8. Only the short length of the Scheme between Aumberry Gap and Pinfold Gate would diverge from the historic street pattern to any extent. Although I accept that the knowledge base has improved since the LP inquiry in 1992_{4.77 and 5.3}, no evidence has been submitted to demonstrate the presence of any nationally significant deposits_{4.77} in the interim period. To my way of thinking, the Scheme affords a good opportunity to identify and record below ground archaeology_{6.9}, especially as a watching

brief would be built into the contract for the Scheme, via the CEMP process^{4.79}.

- 7.9. Dr Clarke has submitted no evidence to support his contention that the Department for Culture, Media and Sports has suspended the issue of a CoI for demolition of Listed Buildings^{5.5} on the Scheme and I conclude that this issue, together with other parts of this objection, should not prevent me from proceeding to make a recommendation as to whether or not the Orders should be confirmed.

The Orders

- 7.10. Secondly, I now deal with the Orders. Before I can recommend whether or not the Orders should be confirmed, I need to be satisfied that the following criteria have been met.

SRO criteria, the Highway's Act 1980

- 7.11. There should be provision for the preservation of rights of statutory undertakers in respect of their apparatus - Section 14(2)(a).
- 7.12. Before any highway is stopped up, another reasonably convenient route is available or would be provided - Section 14(6).
- 7.13. Before a means of access to premises is stopped up, either no access to the premises is required or another reasonably convenient means of access to the premises is available - Section 125(3)(a) and (b).

CPO criteria, ODPM Circular 06/2004, Part 1

- 7.14. There is a compelling case in the public interest for acquisition and this justifies interfering with the human rights of those with an interest in the land affected, having regard in particular to the provisions of Article 1 of the First Protocol to the European Union Convention on Human Rights, and, in the case of a dwelling, to Article 8 of the Convention - Para. 17.
- 7.15. The acquiring authority has a clear idea as to how it intends to use the land it seeks to acquire - Para. 19.
- 7.16. The acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale - Para. 19.
- 7.17. The acquiring authority can demonstrate that the land is required immediately for the purpose that the acquisition is intended - Para. 18.
- 7.18. The public benefit would outweigh the private loss - Para. 19.

The SRO

Provision for preservation of the rights of statutory undertakers

- 7.19. There are no outstanding objections from statutory undertakers^{4.61}. Given the special status afforded to public utilities under Section 14(2)(c) of the Act, I conclude that this matter should not prevent me from recommending whether or not the SRO should be confirmed.

Before any highway is stopped up, is another reasonably convenient route available or would it be provided and before a means of access to premises is stopped up would no access to the premises be required or would another reasonably convenient means of access to the premises be available?

- 7.20. I am satisfied that, where highways would be stopped up, reasonably convenient alternative routes would be available. I am also satisfied that, where access to premises would be stopped up, reasonably convenient alternative arrangements would be provided or no access would be required^{4.57}. As I note no objections have been made in this regard, I conclude that the SRO criteria are satisfied and that accordingly the SRO should be confirmed.

The CPO

Is there a compelling case in the public interest for acquisition and would this justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol to the European Union Convention on Human Rights, and, in the case of a dwelling, to Article 8 of the Convention?

- 7.21. It is clear to me that the Scheme has undergone an exhaustive period of development^{4.25 to 4.30} and that it has been subject to rigorous scrutiny via the democratic process. LCC has properly assessed alternatives^{4.7} and planning permission has been granted^{4.32}. I am satisfied that the Scheme objectives^{4.6} would be met and the existing traffic problems in the town centre of Loughborough^{4.1 to 4.5} would be substantially alleviated by the Scheme. In addition, there is no doubt in my mind that the Scheme would provide improved facilities for pedestrians, cyclists and public transport^{4.53 to 4.56}. Moreover, I consider the Scheme would provide benefits in terms of the noise climate^{4.66} and would result in an overall improvement in air quality^{4.67 to 4.71}. Accordingly, I conclude that there is a compelling case in the public interest for the land, included in the CPO, to be acquired.

Has the acquiring authority a clear idea as to how it intends to use the land it seeks to acquire?

- 7.22. I consider that the Scheme, as presented at the public inquiry, is well developed^{4.50 to 4.60}. I have carefully studied the schedule and plans accompanying the CPO and compared these with the Scheme drawings and consider that the extent of acquisition proposed is necessary to implement the Scheme. I conclude that LCC has a clear idea as to how it intends to use the land it seeks to acquire and that this criterion is satisfied.

Can the acquiring authority show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale?

- 7.23. DfT requires all statutory procedures to be complete before an application can be made to it for 'Full Funding' and the SoS has approved the entry of the Scheme into the major schemes programme^{4.32}. I conclude that LCC has done everything necessary to demonstrate that resources, i.e. funding, are likely to be available within a reasonable timescale.

Can the acquiring authority demonstrate that the land is required immediately for the purpose that the acquisition is intended?

- 7.24. There is no doubt in my mind that all of the land identified for acquisition would be required immediately. In my opinion, there would be absolutely no opportunity for the Scheme to be implemented, or for the land and rights required for the Scheme to be acquired in a piecemeal

fashion. I conclude that this criterion is satisfied.

Would the public benefit outweigh the private loss?

- 7.25. The Scheme would provide value for money^{4.47 and 4.48} with a BCR of 3.33 and would result in a significant reduction in accidents^{4.49}. I consider that the level of objections to the Scheme is relatively small and I have already concluded that the subsisting objections regarding private loss should have no bearing on my recommendation^{7.5 and 7.6}. I conclude that this criterion is satisfied.
- 7.26. I conclude that the CPO criteria have been met and that the CPO should be confirmed.

The Scheme

- 7.27. The Scheme would comply with all relevant design standards. Where relaxations from standards have been necessary, appropriate authority has been obtained and the design has been subject to Road Safety Audits^{4.50 and 4.60}. The traffic modelling, on which the Scheme design is based, is in accord with DfT procedures; the data gathered and the models used have been properly validated and calibrated^{4.35}. I have already concluded that the aims and objectives for the Scheme would be fulfilled^{7.21}. The Scheme complies with relevant national, regional and local policies^{4.8 to 4.24} and planning permission has been granted^{4.31}. I am satisfied that the Scheme would assist in helping Loughborough retain its competitive position within the Three Cities triangle^{4.14 and 4.16} and that it would support required regional housing growth projections^{4.15}. I therefore conclude that there is no procedural obstacle to the implementation of the Scheme and that it would be expedient.

Overall Summary

- 7.28. I have considered each of the subsisting objections^{7.1 to 7.9}. I have assessed each of the Orders against the relevant statutory criteria^{7.11 to 7.18} and I have concluded that they comply^{7.19 to 7.26}. In arriving at my recommendations I have taken account of the environmental evidence presented by LCC and by the Objectors. To my mind, any adverse impacts, which would be limited, would be far outweighed by the significant benefits that the Scheme would bring. Overall it is my view that the Scheme is very much in the public interest and should be allowed to proceed. I have had regard to all other matters raised, but they do not outweigh the conclusions I have reached and the recommendations that I make.

8. RECOMMENDATIONS

8.1. I recommend that:

- **THE LEICESTERSHIRE COUNTY COUNCIL (LOUGHBOROUGH INNER RELIEF ROAD CLASSIFIED ROAD (1) AND EPINAL WAY CLASSIFIED ROAD (2)) (SIDE ROADS) ORDER 2008** be confirmed.
- **THE LEICESTERSHIRE COUNTY COUNCIL (LOUGHBOROUGH INNER RELIEF ROAD CLASSIFIED ROAD AND EPINAL WAY CLASSIFIED ROAD) COMPULSORY PURCHASE ORDER 2008** be confirmed.

Jack Moffett

Jack Moffett

Inspector.

LISTS OF DOCUMENTS

APPENDIX A

1. REFERENCE DOCUMENTS

		Deposit Document Reference
	Note: Documents marked * are only supplied on CD.	
LE03	The LCC (Loughborough IRR and Epinal Way Classified Road) CPO and SRO 2008	DD20
LE04	Planning Permission for the IRR - Development Control Regulatory Board Meeting of 17th May 2007 (no.497)	DD5
LE05	The Loughborough Town Centre Transport Scheme - MSBC August 2007	DD23
LE06	DMRB Volume 6 - Highway Link Design	NA
LE07	DMRB Volume 5, TA79/99 - Determination of Urban Road Capacity	NA
LE08	DMRB Volume 6, TA27/05 - Cross Sections and Headroom	NA
LE09	DMRB Volume 6, TA50/04 - The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts	NA
LE10*	Highways Act 1980	DD1
LE11*	Acquisition of Land Act 1981	DD2
LE12	DMRB, Vol 6 Section 1 Part 1 – Highway Link Design and Vol 12 Section 2 - Traffic Appraisal in Urban Areas	DD21
LE13	Major Scheme Appraisal in Local Transport Plans Part 3 Annexe E	DD22
LT03*	LCC Automatic Traffic Count Data (January - December 2008)	NA
LT04*	LCC Manual Classified Traffic Count Data (May 2005)	NA
LT05	Loughborough Traffic Model Update - Local Model Validation Report, Leicestershire County Council (January 2007)	NA
LT06	DMRB Volume 12 - Traffic Appraisal of Road Schemes	NA
LT07	Loughborough Traffic Model Update - Economic Assessment Report Leicestershire County Council (May 2009)	NA
LT08	DMRB Volume 6, TA23/81 - Junctions and Accesses: Determination of Size of Roundabouts and Major/Minor Junctions	NA
LT09	TEMPRO Guidance Note - April 2006 edition	NA
LT10	National Road Traffic Forecasts (Great Britain) 1997	NA
LT11	TUBA user Manual and Tuba Guidance, October 2006	NA
LT12	Loughborough Traffic Model Update - Economic Assessment Report LCC (May 2009)	NA
LT13*	Transport User Benefit Appraisal DfT (TUBA) Outputs and TUBA Sectorial Analysis	NA
LT14	DMRB Volume 13 - COBA User Manual	NA
LT15*	COBA Accident Spreadsheet	NA
LT16	Loughborough Town Centre Junction Capacity Assessments - LINSIG Outputs	NA
LL03	Planning Application and Supporting Statement for the IRR (Application No.2007/0363/02)	DD4
LL04	DfT's Appraisal Guidance (TAG) unit 3.3.2 - Noise	DD24
LL05	DfT's Appraisal Guidance (TAG) unit 3.3.3 - Local Air Quality	DD25
LL06	CBC - Local Air Quality Final Action Plan 2006	DD26
LL07	DfT's Appraisal Guidance (TAG) Unit 3.3.5 - Greenhouse	DD27

	Gases	
LL08	The Loughborough Town Centre Transport Scheme - MSBC August 2007 - Noise and Air Quality Assessment Summary	DD28
LP03	CBC Local Plan 1991 - 2006	DD3
LP04	Loughborough Town Centre Masterplan August 2007	DD19
LP05	Town and Country Planning Act 1990 Section 106 Extract	NA
LP06	Charnwood Development Framework: Former General Hospital and Aumberry Gap Development Brief Supplementary Planning Document	DD6
LP07	The Future of Transport - White Paper CM 6234 (July 2004)	DD7
LP08	The Future of Air Transport - White Paper (December 2003)	DD8
LP09	The Future of Rail - White Paper CM 6233 (July 2004)	DD9
LP10	Local Transport Act 2008	DD10
LP11	Towards a Sustainable Transport System 2007	DD11
LP12	Delivering a Sustainable Transport System 2008	DD12
LP13	Guidance to Regions on Delivering a Sustainable Transport System July 2009	NA
LP14	Civil Aviation Authority UK Airport Statistics 2006 Table 8	NA
LP15	EMA Masterplan extract December 2006	DD13
LP16	EMRP (March 2009)	DD14
LP17	Charnwood 2026 - LDF	NA
LP18	Full guidance on LTPs Second Edition (January 2006) - Part 3	DD15
LP19	New Guidance on LTPs (July 2009)	NA
LP20	Leicestershire, Leicester and Rutland Structure Plan 1996 - 2016	DD16
LP21	LCC LTP 2006 - 2011	DD17
LP22	LCC Medium Term Corporate Strategy to 2009	DD18
LP23	LCC Sustainable Community Strategy 2008 - 2013	NA
LP24	Local Government and Public Involvement in Health Act 2007 Section 106 extract	NA
LP25	Local Government Act 2000 Section 4 Extract	NA
LP26	LCC Local Area Agreement 2	NA
LP27	LCC (A6 Swan Street/ Market Place, Loughborough) Prohibition of Driving Order 2009	NA
LP28	<i>Not Used</i>	NA
LP29	The Loughborough Town Centre Transport Scheme - Location Plan	DD29
LP30	The Loughborough Town Centre Transport Scheme - Layout Plan	DD30

2. STATEMENT OF CASE AND STATEMENT OF REASONS

SoC1	LCC Statement of Case: The SRO and CPO
SoR2	LCC Statement of Reasons: The SRO and CPO

3. PROOFS OF EVIDENCE

Submitted by Leicestershire County Council

LE01	Summary Proof of Evidence: Engineering
LE02	Proof of Evidence: Engineering
LT01	Summary Proof of Evidence: Traffic
LT02	Proof of Evidence: Traffic

LL01	Summary Proof of Evidence: Environment Landscape/Townscape
LL02	Proof of Evidence: Environment Landscape/Townscape
LP01	Summary Proof of Evidence: Policy
LP02	Proof of Evidence: Policy

4. REPRESENTATIONS

O1/1	Representation on behalf of Baxtergate by Herbert Smith LLP	28 January 2009
O1/2	Letter from Herbert Smith to GONE on behalf of Baxtergate	15 June 2009
O1/3	Letter from Herbert Smith to GONE on behalf of Baxtergate	23 September 2009
O2/1	Representation on behalf of Magic Nurseries by Pinsent Masons LLP	2 February 2009
O2/2	Representation on behalf of Magic Nurseries by Lambert Smith Hampson	10 September 2009
O3/1	Representation on behalf of the Secretary of State for Work and Pensions by Land Securities Trillium Ltd.	4 February 2009
O3/2	Letter of withdrawal of objection	5 October 2009
O4/1	Representation from Dr A Clark	6 October 2009
O4/2	Map of Loughborough Town circa 1550	7 October 2009
O4/3	Map of Loughborough Park	7 October 2009
O4/4	Map of Loughborough Town Centre	7 October 2009
O4/5	Extract of 1837 Map of Loughborough	7 October 2009
O4/6	Map of Loughborough Sheet XV11.8	7 October 2009
O4/7	Extract of letter from Loughborough Archaeological and Historical Society	7 October 2009
O4/8	Documents requested by Dr A Clark from third parties	7 October 2009
O4/9	Closing Statement	7 October 2009

5. ADDITIONAL DOCUMENTS SUBMITTED BY LCC DURING THE INQUIRY

LCC/ID/01	Epinal Way/Forest Road Proposed Signalised Roundabout: Drg 2850/H1/1/1	6 October 2009
LCC/ID/02	IRR General Layout: Drg 2850/H1/1/2	6 October 2009
LCC/ID/03	List of appearances for LCC	6 October 2009
LCC/ID/04	Opening Statement for LCC by Mr R Kimblin of Counsel	6 October 2009
LCC/ID/05	Delivering a Sustainable Transport System Stage 1 Submission FINAL	6 October 2009
LCC/ID/06	Government's advice on Regional Funding dated 21 July 2009	6 October 2009
LCC/ID/07	Package of documents explaining relationship between Deposit Documents and Reference Documents	6 October 2009
LCC/ID/08	Copy of Sealed CPO as submitted to GONE	6 October 2009
LCC/ID/09	Copy of Sealed SRO as submitted to GONE	6 October 2009
LCC/ID/10	Bundle of correspondence relation to submission of documents to GONE by LCC	6 October 2009
LCC/ID/11	Letter from DfT dated 22 July 2009 re confirmation of acceptance of MSBC	6 October 2009

LCC/ID/12	Bundle of Safety Audit documents	6 October 2009
LCC/ID/13	Overlay on CPO plan	7 October 2009
LCC/ID/14	Discharge of Conditions to Planning Permission	7 October 2009
LCC/ID/15	Position of Forest Road/Epinal Way improvement in relation to Town Centre	7 October 2009
LCC/ID/16	Extract from PPG15	7 October 2009
LCC/ID/17	Extract from PPG16	7 October 2009
LCC/ID/18	Letter to LCC from DfT dated 12 November 2008 re Scheme programme entry	7 October 2009
LCC/ID/19	Statutory Procedures Compliance File	6 October 2009
LCC/ID/20	Area map showing relationship of component parts of the Scheme	7 October 2009
LCC/ID/21	Letter to HCA dated 14 February 2007	7 October 2009
LCC/ID/22	Letter to Loughborough Archaeological and Historical Society dated 14 February 2007	7 October 2009
LCC/ID/23	The Loughborough Area Transportation Study	8 October 2009
LCC/ID/24	The Loughborough Town Centre Bus Facilities Study	8 October 2009
LCC/ID/25	Outline CEMP	8 October 2009
LCC/ID/26	Closing Statement for LCC by Mr R Kimblin of Counsel	8 October
LCC/LR/01	Rebuttal evidence by LCC with respect to Objector 02	6 October 2009