

Department for **Transport**

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Your Ref: KJ/CAPHTWM/119

Our Ref: DN5064/55/7/24

DN5064/60/1/26

Date: January 2012

Dear Sir

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

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

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

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries ("the inquiry") held at the Council Chamber, Town Hall, Loughborough between 6 and 8 October 2009 before Jack Moffett, BSc (Hons) FICE MIHT, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted for confirmation by Leicester County Council ("the Council").

2. The SRO and CPO, if confirmed by the Secretary of State, would respectively, authorise the Council to:

i. improve highways; stop up highways; construct new highways; stop up private means of access to premises; and provide new means of access to premises; and

ii. 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.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 4.1 to IR 4.79 and the case for the objectors at IR 5.1 to 5.5 with the Council's response at IR 6.1 to IR 6.9. The Inspector's conclusions are detailed at IR 7.1 to IR 7.28 and his recommendations at IR 8.1.

5. The Inspector at IR 7.28 concluded that in his view the above published scheme is very much in the public interest and should be allowed to proceed. He went on to recommend at IR 8.1 that the two made Orders be confirmed.

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully all the objections to, and representations about, the above Orders. She has considered the Inspector's report and accepts, for the reasons he gave, his conclusions and recommendations referred to in paragraph 5 above.

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

8. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals and is satisfied, on the evidence before her, that the Orders should be confirmed. For these reasons she has decided to confirm the Orders referred to above and this letter conveys her decision to that effect.

9. In confirming the Orders, the Secretary of State has relied on the information that the Council has provided in the made Orders and that any related plans, diagrams, statements or correspondence are factually correct. This decision is given on that basis.

COMPENSATION

10. Details of compensation arising from confirming the compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required

for the scheme. If the amount cannot be agreed, the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter, together with a copy of the Inspector's report has been sent to those objectors, their representatives and the other persons who appeared and made representations at the Inquiry. A copy of this letter, together with a copy of the Inspector's conclusions and recommendations, has been sent to all other supporters of the scheme and outstanding objectors and to the Editor of the Leicester Mercury. Copies will be made available on request to any other persons directly concerned. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within six-weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

12. Notice will be published of the confirmation of these Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements when confirming the Orders may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six-weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours faithfully

KAREN DAVIES

Authorised by the Secretary of State
to sign in that behalf