



# Department for Transport

Mr Richard Foster  
Pinsent Masons LLP  
3 Colmore Circus  
Birmingham  
B4 6BH

**National Transport Casework Team**  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

Direct line:

[www.gov.uk](http://www.gov.uk)

Email:

Your Ref:

Our Ref: LAO/NW/CPO/2013/25

Date: 14 November 2013

Dear Sir

HIGHWAYS ACT 1980  
ACQUISITION OF LAND ACT 1981

THE CHESHIRE EAST BOROUGH COUNCIL (CREWE GREEN LINK ROAD SOUTH)  
COMPULSORY PURCHASE ORDER 2013 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the Public Local Inquiry held at the Ramada Encore Hotel in Crewe on 30 July 2013 and 1 August 2013 before Bridget M Campbell BA(Hons) MRTPI, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named CPO submitted for confirmation by Cheshire East Borough Council ("the Council").

2. If confirmed by the Secretary of State the CPO would authorise the Council to purchase compulsorily land and rights over land to enable the construction of a new highway to be known as Crewe Green Link Road South, the construction of associated new highways and a new roundabout junction, highway improvements, works to watercourses and the mitigation of adverse effects arising.

## THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the CPO both as made in writing and presented orally at the Inquiry and has submitted her 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. At IR 6 the Inspector explains that there were two outstanding objections to the CPO at the start of the Inquiry but that before the close of the Inquiry one of the

outstanding objections was unconditionally withdrawn and the other was withdrawn on the condition that the CPO is modified as had been agreed with the Council. No party other than the acquiring authority appeared at the Inquiry. The Inspector's report summarises the case for the Council at IR 15 to IR 30. The Inspector's conclusions are detailed at IR 31 to IR 36 and her recommendations are given at IR 37 and IR 38.

#### THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of her conclusions the Inspector recommended that the CPO be confirmed subject to the modifications she outlines at IR 37 a) and b).

#### THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully all the objections to, and representations about, the CPO. He has considered the Inspector's report and accepts her conclusions and recommendations.

7. Further to the modifications recommended by the Inspector, the Secretary of State proposes to incorporate a further minor modification to the CPO to delete the incorrect reference to plots 26, 27, 28, 29 and 30 as special category land after Table 2 on page 25 of the Order.

8. 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 he is satisfied that they do. In particular, he has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 36 and 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.

9. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals and accepts that the modifications referred to in paragraphs 5 and 7 above are necessary and that they should be made. For these reasons he has decided to confirm, as modified by him, the Cheshire East Borough Council (Crewe Green Link Road South) Compulsory Purchase Order 2013 and this letter constitutes his decision to that effect.

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

#### COMPENSATION

11. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State, Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect

of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

#### AVAILABILITY OF DOCUMENTS

12. A copy of this letter together with a copy of the Inspector's report has been sent to objectors and their representatives. Copies will be made available on request to any other persons directly concerned and can also be viewed at <https://www.gov.uk/government/organisations/department-for-transport/series/highways-act-inspectors-reports-and-decision-letters>. 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 CPO for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans are retained at this office and will be made available at a local place of inspection.

#### RIGHT OF CHALLENGE

13. Notice is to be published of confirmation of the CPO. Any person who wishes to question the validity of the confirmed CPO, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming the CPO may, under the provisions of 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 CPO has been confirmed. The High Court cannot entertain an application under section 23 before publication of the notice that the Secretary of State has confirmed the CPO.

Yours faithfully



VICTORIA POINTER  
Authorised by the Secretary of State  
to sign in that behalf