



Department for  
Communities and  
Local Government



Department  
for Transport

FAO Richard Foster  
Pinsent Masons LLP  
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23 September 2014

Dear Mr Foster

**Town and Country Planning Act 1990: Section 226(1)(a)  
Acquisition of Land Act 1981  
The County of Herefordshire District Council (Edgar Street Grid and Link  
Road) Compulsory Purchase Order 2013 (“the CPO”)**

**Highways Act 1980  
The County of Herefordshire District Council (A465 (Hereford Link Road)  
Classified Road) (Side Roads and Other Works) Order 2013 (“the SRO”)**

- 1 The report of the Inspector, Ava Wood Dip Arch MRTPI, who held a public local inquiry into the above orders on 23, 24, 29, 30 April and 1 May 2014 has been considered. A copy of the Inspector’s report is enclosed. References in this letter to paragraphs in the Inspector’s report are indicated by the abbreviation IR, followed by the relevant paragraph number.
- 2 The CPO, if confirmed, would authorise the compulsory purchase of land and rights within the Edgar Street Grid area for the purpose of carrying out a scheme of development, redevelopment and improvement of the land for the construction of new link road, other new highways, associated infrastructure and other mixed uses including housing, employment uses, leisure and tourism uses, retail uses and community uses including public realm and car parking.
- 3 The SRO, if confirmed, would enable the construction of the Link Road scheme and other necessary and associated works generally between Edgar Street (the A49 Trunk Road) to the west and Commercial Road to the east.

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## **Objections to and support for the proposals**

- 4 31 qualifying objections to the CPO were received, including the Section 16 representation made by Western Power Distribution (West Midlands) Plc. 14 statutory objections were received to the SRO. The main grounds of the objections were that there are impediments to the delivery of the scheme, it is not supported by the development plan, it could result in blight of the area, acquisition of the objectors' interests could be achieved by other means and concerns surrounding the adverse effect of the proposals on properties should suitable alternative vehicular and pedestrian access not be provided.
- 5 The Inspector explained that there were 15 remaining statutory objections and 2 non-statutory objections to both Orders at the opening of the Inquiry. During the course of the Inquiry, Councillor Powers submitted a written statement and was added as a non-statutory objector. Two statutory objectors withdrew their objections before the Inquiry closed.

## **The Inspector's conclusions and recommendations**

- 6 The Inspector's report summarises the submissions made at the local inquiry. The Inspector's conclusions on the CPO are set out at IR 8.1 to IR 8.8.3 and the recommendation is given at IR 8.9.1. The Inspector's conclusions on the SRO are set out at IR 9.1 to IR 9.3.3 with the recommendation given at IR 9.4.1.
- 7 The Inspector has recommended that the Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013 be confirmed without modification and that the County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and other Works) Order 2013 be modified in accordance with Inquiry Document ID/10 and thereafter be confirmed. A copy of Inquiry Document ID/10 can be found at Annex A to this letter.

## **The decision of the Secretary of State for Communities and Local Government on the CPO**

- 8 The Secretary of State for Communities and Local Government has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the objectors under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. 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 is satisfied that in confirming the compulsory purchase order a fair balance would be struck between the public interest and interests of the objectors.
- 9 The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties and agrees with the conclusions reached. It is accepted that a compelling case in the public interest for confirming the order has been made. The Secretary of State has therefore decided to accept the Inspector's recommendation and to confirm the

Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013.

- 10 The confirmed CPO and the map to which it refers is enclosed. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the CPO has been confirmed. Please inform us of the date on which notice of confirmation of the CPO is first published in the press.
- 11 This letter does not convey any other consent or approval in respect of the land to which the CPO relates.

### **The decision of the Secretary of State for Transport on the SRO**

- 12 The Secretary of State for Transport has considered carefully all the objections to, and representations about, the SRO. All aspects of the Inspector's report have been considered and the conclusions and recommendations made have been accepted.
- 13 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 paragraph 7 above are necessary and that they should be made. For these reasons it has been decided to confirm, as modified, The County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and Other Works) Order 2013 and this letter constitutes that decision.
- 14 In confirming the SRO the Secretary of State has relied on the information that the County of Herefordshire District Council and others have provided, as contained in the SRO and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.
- 15 The confirmed SRO has been sent to the Council under separate cover along with a letter relating to the publication of the Notice of Confirmation of the SRO.
- 16 A copy of this letter together with a copy of the Inspector's report has been sent to objectors and to other persons who appeared and made representations at the Inquiry. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>. Please arrange for a copy of the Inspector's report and this letter, including Annex A, 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 Communities and Local Government, at the address shown overleaf 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 the office of the Secretary of State for Communities and Local Government and will be made available at a local place of inspection.

17 Notice is to be published of confirmation of the SRO. Any person who wishes to question the validity of the confirmed SRO, 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 SRO may, under the provisions of Schedule 2 to the Highways Act 1980, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the SRO has been confirmed. The High Court cannot entertain an application under Schedule 2 before publication of the notice that the Secretary of State has confirmed the SRO.

Yours sincerely



Signed by authority of the Secretary of State for Communities and Local Government



Signed by authority of the Secretary of State for Transport

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| <b>Liz Hardy</b><br><b>Senior Planning Manager</b> | <b>Victoria Pointer</b><br><b>Head of National Transport Casework Team</b> |
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