



Department
for Transport

Mr Paul Bennett
Bond Dickinson LLP
3 Temple Quay
Temple Back East
Bristol
BS1 6DZ

National Transport Casework Team

Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Direct line: 0207 944 4310

www.gov.uk

Email: Victoria.pointer@dft.gsi.gov.uk

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Our Ref: LAO/SE/CPO/2013/28

LAO/SE/BrSc/2013/36

Date: 24 June 2014

Dear Mr Bennett

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE READING BOROUGH COUNCIL (RIVER THAMES READING PEDESTRIAN / CYCLE BRIDGE) COMPULSORY PURCHASE ORDER 2013 ("the CPO")
THE READING BOROUGH COUNCIL (RIVER THAMES READING PEDESTRIAN / CYCLE BRIDGE) SCHEME 2013 ("the Scheme")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the joint Public Local Inquiries held at the Town Hall, Blagrove Street, Reading, RG1 1QH on Tuesday 11 March 2014 before John Wilde C.Eng M.I.C.E., an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Order and Scheme submitted by Reading Borough Council ("the Council").

2. The Order and Scheme if confirmed by the Secretary of State would authorise the Council to:

- (i) purchase compulsorily the land and the new rights over land for the purpose of the construction of a new pedestrian / cycle bridge which is to be maintainable at the public expense across the River Thames located to the west of Reading Bridge and east of Fry's Island Reading together with improvements to the southern access to the proposed bridge from Vastern Road through Norman Place to and including the Thames Side Towing Path; and
- (ii) construct over the navigable waters of the River Thames the bridge specified in the Schedule to the Scheme as part of the highway which they are proposing to construct/improve between the South Bank of the Thames, Reading, directly to

the South of Fry's Island, Reading RG1 and the North Bank of the Thames in the vicinity of Christchurch Meadows, Reading, to the East and North of Fry's Island in the Borough of Reading.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the issues relating to the Order and Scheme 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. The Inspector reported, at IR 2 that there were three objections to the CPO from LSBP Ltd, Covea Insurance PLC and Standard Life Assurance Ltd. However, Covea Insurance PLC withdrew their objection on 19 February 2014, LSBP Ltd withdrew their objection on 26 February 2014 and Standard Life Assurance Ltd withdrew their objection on 7 March 2014. Correspondence relating to the final withdrawal was not received until 10 March 2014. The Inspector therefore confirmed that at the opening of the Inquiries there were no outstanding objections to the CPO or the Scheme. The CPO and Scheme are therefore unopposed.

4. The Inspector's report summarises the case as outlined by the Council at IR12 – IR 31 with the objections and their subsequent withdrawals being detailed at IR2. The Inspector's conclusions can be found at IR32 – 42 and his recommendations are at IR43.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of his conclusions the Inspector recommended that the CPO and Bridge Scheme be confirmed subject to the modifications he outlines at IR7 – IR11.

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully the Inspector's report and accepts his conclusions and recommendations including the making of the modifications as 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 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 IR35 – IR36 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.

8. The Secretary of State accepts that the modifications outlined at IR8 – IR11 are necessary and that they should be made. Therefore he has decided to confirm, as modified by him, the Reading Borough Council (River Thames Reading Pedestrian/Cycle Bridge) Compulsory Purchase Order 2013 and The Reading Borough Council (River Thames Reading Pedestrian/Cycle Bridge) Scheme 2013 and this letter constitutes his decision to that effect.

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

COMPENSATION

10. Details of compensation arising as a consequence of confirmation of a CPO are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of 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 required for the proposals. 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 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 Scheme and 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 the address at the head of this letter 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

12. Notice is to be published of confirmation of the Order and Scheme above. Any person who wishes to question the validity of their confirmation, 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 them 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 Order and Scheme 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 Order and Scheme.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V. Pointer', with a stylized, cursive script.

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