



Department
for Transport



The Planning Inspectorate

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

Your ref: JA/09/CW18/GS03/22942.35/ARTHU

Our Ref: LAO/SW/SRO/2013/47
LAO/SW/CPO/2013/45
NATTRAN/SW/LAO/0070

Ms Cathryn Tracey
Associate
Borges Salmon LLP
One Glass Wharf
Bristol
BS2 0ZX

Date: 21 October 2014

Dear Madam

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK CLASSIFIED ROAD)
SIDE ROADS ORDER 2013 ("the SRO")
THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK) COMPULSORY
PURCHASE ORDER 2013 ("the first CPO")
THE NORTH SOMERSET (SOUTH BRISTOL LINK) COMPULSORY PURCHASE
ORDER (NO.2) 2014 ("CPO (No 2)")
ACQUISITION OF LAND ACT 1981 – APPLICATION FOR A CERTIFICATE UNDER
SECTION 19(1)(a) For Common Land Exchange ("the Application")

1. I am directed by the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs ("the Secretaries of State") to refer to the concurrent Public Local Inquiries ("the Inquiry") held at Armada House Conference & Events, Armada House, Telephone Avenue, Bristol BS1 4BQ on 8 – 10 July 2014 and 15 – 17 July 2014 before Mr David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, an Inspector appointed by the Secretaries of State to hear objections to and representations about the

Common Land Casework Team
3/25B Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your ref: JA/09/CW18/GS03/22942.19/ARTHU

Our ref: COM 538

above named Orders submitted for confirmation and the Exchange Land Certificate applied for by North Somerset Council ("the Council"). This letter conveys the Secretaries of State decision on the published Orders and the Application after considering the Inspector's report.

2. To ensure that all relevant matters could be considered at the Inquiry the Inspector was to also consider an objection to a related S19 Open Space Certificate on behalf of the Secretary of State for Communities and Local Government. However, as reported by the Inspector, the Council withdrew their Application for the Open Space Certificate and the objection was withdrawn prior to the Inquiry. Therefore, the Inspector was not required to consider any matter in relation to this Certificate and the Secretary of State for Communities and Local Government no longer has any requirement to be involved in this decision letter.

3. If confirmed by the Secretary of State for Transport the SRO, the first CPO and CPO (No 2) 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) purchase compulsorily land and new rights over land for the purposes of the construction and improvement of a highway between the A370 in the Unitary Authority of North Somerset Council and Cater Road roundabout in the Unitary Authority of Bristol City Council; construct other highways and improve existing highways in the vicinity of the route of the above mentioned highway in pursuance of the North Somerset Council (South Bristol Link Classified Road) (Side Roads) Order 2013; provide new means of access to premises in the pursuance of the North Somerset Council (South Bristol Link Classified Road) (Side Roads) Order 2013; divert a watercourse and carry out other works on watercourses in connection with the construction and improvement of highways as aforesaid; use by the acquiring authority in connection with the construction and improvement of highways the provision of new means of access to premises as aforesaid and the mitigation of the adverse effect which the existence or use of the highway proposed to be constructed or improved will have on the surroundings thereof.

4. The Council have asked the Secretary of State for Environment, Food and Rural Affairs to issue a certificate under section 19(1)(a) of the Acquisition of Land Act. The certificate allows for development to take place on land forming part of Highridge Common, Bristol, in exchange for other land which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights, and to the public, with the exchange land to be vested in the persons in whom the order land was vested, and subject to the like rights, trust and incidents as attach to the order land.

THE INSPECTOR'S REPORT

5. The Inspector has considered all the objections to and representations about the Orders and Application both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretaries of State. A copy of that report is enclosed with this letter at Annex 1. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

6. At IR 1.11 the Inspector explains that there were 38 objections lodged against the first CPO, 10 against the SRO, 1 against the CPO (No 2), 2 against the common land S19 certificate. By the close of the Inquiry there were only 4 remaining objections to the first CPO, 2 to the SRO and 1 to the common land S19 certificate. At IR 1.12 the Inspector confirmed that 7 representations in support of the South Bristol Link (“the Scheme”) were submitted, with 2 of the supporters electing to speak at the Inquiry. The Inspector’s report summarises the case for the Council at IR 3.1 to IR 3.73. The case for the supporters of the Council’s Scheme is summarised at IR 4.1 to IR 4.14 and the case for the objectors is summarised at IR 5.1 to IR 5.26. The Inspector’s report summarises the Council’s response to the remaining objections at IR 7.1 to IR 7.42. The Council proposed a number of modifications to the Orders and Application summarised at IR 7.44 to IR 7.46. The Inspector’s conclusions are detailed at IR 8.1 to IR 8.98 and his recommendations are given at IR 9.1 to IR 9.4.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

7. In light of his conclusions the Inspector recommended at IR 9.1 to IR 9.2 that the SRO and the first CPO should be modified as detailed at IR 8.86 and IR 8.90 respectively, and thereafter be confirmed, and CPO (No 2) be confirmed as made. The Inspector recommended at IR 9.4 that the certificate under Section 19(1)(a) should be modified as indicated at IR 8.95 and that the certificate so modified should be issued. The modifications, as summarised in the case for the Council, are proposed in order to address comments from objectors and further examination of the Orders. The Inspector has concluded at IR 8.87 and IR8.94 that all the proposed modifications to the SRO and the first CPO are necessary and that the Orders should be modified accordingly.

THE DECISION OF THE SECRETARY OF STATE FOR TRANSPORT

8. The Secretary of State for Transport has considered carefully all the objections to, and representations about, the Orders. He has considered the Inspector’s report and accepts his conclusions and recommendations.

9. The Secretary of State has carefully considered whether the purposes for which the CPOs are 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 8.92 and is satisfied that in confirming the CPOs a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

10. 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 6 above are necessary and that they should be made. He is satisfied in relation to the SRO that the modifications do not amount to substantial change and in relation to the first CPO that they would not prejudice the interests of any of the parties directly concerned. For these reasons he has decided to confirm The North Somerset Council (South Bristol Link Classified Road) Side Roads Order 2013 with modifications, confirm The North Somerset Council (South Bristol Link)

Compulsory Purchase Order 2013 with modifications and confirm The North Somerset Council (South Bristol Link) Compulsory Purchase Order (No 2) 2014 as made. This letter constitutes his decision to that effect.

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

DECISION OF SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

12. The Secretary of State for Environment, Food and Rural Affairs has considered carefully the remaining objection to the Application. She has considered the Inspector's report and accepts his conclusions and recommendations. The Secretary of State is satisfied that the exchange land is not less in area and is equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that it will be vested in accordance with the provisions of section 19(1)(a). For these reasons she has decided that the certificate under Section 19(1)(a) of the Acquisition of Land Act 1981, relating to land forming part of Highridge Common, Bristol should be modified as referred to in paragraph 6 above and that the certificate so modified should be issued.

COMPENSATION

13. 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 CPOs 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

14. 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 a copy 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 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

15. Notice is to be published of confirmation of the 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 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 an 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 Schedule 2 or section 23 before publication of the notice that the Secretary of State for Transport has confirmed the Orders.

Yours faithfully



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



JEFF GRIST
Authorised by the Secretary of State
for Environment, Food and Rural Affairs

Department for Transport National Transport Casework Team Tyneside House Skinnerburn Road Newcastle upon Tyne Tel: 0207 944 4310 Email: Victoria.pointer@dft.gsi.gov.uk	The Planning Inspectorate Environment and Specialist Casework Branch Rm 3/25, Temple Quay House 2 The Square, Temple Quay Bristol BS1 6PN Tel: 030 344 5425 Email: commonlandcasework@pins.gsi.gov.uk
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