



Department
for Transport

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Your Ref: KNR/DEV006.272

Our Ref: NATTRAN/EM/LAO/0084

Date: 15 February 2016

Dear Ms Newbould-Robertson

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2014 ("the SRO")

THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)
COMPULSORY PURCHASE ORDER 2014 ("the CPO")

APPLICATION IN RELATION TO PROPOSED COMPULSORY PURCHASE OF LAND
HELD BY THE CANAL AND RIVER TRUST ("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 joint Public Local Inquiries ("the Inquiry") held at the Hilton Doubletree Hotel, Lincoln between 11 and 21 August 2015 before Mr J Stuart Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT, an Inspector appointed by the Secretaries of State to hear objections to and representations about the above named Orders submitted for confirmation by Lincolnshire County Council ("the Council") and to consider the above Application.

2. If confirmed by the Secretary of State for Transport the SRO and CPO would, respectively, authorise the Council to:

(i) stop up lengths of highway and private means of access, improve highways, construct new highways and provide new means of access; and

(ii) purchase compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of the construction of a highway between the A158 Wragby Road East roundabout and the A15 Sleaford Road (to be known as the A15 Lincoln Eastern Bypass), the construction of highways to connect the above mentioned highway with the existing road system, the construction of other highways and improvement of existing highways in the vicinity of the route, the provision of new means of access to premises in pursuance of the SRO, the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction of the A15 Lincoln Eastern Bypass, the use of land in connection with the construction or improvement of highways or with the carrying out of works authorised under the SRO and mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.

3. An application was made for the Secretary of State for Environment, Food and Rural Affairs to determine whether it would be appropriate to grant Ministerial Certification under section 16 of the Acquisition of Land Act 1981 authorising the compulsory purchase of land held for their statutory purposes by the Canal and River Trust.

THE INSPECTOR'S REPORT

4. 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 Secretaries 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.

5. At IR 1.3 and IR 5.1 the Inspector explains that 5 of the 6 statutory objections had been withdrawn by the close of the Inquiry, that the outstanding statutory objection was in the process of being resolved and that no statutory objectors appeared at the Inquiry. No non-statutory objections were withdrawn.

6. The Inspector's report summarises the case for the Council at IR 3.1 to IR 3.100. The case for supporters of the Council's scheme is summarised at IR 4.1 to IR 4.18, the case for the objectors is summarised at IR 5.1 to IR 5.83. The Alternatives are summarised at IR 6.1 to IR 6.12 and the Council's rebuttal of the objections and the Alternatives is at IR 7.1 to IR 7.124. The Inspector's conclusions are detailed at IR 8.1 to IR 8.157 and his recommendations are given at IR 9.1.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

7. In light of his conclusions the Inspector recommended at IR 9.1 that the SRO and CPO be confirmed and that the Application be approved. At IR 8.147 the Inspector concluded that the modifications proposed by the Council, reflected in Inquiry Document LCC34 and set out as proposed modifications at IR 3.88 to IR 3.100, are justified and should be made to the CPO and SRO. The proposed modifications are to correct minor drafting errors following discussions with landowners and as a result of design development. At IR 8.146 the Inspector concludes, following an examination of the Orders, that it is clear that the proposed modifications are not substantial and may be

made without causing prejudice to anyone. He also states that there are no objections to the modifications. A copy of Inquiry Document LCC34 can be found as an annex to this letter.

THE DECISION OF THE SECRETARY OF STATE FOR TRANSPORT REGARDING THE SRO AND CPO

8. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward and expressions of support. Following the close of the Inquiry, correspondence has been received from Cllr Christopher Darcel and from Lincolnshire County Council. The Secretary of State has carefully considered the matters raised in the post Inquiry correspondence and has taken them into account but they do not alter his decision to accept the Inspector's conclusions and recommendations.

9. The Secretary of State notes the Inspector's conclusions that the proposed modifications are not substantial and may be made without causing prejudice to anyone. Following confirmation from the Council that the change to Plot 2/13A is supported the Secretary of State is satisfied that the modifications detailed in Inquiry Document LCC34 and set out at IR 3.88 to IR 3.100 may be made without causing prejudice.

10. The Secretary of State acknowledges the alterations to the proposed scheme in the Hawthorn Road area following his decision of 8 July 2014 not to confirm an earlier SRO and CPO promoted by the Council in connection with the scheme. In agreement with the Inspector's comments at IR 8.104, the Secretary of State is satisfied that the revised scheme for Non-Motorised Users overcomes the safety concerns expressed by the Inspector at the earlier Inquiry.

11. 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 is satisfied that they do. In particular, consideration has been given to 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 8.156 and IR 8.157 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.

12. 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 the Secretary of State has decided to confirm, as modified by him, The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014 and The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014 and this letter constitutes his decision to that effect.

13. 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.

COMPENSATION

14. 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.

THE DECISION OF THE SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS REGARDING THE APPLICATION

15. The objection and associated section 16 representation made by the Canal and River Trust were withdrawn on 30 July 2015 shortly before the opening of the Inquiry. The withdrawal of their objection is recorded by the Inspector at IR 5.4. Accordingly, no Ministerial Certification under section 16 of the Acquisition of Land Act 1981 will now be required from the Department for Environment, Food and Rural Affairs in relation to the compulsory purchase of the land included in the CPO which is held by the Canal and River Trust.

AVAILABILITY OF DOCUMENTS

16. A copy of this letter and the annexed modifications report, together with a copy of the Inspector's report, has been sent to statutory objectors, those objectors, their representatives and the other persons who appeared and made representations at the Inquiry and to relevant Members of Parliament. A copy of this letter and its annex, together with a copy of the Inspector's conclusions and recommendations, has been sent to all other supporters of the scheme and outstanding objectors. 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>.

17. Please arrange for a copy of the Inspector's report and of this letter, including its annex, 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

18. 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 for Transport 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 has confirmed the Orders.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Dave Candlish', with a long horizontal stroke extending to the right.

DAVE CANDLISH
Authorised by the Secretary of State
to sign in that behalf

Document Reference LCC34



- 1. The Lincolnshire County Council (A15 Lincoln Eastern Bypass)
(Classified Road) (Side Roads) Order 2014**
- 2. The Lincolnshire County Council (A15 Lincoln Eastern Bypass)
Compulsory Purchase Order 2014**
- 3. Application In Relation To Proposed Compulsory Purchase Of
Land Held By The Canal & River Trust**

Department for Transport Reference: NATTRAN/EM/LAO/0084

Modifications to Orders

Modifications to the Orders

As a result of a number of representations following the publication of Orders on 16 October 2014, a number of modifications are proposed to be made. Those modifications which have been identified as part of the run up to the consideration of the proposals by the Inquiry are referred to in Mr Rowley's evidence and are shown as appropriate on the revised documents. The modifications and alterations are set out below in respect of the two Orders before the Inquiry. They are dealt with in the following order with the SRO being addressed first and then the CPO.

1. The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014, the "SRO"
2. The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014, the "CPO"

The modifications can be classified in three categories

1. Modifications arising from a consideration of the Draft Orders by the Department.
2. Modifications as a result of ongoing discussion with landowners.
3. Modifications as a result of design development.

The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014, the "SRO"

The Department noted "*In Schedule 2 the description of the private means of access to be stopped up 'Access to field from a point 34 metres east of the proposed A15 Lincoln eastern bypass for a distance of 174 metres in a westerly direction (a)' appears to be more in the region of 80 metres east rather than the 34 metres stated. Please confirm distance and the Order will be modified accordingly.*"

LCC RESPONSE: The measurement of 80 metres is confirmed and requires a modification to the Order.

'Access to field from a point **80** metres east of the proposed A15 Lincoln eastern bypass for a distance of 174 metres in a westerly direction (a)'

The revised Schedule 2 is included below.

SCHEDULE 2

(Site Plan 2)

Locality: In the Parish of Greetwell in the District of West Lindsey, in the Parish of Canwick in the District of North Kesteven and in the City of Lincoln

Highways to be improved

Greetwell Road

Sustrans Route (PF9)

Highway to be stopped up	Reference Letter of new highway
Greetwell Road from a point 160 metres west of the western boundary of Stone Cottage for a distance of 80 metres in an easterly direction	A (bridleway)
Public Footpath 26 for a distance of 30 metres	B (footpath)
-	C (bridleway)

Private means of access to be stopped up	Reference number of new accesses
Access to field from a point 80 metres east of the proposed A15 Lincoln Eastern Bypass for a distance of 174 metres in a westerly direction (a)	1
Access to field intersected by the proposed A15 Lincoln Eastern Bypass across the	2

Lincoln to Spalding Railway (b)	
Access to field from a point 50 metres east of the proposed A15 Lincoln Eastern Bypass for a distance of 86 metres in a westerly direction (c)	-

The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014, the "CPO"

The Department noted *"The arrows on the plan identifying Plot 5/6A and Plot 5/5D are pointing to the same plot. The plot sizes are also the same. I believe one of these should have been the south western part width of Sleaford Road which is smaller in size. Please confirm which number this south western part should be allocated and its measurement. These will be added to the Order by modification."*

LCC RESPONSE: The south western part is confirmed as Plot 5/6A and the area of the plot is 2758m² and the Plot 5\6A is modified as below. The arrows on Site Plan 5 have been modified accordingly.

In the Parish of Carwick in the District of North Kesteven					
5/6A	2758 square metres	The Church Commissioners for England	-	-	Lincolnshire County Council
	Half width of the A15 Sleaford Road	Church House			As Highway Authority
		Great Smith Street			
		London			
		SW1P 3AZ			

The Department also noted *"As referred to in paragraph 1.20 of the Statement of Reasons Plots 2\11 to 2\11H inclusive and Plot 2\15 are now Crown Land. Should these plots have the "all interests other than interests of the Crown in..." wording (see Appendix N of ODPM Circular 06/2004)? If so the Order can be modified accordingly. Also, it is noted that discussions have commenced with the relevant authorities in relation to the acquisition of the Crown interests. I would be grateful if you could inform me when any agreements required are in place as this is required before we could confirm the Order."*

LCC RESPONSE: The wording for Plots 2\11 to 2\11H inclusive and Plot 2\15 is modified as suggested to include the phrase at the start of each plot description "all interests other than those of the Crown in..." The request regarding notification of agreements with the Crown is noted.

In addition to the Department's comments on the Orders, further modifications are also proposed.

- Design development for earthworks quantities and changes to flood compensation areas since publication of the Orders has indicated that Plot 2\3A will no longer need to be permanently regraded to store topsoil material and is therefore not to be acquired.

Plot 2\3A can be removed from the Order.

- Ongoing discussions with Anglian Water regarding the impact of the scheme on their foul sewerage network have resulted in a change to the alterations required to their network. As such a foul pumping station north of Hawthorn Road is no longer required and a small reduction in the area of Plot 1/1 can be made. Site Plan 1 is modified to reflect this change.

In the Parish of Greetwell in the District of West Lindsey					
1/1	19351 square metres: Arable land to the south of the A158 Wragby Road East, including part of Public Footpath PF.140.	The Church Commissioners for England Church House Great Smith Street London SW1P 3AZ	-	Mr. J.A. Ward Greetwell Hall Greetwell Lincoln LN3 4NG	Tenant

- Plot 2\13A was originally intended to provide compensatory flood storage to mitigate the loss of storage as a result of constructing the bridge embankments for the River Witham Bridge. Discussions with the Environment Agency meant that this storage is no longer required. It is proposed therefore that Plot 2\13A now has similar rights attached to it as Plot 2\13B, ie an essential licence for site compound\construction area. Site Plan 2 is modified to reflect this change.

In the Parish of Canwick in the District of North Kesteven					
2/13A	645 square metres: Arable and grassland to the south of the South Delph watercourse and Canwick Fen Drain and to the north of the Lincoln to Spalding Railway line	The Church Commissioners for England Church House Great Smith Street London SW1P 3AZ	-	Mr. A. Wright Cottage Farm Fen Road Washingborough Canwick Lincoln LN4 1AE	Tenant

