



Department for Transport

Gavin Milnthorpe/Heather Miller
Commercial Lawyer
Suffolk Legal
Suffolk County Council
Constantine House
5 Constantine Road
Ipswich IP1 2DH

Your Ref: 40890/HM 39278/GAM

Our Ref: NATTRAN/E/LAO/102

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National Transport Casework Team

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

Direct line: 020 7944 4115

www.gov.uk

Email: dave.candlish@dft.gsi.gov.uk

Dear Mr Milnthorpe & Ms Miller

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981**

**THE SUFFOLK COUNTY COUNCIL (BECCLES SOUTHERN RELIEF ROAD
SCHEME – CLASSIFIED ROAD) (SIDE ROADS) ORDER 2015 (“the SRO”)**

**THE SUFFOLK COUNTY COUNCIL (BECCLES SOUTHERN RELIEF ROAD)
COMPULSORY PURCHASE ORDER 2015 (“the CPO”)**

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to refer to the concurrent Public Local Inquiries held at Beccles Primary Academy, Ellough Road, Beccles, Suffolk NR34 7AB between 16 August 2016 and 18 August 2016 before Mr Martin Whitehead LLB BSc(Hons) CEng MICE, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by Suffolk County Council (“the Council”).

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

i) improve lengths of highway, stop up lengths of highway, construct new highways, stop up private means of access and provide new private means of access to premises on or in the vicinity of the route of the classified road being the highway which the Council propose to construct from London Road (A145), at a point 200 metres south of the western side of the junction with Cromwell Road, in a generally easterly direction, across Cucumber Lane, to Ellough Road, at a point 100 metres south of the eastern side of the junction with College Lane; and

ii) purchase compulsorily the land and the new rights over land for the construction of the classified road described at i) above, the improvement of highways, the construction of new highways, the provision of new means of access, use by the Council in connection with the construction and improvement of highways and the

provision of new means of access to premises, and mitigating the adverse effect of the proposed works.

THE INSPECTOR'S REPORT

3. 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 a 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. The Inspector's report refers to a legal submission at IR 3.1 to IR 3.5, the case for the Council at IR 4.1 to IR 4.41. The case for the objectors is summarised at IR 5.1 to IR 5.22. The representation regarding the alternative route is at IR 6.1 to 6.2. The Inspector's conclusions are detailed at IR 7.1 to 7.29 and recommendations are given at IR 8.1.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of conclusions reached, the Inspector recommended at IR 8.1 that the SRO and the CPO should be confirmed subject to modifications, which are detailed at Annex A to this letter.

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully all the objections to, and representations about the Orders, including the alternative proposals put forward. He has considered the Inspector's report and accepts his conclusions and recommendations.

7. The Secretary of State notes the conclusions of the Inspector at IR 3.5 on a legal submission made at the Inquiry regarding whether an assumption that a Traffic Regulation Order (TRO) would be likely to be made would be unlawful. The Secretary of State agrees with the Inspector's conclusion that whether or not the Orders can be confirmed with or without the TRO, if it is necessary for reasons of safety, is a matter of law. The Secretary of State also agrees with the Inspector that the Council would be legally entitled to construct the roundabout on the A145 without the TRO in place, particularly as it is not a trunk road, and is therefore not subject to the mandatory requirements in the Design Manual for Roads and Bridges. The Secretary of State accepts the Inspector's view that no valid reasons have been given as to why a speed limit would be opposed and that there is a strong likelihood that the TRO could be made. The Secretary of State takes note of the criteria, as set out within paragraph 15 of the 'Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion', and considers in the circumstances that the TRO not being in place is not an impediment to the CPO being confirmed. The Secretary of State like the Inspector finds no evidence to demonstrate that the confirmation of the Orders would be unlawful without the making of the TRO.

8. The Secretary of State has carefully considered whether the purposes for which the CPO are 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 7.10 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. After consideration of the objections, both singularly and together, the Secretary of State does not believe they constitute grounds for not proceeding with the proposals and accepts that the modifications referred to in paragraph 5 above are necessary and that they should be made. For these reasons the Secretary of State has decided to confirm, as modified, The Suffolk County Council (Beccles Southern Relief Road Scheme – Classified Road) Side Roads Order 2015 and The Suffolk County Council (Beccles Southern Relief Road) Compulsory Purchase Order 2015.

10. 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

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 to supporters of the scheme. 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>.


13. 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

14. 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 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 flourish extending to the right.

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

Annex A

MODIFICATIONS TO ORDERS

Order Titles:

**THE SUFFOLK COUNTY COUNCIL (BECCLIS SOUTHERN RELIEF ROAD)
SIDE ROADS ORDER 2015**

**THE SUFFOLK COUNTY COUNCIL (BECCLIS SOUTHERN RELIEF ROAD)
COMPULSORY PURCHASE ORDER 2015**

ARTICLE NUMBER	SCHEDULE PLOT/COLUMN	PLAN	MODIFICATION
		SRO PLAN Sheet 1	Inset showing stopped up access to Evergreen Horticultural Centre is added
		SRO PLAN Sheet 2	Inset showing new private means of access to Evergreen Horticultural Centre is added.
	SRO Schedule under 'Private Means of Access to be provided'		The private means of Access 6 and 7 are added.
		SRO PLAN Sheet 2	Private Means of Access 6 and 7 are added
Articles 3 and 4 of CPO			The wording "stopping up and" is deleted.
	PLOTS 20 and 21 of CPO		Plot measurements Plot 20 (7850 square metres) and Plot 21 (1247 square metres) are added.
		CPO PLAN	Delineation line is added between Plots 20 and 21.