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Your Ref: LSG4/JPT/5.46355

Our Ref: LAO/NW/LAO/0073

Date: 3 July 2015

Dear Ms Turner

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE LANCASHIRE COUNTY COUNCIL (BROUGHTON BYPASS CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2014 ("the SRO")
THE LANCASHIRE COUNTY COUNCIL (BROUGHTON BYPASS) COMPULSORY
PURCHASE ORDER 2014 ("the CPO")

1. I refer to the concurrent Public Local Inquiries ("the Inquiry") held at Preston Grasshoppers Rugby Football Club, Fulwood between 14 April 2015 to 22 April 2015 before Diane Lewis BA (Hons) MCD MA LLM MRTPI, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted for confirmation by Lancashire County Council ("the Council").
2. If confirmed by the Secretary of State for Transport ("the Secretary of State"), the SRO and CPO would, respectively, authorise the Council to:
 - (i) improve or stop up lengths of highway, construct new highways and stop up and/or provide new private means of access to premises, in order to construct the Broughton Bypass. The Council are proposing to construct the Broughton Bypass between the junction of the A6 Garstang Road, 484m north of Broughton crossroads and Junction 1 of the M55 motorway; and
 - (ii) compulsorily purchase land and the rights over land in order to construct the Broughton Bypass with its associated works and mitigation measures, as provided for by the above-mentioned SRO.

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 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 summarises the case for the Council at IR 3.1 to IR 3.53. The case for the supporters is at IR 4.1. The case for the objectors is summarised at IR 5.1 to IR 5.67 and the Council's response to individual objections is detailed at IR 6.1 to IR 6.59. The modifications proposed to the Orders are summarised at IR 7.80 to IR 7.82. The Inspector's conclusions on the Orders are detailed at IR 7.83 to IR 7.90 and recommendations are given at IR 8.1 to IR 8.3.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of conclusions reached, the Inspector recommended at IR 8.2 that the SRO should be modified as indicated at IR 7.81 and that the Order so modified should be confirmed. Additionally it is recommended at IR 8.3, that the CPO should be modified as indicated at IR 7.82 and that the Order so modified should be confirmed.

Modifications to the SRO are:

- Delete the text in the right hand column of paragraph 3(c) and substitute the words "means the highway which the Council is proposing to construct as the Broughton Bypass from a point on Garstang Road (A6) north of Helms Farm and extending in a generally southerly direction to the junction of Garstang Road and the M55 Motorway."
- The plan with the Inquiry document reference LCC34/A be substituted as Sheet no. 2 of 2 titled Side Roads Orders Plan.

Modifications to the CPO are:

- Delete the word 'approximately' from all the plot descriptions in Table 1 of the Schedule.

6. Having considered the descriptions and explanations for the proposed modifications to the SRO at IR 7.81 and to the CPO at IR 7.82 the Inspector concluded that she agrees with the Council's view that they are of a relatively minor nature and may be made without causing prejudice or injustice to anyone.

MODIFICATIONS

7. In relation to the modification recommended by the Inspector to replace Sheet no. 2 of 2 of the Side Roads Order, the Secretary of State has decided not to substitute the plan, but to modify the existing plan by adding a new Inset 'G'. The Secretary of State is satisfied that this does not materially change the Inspector's recommendation.

THE DECISION OF THE SECRETARY OF STATE

8. The Secretary of State has considered carefully all the objections to, and representations about the Orders, including alternative proposals put forward. He has considered the Inspector's report and accepts the conclusions and recommendations. Following the close of the Inquiry, correspondence has been received from Mr B Wallace, MP on behalf of one of his constituents, Mr Simon Watson of Grays Cottage. Further

correspondence was also received from Mr Watson, Cannon Andrea Titterington, Trustee of the parish of Broughton St. John Baptist and from the Council. The Secretary of State has carefully considered the additional correspondence and is satisfied that there is nothing raised that has not already been adequately addressed by the Inspector or which causes discrepancy with the Inspector's conclusions and recommendations.

9. 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 7.83 to IR 7.90 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.

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 5, subject to the comments made 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, The Lancashire County Council (Broughton Bypass Classified Road (Side Roads) Order 2014 and The Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014 and this letter constitutes the 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.

COMPENSATION

12. 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

13. A copy of this letter 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 together with a copy of the Inspector's report 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>.

14. 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 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



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