



The Planning Inspectorate

Report to the Secretary of State for Transport

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Transport

Date: 25 March 2014

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE LINCOLNSHIRE COUNTY COUNCIL

(A57 LINCOLN EAST WEST LINK ROAD) (CLASSIFIED ROAD)

(SIDE ROADS) ORDER 2013

THE LINCOLNSHIRE COUNTY COUNCIL

(LINCOLN EAST WEST LINK ROAD PHASE 1)

COMPULSORY PURCHASE ORDER 2013

THE LINCOLNSHIRE COUNTY COUNCIL

(LINCOLN EAST WEST LINK ROAD PHASE 1)

SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2014

Date of Inquiry: 11 March 2014

Refs: LAO/EM/SRO/2013/32, LAO/EM/CPO/2013/33 and
LAO/EM/SuppCPO/2014/46

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CASE DETAILS

- The Side Roads Order (SRO) is made under sections 14 and 125 of the Highways Act 1980 by Lincolnshire County Council (LCC) and is dated 19 July 2013.
 - The Compulsory Purchase Order (CPO) is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 by LCC and is dated 19 July 2013.
 - The Supplementary Compulsory Purchase Order (Supplementary CPO) is made under sections 239, 240, 246 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 by LCC and is dated 13 January 2014.
 - LCC (referred to as the 'Order Making Authority') submitted the Orders for confirmation to the Secretary of State for Transport.
 - If confirmed, the SRO would authorise the Order Making Authority to improve, stop-up and construct new highways and stop-up and provide new means of access to premises.
 - If confirmed, the CPO and Supplementary CPO would authorise the Order Making Authority to compulsorily purchase land and the rights over land for the purposes of the construction of new highways; the improvement of existing highways; the provision of new means of access to premises and land; use by the Order Making Authority in connection with the construction and improvement of highways and the provision of new means of access; and the mitigation of any adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.
 - When the Inquiry opened there was 1 statutory objection to the SRO and no objections to the CPO and Supplementary CPO.
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Summary of Recommendations: I recommend that:

the SRO be modified and confirmed;

the CPO be modified and confirmed; and

the Supplementary CPO be modified and confirmed.

1 PREAMBLE

- 1.1 I was appointed by the Secretary of State to conduct the Inquiry in accordance with section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980.
 - 1.2 I held an Inquiry at the Bentley Hotel, Newark Road, South Hykeham, Lincoln LN6 9NH on 11 March 2014 to hear representations and objections concerning the submission made by LCC, as the Order Making Authority, for confirmation of the above-mentioned Orders.
 - 1.3 I carried out an unaccompanied site inspection of the land and surrounding area on 11 March 2014 following the close of the Inquiry. I also completed
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- an unaccompanied site visit of the area on 10 March, prior to opening the Inquiry.
- 1.4 There was 1 statutory objection to the SRO and no objections to the CPO or Supplementary CPO outstanding at the opening of the Inquiry. No objector appeared at the Inquiry. By the close of the Inquiry, no notification had been received from the outstanding objector that it had withdrawn its objection.
- 1.5 Following the withdrawals of objections from Newton and Bailey on 10 March and Grafton plc on 7 March, and the alternative proposed by Grafton plc on 10 March¹, the main outstanding grounds for objection to the Orders were from National Grid regarding the effect of the SRO on statutory undertaker's apparatus².
- 1.6 I prepared and circulated a note at the opening of the Inquiry setting out the tests that must be addressed in the CPO and Supplementary CPO, having regard to the provisions of ODPM Circular 06/2004, and the SRO, with regard to the extinguishment of a right of way³.
- 1.7 The Orders are required to implement a Scheme, known as the Lincoln East West Link Road (EWL). The Scheme would provide a new east-west highway link between High Street and Canwick Road, Lincoln and connect this highway link to the existing highway system, including improvements to other existing highways.
- 1.8 The Order Making Authority confirmed at the Inquiry that it had complied with all necessary statutory formalities. It also provided a certificate as to Notice of Public Inquiry and copies of the Notices of the Inquiry⁴.
- 1.9 This report contains a brief description of the site and surroundings, the gist of the cases presented and my conclusions and recommendations. Lists of appearances and Inquiry documents are appended.

2 DESCRIPTION OF THE SITE AND SURROUNDINGS

- 2.1 The CPO land comprises a mix of retail, commercial, residential and industrial land uses, together with associated space for car parking and manoeuvring. It is located directly south of Lincoln City Centre. It includes commercial/retail buildings within a conservation area at the corner of the junction of Tentercroft Street with High Street. The largest plot within the CPO land consists of an unoccupied open site that was previously used as part of a former coal yard on the north side of Kesteven Street. The Supplementary CPO land consists of a small area of green open space, located at the corner of the junction of Cross Street with Portland Street.
- 2.2 The Scheme includes improvements to St Mark Street, High Street, Tentercroft Street, Cross Street, Kesteven Street and Great Northern Terrace,

¹ Document OBJ/00/02

² Document X/01 Section 6 (2)

³ Document X/02

⁴ Document LCC/00/06

together with the stopping up of part of Canwick Road from its junction with Kesteven Street.

- 2.3 St Mark Street is a single carriageway road consisting of retail and commercial properties and student accommodation. It runs in an east-west direction between the Ropewalk and High Street. High Street runs north-south from The Strait to St Catherine's and is pedestrianised between St Mary's Street and The Strait. South of St Mary's Street, it is single carriageway with a level crossing to the north of Tentercroft Street, where it is predominantly in retail use with some office and commercial premises.
- 2.4 Tentercroft Street is a single carriageway with a cul-de-sac at its eastern end, where it crosses a waterway, known as Sincil Dike. It is about 7 metres wide with narrow footways and there are mainly commercial premises along it.
- 2.5 Kesteven Street runs from the eastern side of Sincil Dike in an easterly direction with mainly terraced housing along its southern side. It passes under Pelham Bridge and then turns to head in a southerly direction to where it forms a junction with Dunford Road, Canwick Road and Pelham Bridge. Near to this junction is an access to trade premises known as Jackson Building Centre. To the north of Kesteven Street is the old Canwick Road, which is a cul-de-sac giving access on its eastern side to commercial premises, including those of Newton and Bailey. Cross Street is a single carriageway road with terraced housing along both sides. It runs north-south, crossing Portland Street and linking with Kesteven Street to the north. Portland Street is predominantly residential.

3 THE CASE FOR THE ORDER MAKING AUTHORITY (LINCOLNSHIRE COUNTY COUNCIL)⁵

The Orders

- 3.1 The three orders, before the Inquiry with their specific titles are drafted in the appropriate technical language required to meet the provisions of the applicable forms and Statutes. In respect of these orders, to the best of the knowledge and belief of LCC, all necessary statutory procedures and formalities have been complied with⁶.
- 3.2 The purpose of the SRO is to maintain access to all land and property directly affected by the EWL and it makes the necessary changes to the highway network to meet those requirements arising from the planning permission granted. Any objection to the SRO has to be examined in the light of the existence of planning permission for the Scheme.
- 3.3 The essential test in looking at the SRO is whether the powers given by Section 14 to deal with roads crossing the classified road and Section 125 of the Highways Act 1980 dealing with private means of access to premises

⁵ Documents LCC/00/04, LCC/01/01, LCC/02/01, LCC/03/01, LCC/04/01, LCC/05/01, LCC/06/01, LCC/PI/05 and LCC/PI/10

⁶ Document LCC/00/06

have been dealt with appropriately. In respect of section 14, the order stopping up the highway cannot be made unless "*the Minister is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up*". In respect of section 125, the order can only be made if no access is reasonably required or another reasonably convenient access is available or will be available⁷.

- 3.4 The CPO, taken together with the Supplementary CPO, provides the means by which the land can be acquired to allow the Scheme to be provided. Those CPOs have been drawn to reflect the position as shown in the planning permission that has been granted for the Scheme, including the land required to allow for the demolition of property, the construction of retaining walls and the bridge, the construction of the new highway and the tie-ins and for access for the future maintenance of highway structures. The CPOs therefore allow for the land required for the Scheme. As such, they contain areas of land that are not required permanently into the future but, without that land acquisition, the Scheme could not proceed.
- 3.5 The Supplementary CPO is necessary because during the preparation of the documentation, and very close to the time that the first CPO was to be published, LCC discovered that a very small area of land was designated as public open space. On discovering that, LCC was obliged to seek a certificate from the Secretary of State, which has been undertaken successfully⁸. The Supplementary CPO, which had to be used in these circumstances, was published to acquire that small area of public open space. This area of land is no different to that which was contained in the original CPO but the process allows for all the relevant interests to be acquired. There have been no objections in respect of this Supplementary CPO.

Statutory Tests

- 3.6 The principles that apply in relation to the use of compulsory purchase powers set out in Circular 06/2004 are summarised in the following way:
- (i) Is there a compelling case in the public interest to justify the acquisition and the disturbance of the owner's rights? In this case, given the overwhelming support for the EWL from a wide range of stakeholders, the answer is yes. That support has existed for a significant period of time⁹ and can be traced as far back as 2004, although the first identification of the route came in about 2006. Since then the proposal, despite changing in terms of how it was intended to be provided moving from a developer funded scheme to an LCC funded proposal, has been consistent in its description. It has been incorporated into the development plan, with Policy 15A of the Local Plan being particularly relevant¹⁰.

⁷ Document CD/01

⁸ Document CD/66

⁹ Document LCC/01/01

¹⁰ Document A/01: City of Lincoln Local Plan August 1998 Policy 15A

- (ii) Does the acquiring authority have a clear idea of how it is intending to use the land acquired? In respect of all the land within the CPO the answer is yes. The land acquisition justification relates exactly to the detail of the areas contained within the planning permission granted and as such the position could not be clearer. The history of the development of the Scheme is relevant in that respect¹¹. The Scheme was originally intended to cover a longer route. Decisions along parts of that route had the potential to prevent the whole length coming forward and so it was decided to break it down into specific and justifiable elements. The Scheme before the Inquiry is one of the elements and it is justified on the basis that it is promoted. That historical development proves however that the LCC has a very clear idea as to why the land is required.
- (iii) Can the acquiring authority demonstrate that the resources to carry out the plans within a reasonable timescale exist? Once again this question is answered positively. Planning permission exists for the Scheme and the detailed design works for it are continuing to fine tune the proposal in order to meet the planning conditions on the permission. LCC has a target commencement date on site of September/October 2014, subject to the outcome of this Inquiry, and an anticipated opening of summer 2016¹². That target date arises not from any need to meet a particular factor such as funding but rather due to the desire to provide the Scheme before the rail downtime due to the crossing increases. The overall Scheme budget, estimated at £21.787 million to include about £1 million contingency, is held under the Highways and Transportation Capital Programme and the Scheme does not require any external funding¹³.
- (iv) Are there any impediments which are likely to interfere with the progress of the Scheme? There are no known impediments to the Scheme progressing and even the recent withdrawal of the Core Strategy has no adverse consequence for the Scheme given that it enjoys the necessary planning permission and the required conservation area consent to allow the Scheme to be built. The continued development of the design of the Scheme has identified some small or minor changes that needed to be made to the proposal and the opportunity presented by having to prepare for this Inquiry has been taken to resolve those issues in so far as they required some minor variations to the planning permission. Accordingly the guidance as contained within Circular 06/2004 is met.
- 3.7 There are other matters that fall to be considered relating to timescale, the existence of any physical or legal factors to block the progress of the Scheme and the existence of planning permission. None of these various considerations cast any doubt on the proposal going forward.

¹¹ Document LCC/01/01 Section 3

¹² Document LCC/02/01 para 7.1 and oral evidence given by Mr Brodrick at the Inquiry

¹³ Document LCC/01/01 Section 7 and oral evidence given by Mr Davies at the Inquiry

- 3.8 Planning permission was granted for the proposal on 26 November 2012¹⁴, following the grant of conservation area consent by the Secretary of State on 15 November 2012¹⁵. The two non material changes to the planning permission, relating to a minor junction change at Great Northern Terrace and Kesteven Street and the removal of the stopping up of Archer Street were granted consent on the 8 November 2013¹⁶. Taken together, those consents provide for the Scheme and identify the purpose to which all the land to be acquired is to be put.

Scheme History

- 3.9 The history of the development of the EWL is extensive¹⁷. During the period 2004-2006 studies were undertaken that led to the publication of the Lincoln Integrated Transport Strategy (LITS) and at the same time feasibility studies were undertaken to consider a new public transport interchange as well as the EWL road. The Scheme was then re-examined when it became clear that the funding, which at the time was anticipated to be linked to developer aspirations, would not be forthcoming. 2008/2009 saw the Scheme reassessed and, to reflect the importance of the Scheme to the future of Lincoln, a decision was made to pursue it as an LCC funded scheme. The City of Lincoln were, and still are, fully supportive of the provision of the road. Public consultation was undertaken into the alignment of the route in 2010 and nearly 2000 responses were received¹⁸. 86% supported the need for a road, 79% supported the proposed route and 79% supported the proposal to pedestrianise the High Street between Tentercroft Street and St Mary's Street. Accordingly, and following some additional work, the route that ultimately was granted planning permission in 2012 was chosen.
- 3.10 There has been no challenge in relation to the need for the Scheme and no suggestion that the route itself should be changed, other than a withdrawn alternative to one particular aspect of the alignment. There is no alternative before the Inquiry suggesting the route should follow a different alignment. Accordingly, the planning permission can be accepted to that extent.
- 3.11 The Local Plan envisages, as has been the case for a significant period of time, that a road scheme to improve the east west connectivity within the City is required. Local Plan Policy 15A safeguards a route for such a road from Canwick Road under Pelham Bridge towards the east end of Tentercroft Street subject to a full environmental and economic assessment of the proposal¹⁹. The Local Plan does not seek to identify a precise route but does provide the relevant support for the proposal subject to its justification.

¹⁴ Document CD/41

¹⁵ Document CD/40

¹⁶ Document CD/43

¹⁷ Documents LCC/00/04 and LCC/01/01 Section 3

¹⁸ Documents LCC/01/01 Section 4 and CD/34

¹⁹ Document A/01

Modifications

- 3.12 Modifications have been made to the SRO, CPO and Supplementary CPO in order to address comments from the Department for Transport. A complete set of modified documents has been submitted, together with reasons for the modifications²⁰. The modifications to the SRO include clarification of the 'Site Plan', a correction to the map reference number and alterations to the distances and descriptions of the affected highways to correlate with those shown on the map. Those to the CPO include the deletion of plot 35 from the Order and map due to this plot being included in the Supplementary CPO, and corrections to references to the title of the SRO, which is also corrected in the Supplementary CPO. In addition, the Protected Assets Certificate has been corrected to state that the proposals will not involve the demolition, alteration or extension of Scheduled Monuments²¹.

Benefits of the Scheme

- 3.13 The committee report in respect of the application made for planning permission details the reasons for granting permission and it provides a very useful summary of the basis on which the consent was granted and, as such, supports the Orders before the Inquiry. It is set out in the following terms²²: *"It has been demonstrated by the applicant that a need for a highway scheme to improve east west connectivity in Lincoln is necessary. This need is confirmed by City of Lincoln Local Plan Policy 15A which safeguards a route for a new access road along part of the route included within this planning permission. Subsequent Transport Strategies and the Lincoln City Centre Masterplan documents have reinforced the need to improve accessibility and movement in the centre of Lincoln. It is therefore clear that there is a need for the east west link and provision is set out for this in the Development Plan"; "It has been demonstrated that the scheme will produce short term traffic benefits and potential longer term benefits to reduce congestion in the centre of Lincoln"; and "It is certain that without the scheme traffic congestion in the centre of Lincoln will get progressively worse. The scheme also provides social benefits by removing traffic from residential areas such as Portland Street and will introduce a trigger for economic regeneration in a part of the city that has the potential for re-development. It is therefore concluded that the application will provide the necessary substantial public benefits to outweigh the loss of a designated heritage asset as required by the NPPF²³".*
- 3.14 The role of the EWL will seek to deal with current transport related problems and issues within Lincoln as part of the overall LITS. A major restriction on traffic wishing to travel through Lincoln arises from the lack of options for crossing the watercourses and the railway, with current delays due to rail crossing downtime likely to increase in the future to accommodate additional trains.

²⁰ Document LCC/PI/06

²¹ Document LCC/PI/09

²² Document CD/25 Page 70

²³ The National Planning Policy Framework

- 3.15 The approach adopted in bringing forward the Scheme has followed the 'placemaking principles' outlined in the Department's guidance²⁴, which has been to balance all users' needs with safety and access and to help promote streets as community spaces that make a positive contribution to the life of local communities. The objectives are summarised in the following way²⁵: to accord with the planning policy; to improve connectivity for all modes of travel moving east west across the city; to allow the pedestrianisation of the part of the High Street north of Tentercroft Street, although that is not a direct part of the Scheme as it will be done through appropriate traffic regulation orders, geometry and signage following the scheme being built; to support LITS by encouraging the use of alternative modes of travel; to allow road space to be reallocated to other users; to support wider economic regeneration and growth; to improve community environment, public realm and quality of life for residents; and to improve air quality and reduce gaseous emissions in the area south of the rail crossing. The Scheme meets these objectives and the traffic figures indicate the level of relief and change that can be anticipated with the Scheme in place.
- 3.16 With regard to the implications arising from the Scheme in respect of the Human Rights Act 1998, in the light of the significant public benefit which would arise from its implementation, LCC has concluded that it would be appropriate to make the Orders. LCC does not regard the Orders as constituting any unlawful interference with individual property rights²⁶.

Objection

- 3.17 There is one remaining objector to consider at the Inquiry following the approach adopted by LCC in dealing with all those affected by the Orders. The objection from National Grid is strange given that the email exchange seemed to have resolved everything²⁷. They are not objecting under the statutory test. No case is raised stating section 14 or section 125 requirements have failed to be met. LCC has written a letter, dated 22 January 2014, agreeing to grant National Grid an easement over the affected mains in sections of the stopped up highway and making a payment of £1000 plus VAT. National Grid has written to confirm receipt of the payment²⁸. Despite that, and the steps taken by LCC since, the objection has not been withdrawn.
- 3.18 National Grid submitted a holding objection to protect their installation²⁹. There is evidence before the Inquiry that it is so protected. This includes paragraph 2 of the SRO³⁰, which makes it clear that before the highway is stopped up any apparatus of statutory undertakers subject to section 21 of the Highways Act 1980 shall have the same rights as it had immediately before the stopping up. The Order seeks to protect them. The objection is

²⁴ Documents LCC/02/01 para 2.2 and CD/50

²⁵ Documents LCC/00/04 Section 7 and LCC/03/01 paras 94 to 109

²⁶ Documents LCC/00/04 Section 14 and LCC/01/01 Section 13

²⁷ Document OBJ/02/03

²⁸ Document OBJ/02/03 and oral evidence given by Mr Brodrick at the Inquiry

²⁹ Document X/01 Section 6 (2)

³⁰ Document LCC/00/01

merely a means by which to protect them. It is National Grid's internal inability to deal with the situation that has resulted in the objection not being withdrawn and the need for the Inquiry.

Conclusions

- 3.19 In summary, there are no objections to the CPO and the objection to the SRO is dealt with in terms by the SRO. Failure of a settlement of these terms to be in place now cannot be laid at the LCC door. The Scheme marks a positive advantage and a recommendation for the Orders would be highly beneficial. There is significant support and no genuine remaining objection.

4 THE CASE for the OBJECTOR

Statutory Objector

National Grid (to the SRO)³¹

- 4.1 National Grid have apparatus in the part of old Canwick Road which would be stopped up under the SRO.
- 4.2 National Grid objects to the SRO on the grounds that the level of protection currently afforded to the apparatus they have in the subject land may be diminished. They have identified 2 ways of removing the objection for gas apparatus. These are either to grant an easement over the affected main, including the sending of a cheque for £1,000 plus VAT to cover costs; or request that the affected main is diverted or isolated.

³¹ Documents X/01 Section 6 (2) and OBJ/02/03

5 CONCLUSIONS

5.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets [] to earlier paragraphs where appropriate.

Side Roads Order (SRO)

5.2 In the case of the SRO, section 14 of the Highways Act 1980 requires it to be demonstrated that another reasonably convenient route is available or will be provided before the highway is stopped up. There are no objections to the SRO on this basis. As I am content that LCC, as the Highway Authority, are satisfied with the Scheme proposals for the EWL and no alternative proposals have been pursued, I consider that this criterion has been met. **[3.2, 3.3 and 3.17]**

5.3 In terms of section 125 of the Highways Act 1980, where the Scheme includes the stopping up of a private means of access, the evidence has demonstrated that either no access to the property is reasonably required or another reasonably convenient access to the property is, or would be, available. No party has objected to a loss of a private means of access. I am satisfied that LCC has allowed for adequate temporary measures to ensure that private means of access would be maintained to all those properties that would require it during construction. On this basis, I accept that this criterion has been satisfied. **[3.2, 3.3 and 3.17]**

5.4 Section 14(2)(a) of the Highways Act 1980 requires the provision for the preservation of rights of statutory undertakers in respect of their apparatus. This is provided in Section 2 of the SRO. Whilst there is an outstanding objection from a statutory undertaker, this would be overcome by the granting of an easement, which LCC has agreed. The objection is therefore based on an administrative matter, which can be overcome and the process is almost complete. Therefore I consider this criterion has been satisfied. **[3.17, 3.18, 4.1 and 4.2]**

5.5 I conclude that the SRO criteria are satisfied and that accordingly the SRO should be confirmed, subject to the modifications.

Compulsory Purchase Orders (CPO and Supplementary CPO)

5.6 There are a number of considerations to be addressed in reaching my recommendations with regard to the CPO and Supplementary CPO³², namely there should be:

- A compelling case for acquisition in the public interest;
- evidence that this justifies interfering with the human rights of those with an interest in the land;
- evidence that the acquiring authority has a clear idea of how the land is to be used;

³² Document X/02- Inspectors Note given to the parties at the Inquiry

- evidence that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale; and
 - evidence that the scheme is unlikely to be blocked by any impediment to implementation.
- 5.6 In terms of the above criteria, there are no outstanding objections to either the CPO or the Supplementary CPO. Consequently, I conclude that little weight may be assigned to any objections in the balance against public benefit. I am satisfied that there is a compelling case in the public interest for the Order land to be acquired. The evidence clearly demonstrates that there is a need for the Scheme and I consider the acquisition of land and rights over land, that the Orders would authorise, would be proportionate and justified and that the first 2 criteria are met. **[3.6(i), 3.9, 3.10, 3.13, 3.14, 3.15 and 3.16]**
- 5.7 It is clear to me that the engineering design of the Scheme and the design of the associated mitigation proposals are well developed and I consider that the acquiring authority has a clear idea of how the land is to be used. **[3.6(ii)]**
- 5.8 With regard to resources, there is nothing before me to suggest that the budget that has been allowed for the Scheme would not be sufficient to adequately fund it. The full funding has been agreed by LCC from its Highways and Transportation Capital Programme. The Scheme has been programmed to start as soon as possible after confirmation of the Orders. I therefore consider that it is reasonable to believe that the necessary resources are likely to be available within a reasonable timescale. **[3.6(iii)]**
- 5.9 The evidence indicates that the Scheme is unlikely to be blocked by any impediment to its implementation. All the land is required immediately for the construction of the Scheme. The necessary planning permissions and conservation area consent have been granted. A programme of works has been drawn up, to commence September/October 2014 with an opening in summer 2016. **[3.6(iii), 3.6(iv) and 3.8]**
- 5.10 In the light of all the evidence, I consider that there is a compelling case in the public interest for the Scheme to proceed and that this outweighs the private loss involved in compulsory acquisition. I therefore conclude that the CPO criteria have been satisfied and that accordingly the CPO and Supplementary CPO should both be confirmed subject to modification.

Modifications to the SRO, CPO and Supplementary CPO

- 5.11 I conclude that all the proposed modifications to the SRO, CPO and Supplementary CPO are necessary and that the Orders should be modified in accordance with the modified documents. **[3.12]**

Objections

- 5.12 There are no outstanding objections to the CPO and Supplementary CPO, the remaining objections to the CPO having been withdrawn just before the opening of the Inquiry. There is one outstanding objection to the SRO, but that is currently being addressed. I have been given no reason to believe that the National Grid apparatus would not be satisfactorily protected.

Consequently, I conclude that little weight may be assigned to any objections in the balance against public benefit. **[1.5, 3.17 and 3.18]**

Overall Conclusions

- 5.13 I am satisfied that there is a strong case for the Scheme to be implemented. For these reasons, and having regard to ODPM Circular 06/2004, I find that there is a compelling case in the public interest for the land's compulsory purchase, which justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation. Therefore, I conclude that the Side Roads Order, Compulsory Purchase Order and Supplementary Compulsory Purchase Order should all be modified in accordance with Document LCC/PI/06 and the Orders so modified be confirmed. I have had regard to all other matters raised, but they do not outweigh the conclusions I have reached and the recommendations that I make.

6 RECOMMENDATIONS

- 6.1 I recommend that the **THE LINCOLNSHIRE COUNTY COUNCIL (A57 LINCOLN EAST WEST LINK ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2013** be modified in accordance with Document LCC/PI/06 and thereafter confirmed; **THE LINCOLNSHIRE COUNTY COUNCIL (LINCOLN EAST WEST LINK ROAD PHASE 1) COMPULSORY PURCHASE ORDER 2013** be modified in accordance with Document LCC/PI/06 and thereafter confirmed; and **THE LINCOLNSHIRE COUNTY COUNCIL (LINCOLN EAST WEST LINK ROAD PHASE 1) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2014** be modified in accordance with Document LCC/PI/06 and thereafter confirmed.

M J Whitehead

INSPECTOR

APPENDIX A: APPEARANCES

FOR THE ORDER MAKING AUTHORITY (LINCOLNSHIRE COUNTY COUNCIL)

Simon Randle	Of Counsel, instructed by the Solicitor to Lincolnshire County Council
He called	
Leslie Davies BSc CEng MICE	Senior Project Leader, Lincolnshire County Council
David Brodrick IEng MICE	Principal Engineer, Lincolnshire County Council
David Wildman BSc MSc	Principal Transport Planner, Mouchel
Simon Wright BSc(Hons) MRICS	Places Manager, Economy and Culture Team, Lincolnshire County Council
Paul Colclough BSc MSc CChem MRSC	Air Quality and Acoustics Team Leader, Mouchel

APPENDIX B: DOCUMENTS LIST

CORE DOCUMENTS

CD/00	Statement of Case, dated 19 November 2013
CD/01	Highways Act 1980
CD/02	Acquisition of Land Act 1981
CD/03	National Planning Policy Framework
CD/04	Central Lincolnshire Core Strategy Issues and Options 2010
CD/05	Central Lincolnshire Local Plan Core Strategy Partial Draft Plan for Consultation, June 2012
CD/06	Central Lincolnshire Local Plan Core Strategy Partial Draft Plan for Consultation: Area Policies for Lincoln, Gainsborough and Sleaford, dated January 2013
CD/07	Greater Lincoln Growth Delivery Plan 2006 – 2026
CD/08	Linking Lincoln (the City Centre Masterplan)
CD/09	Lincolnshire County Council's Business Plan 2012-15 updated February 2013
CD/10	First Local Transport Plan
CD/11	Second Local Transport Plan 2006/7 to 2010/11, dated March 2006
CD/12	Third Local Transport Plan 2011/12 to 2012/13, dated April 2011
CD/13	Fourth Lincolnshire Local Transport Plan 2013/14 – 2022/23, dated April 2013
CD/14	A Transport Strategy for the Lincoln Area (August 2005)
CD/15	A Transport Strategy for the Lincoln Area (Revision 1), January 2008
CD/16	LCC Technical Services Partnership Design and Supervision Guide
CD/17	Road Classification Policy for Lincolnshire
CD/18	Lincolnshire County Council Public Transport Interchange and East-West Link Stage 1 Report May 2006
CD/19	Lincoln Transport Interchange & East West Link Road Feasibility Contract August 2006
CD/20	Lincolnshire County Council Public Transport Interchange and East-West Link Stage 2 Report January 2007
CD/21	Lincoln East West Link, Preliminary Option Assessment Report, June 2009
CD/22	Lincoln East West Link Road Phase One Consultation Report, October 2010

CD/23	Town and Country Planning Notice, dated 28 December 2011
CD/24	Letter submitting planning application from Roger Prescott Mouchel, 30 January 2012
CD/25	Open report to Planning and Regulation Committee, 1 October 2012
CD/26	EWL Historic Building Report
CD/27	Route Appraisal and Justification statement
CD/28	Proposed street lighting installation
CD/29	Transport Assessment
CD/30	High Street/Tentercroft Street Building Replacement Framework Travel Plan
CD/31	Environmental Statement – Volume 1
CD/32	Environmental Statement – Volume 2
CD/33	Environmental Statement – Volume 3
CD/34	Statement of Community Involvement
CD/35	Planning Statement
CD/36	Supporting statement for an application for conservation area consent
CD/37	Design and Access Statement
CD/38	Heritage Statement
CD/39	East West Link Road Phase one Planning Applications Responses
CD/40	Conservation Area Consent, dated 15 November 2012
CD/41	Planning permission, 26 November 2012
CD/42	Planning application for non-material amendment, dated 16 July 2013
CD/43	Decision notice for non-material change, dated 8 November 2013, with plans D/HCMSA0020/01/9003 and D/HCMSA0020/01/9004.
CD/44	Highways and Traffic Guidance Note HAT 34 (Design Standards and Departures for Highway Schemes)
CD/45	DMRB (Highways Agency) http://www.dft.gov.uk/ha/standards/dmr/index.htm
CD/46	LTN 1/07 (DfT) https://www.gov.uk/government/publications/local-transport notes
CD/47	LTN 2/08 (DfT) https://www.gov.uk/government/publications/local-transport-notes44

- CD/48** LTN (2/09 (Dft)
<https://www.gov.uk/government/publications/local-transport-notes>
- CD/49** Safety Audit Policy (HAT62) (LCC)
- CD/50** Manual for Streets 1&2 (Dft)
<https://www.gov.uk/government/publications/manual-for-streets>
- CD/51** Streetscape Design Manual (LCC)
- CD/52** Typical Detail Drawings (LCC)
- CD/53** Traffic Signs Manual (DfT)
<https://www.gov.uk/government/publications/traffic-signs-manual>
- CD/54** Traffic Signs Regulations and General Directions 2002 (DfT)
<https://www.gov.uk/government/publications/the-traffic-signs-regulations-and-general-directions-tsrgd-2002>
- CD/55** Traffic Signals Design Guide (HAT52/1/08) (LCC)
- CD/56** Street Lighting Design Guide (HAT49 Street lighting policy) (LCC)
- CD/57** Guidance on the use of Tactile Paving (DfT)
<https://www.gov.uk/government/publications/guidance-on-the-use-of-tactile-paving-surfaces45>
- CD/58** Inclusive Mobility (DfT)
<https://www.gov.uk/government/publications/inclusive-mobility>
- CD/60** Highways, Transport & Technology Scrutiny Committee Report and minutes from 17 June 2013
- CD/61** Executive Report and minutes from 2 July 2013
- CD/62** A footfall survey of the High St between Tentercroft St and Wigford Way undertaken by Lincs Lab in Oct 2010
- CD/63** B_2539/PC/002_Rev A - Lincoln EWL Phase 1
- CD/64** B_HCMSA0020_01_CPO_100_A1 - Overall CPO Plan
- CD/65** B_HCMSA0020_01_SRO_001_A2 - Phase 1
- CD/66** Letter from Department for Communities and Local Government, dated 7 November 2013

STATUTORY ORDERS

- LCC/00/01** Lincolnshire County Council (A57 Lincoln East West Link Road) (Classified Road) (Side Roads) Order 2013
- LCC/00/02** Lincolnshire County Council (Lincoln East West Link Road Phase 1) Compulsory Purchase Order 2013
- LCC/00/03** Lincolnshire County Council (Lincoln East West Link Road Phase 1) Supplementary Compulsory Purchase Order 2014
- LCC/00/04** Statement of Reasons

- LCC/00/05** Open Space Notice
- LCC/00/06** Publications in the London Gazette and Lincolnshire Echo of 16 and 23 January 2014 and site notice log maintenance record

PROOFS OF EVIDENCE

- LCC/01/01** Mr Leslie Davies (Background and Planning) Proof of Evidence with Appendices
- LCC/02/01** Mr David Brodrick (Highway Engineering) Proof of Evidence with Appendices
- LCC/03/01** Mr David Wildman (Traffic and Transportation) Proof of Evidence with Appendices
- LCC/04/01** Mr Simon Wright (Property) Proof of Evidence with Appendices
- LCC/05/01** Mr Paul Colclough (Noise and Air Quality) Proof of Evidence
- LCC/06/01** Mr Andrew Arrol (Building Heritage Design) Proof of Evidence with Appendix

DOCUMENTS SUBMITTED FOR THE INQUIRY

- LCC/PI/01** Response to Hodgson Elkington on behalf of Messrs Newton & Bailey (objection withdrawn)
- LCC/PI/02** Response to Hinson Parry & Company on behalf of the Grafton Group plc (trading as Jackson Building Centres) (objection withdrawn)
- LCC/PI/03** Response to Hodgson Elkington to objection and video presentation on behalf of Messrs Newton & Bailey (objection withdrawn)
- LCC/PI/04** Response to Objectors' Alternative (Alternative withdrawn)
- LCC/PI/05** Opening Remarks on behalf of Lincolnshire County Council
- LCC/PI/06** Modifications to Orders, including replacement Side Roads Order, Compulsory Purchase Order and Supplementary Compulsory Purchase Order
- LCC/PI/07** Land interest plan (drawing number D/HCMSA0020/01/L1/047)
- LCC/PI/08** Unaccompanied site inspection itinerary map
- LCC/PI/09** Certificate of 5 September 2013 and corrected Certificate of 11 March 2014 in relation to the Protected Assets
- LCC/PI/10** Closing Statement on behalf of Lincolnshire County Council

OBJECTORS' DOCUMENTS

- OBJ/00/01** Folder of written statutory and non-statutory objections
- OBJ/00/02** Letters of withdrawal of objections
- OBJ/02/03** National Grid correspondence

GENERAL INQUIRY DOCUMENTS

- X/01** Inspector's Dossier
- X/02** Statutory Tests
- X/03** Record of Attendance

ADDITIONAL DOCUMENT

- A/01** City of Lincoln Local Plan August 1998 Policy 15A