

Appendix B – Agreed alterations to the Orders on Confirmation

Agreed alterations to the CPO

One of the enabling powers referenced is Section 250 of the Highways Act 1980. However, there are no rights plots in the CPO (land coloured blue). As this power is superfluous, DFT proposed to delete the reference to 250 in the event of the CPO being confirmed.

DFT to add Paragraph 4 of Form 1 in the Compulsory Purchase of Land (Prescribed Forms) (Ministers) (Amendments) Regulations 2024 in the event of the CPO being confirmed.

Plot 2/4 in the Schedule, altered to north-west of the junction

Plot 2/5 in the Schedule, to reference the south-east quadrant

The Plan

DFT would usually expect all land to be acquired to be shown the same, usually shown pink and delineated in red or only delineated in red – Article 2(1) refers to 'land described in the Schedule and delineated and shown coloured pink on a map.....'.

In the CPO some plots are pink and some delineated either by a black line or a red line (the scheme boundary) or in part a red line and a black line (e.g. plot 2/4). For clarity DFT would propose that the CPO is modified by replacing the map with the plots being shown coloured pink and delineated in red and that the scheme boundary is removed (there is no requirement to include the scheme boundary on the map and this could possibly lead to confusion).

The CPO plan has been updated in the signed orders

To correspond with the description in Article 2(1) of the Order a minor modification to add "MAP REFERRED TO" to the plan tile is proposed.

Plan updated as required.

Agreed Alterations to the SRO

Article 1 needs only to refer to 'the trunk road' as the order is made in relation to the trunk road as defined in Article 5 of the order (please see the examples which only refer to "classified road" to be found in the Section 3 of the attached Circular 1/97). As the description presently includes reference to other highways than the A52 (the A60 and A606) modification of the Order is proposed.

The trunk road definition in relation to the Wheatcroft junction refers to two points west of the A52/A606 Melton Road junction, should one of the descriptions not be northeast of the A52/A606 Melton Road? Agreed to modify the Order as required.

The Schedule

The A52 Trunk Road should not be included as a highway to be improved (unless there are improvements to the A52 outside that defined in the definitions which doesn't appear the case here). As set out in Local Authority Circular 1/97 paragraph 8.2, having been defined, the s14 Order can then seek no authority for works of the classified road (in this case "the trunk road" as defined in Article 5 of the Order). Please see paragraphs 3.1 to 3.3 of Circular 1/97 in relation to the authority of classified road works. The Order will be modified accordingly.

The Plan

The classified road, or in this case "the trunk road" should be illustrated by a unique symbol on the

plan(s) (Circular 1/97 paragraph 8.2), identified in the plan symbols key, and its boundaries should be clearly identifiable throughout. Accordingly, the cross hatching from the A52 Trunk Road as defined in the order should be removed and its outline shown using a symbol to be included in the legend as "the trunk road" (in relation to examples of classified road symbols please see Appendix II from Local Authority Circular 1/97). Please provide a replacement plan taking into account the aforesaid and the further points below.

A new means of access should emanate from the proposed highway boundary. The outline of the proposed connection with the carriageway of the highway can be shown, however, the area within the highway boundary has public rather than private rights. Whilst new access 1/1 is correctly shown, new accesses 1/3, 1/2 and possibly 2/1 and 2/2 are shown within the proposed highway boundary.

Please note that where a highway is to be improved the improvement includes any road widening. Therefore, if they are a side road and not the trunk road the cross hatching should extend to the proposed new highway boundary not just the existing highway.

The Side Road Order plan has been updated accordingly and will be used when the Order is confirmed.