

**PROOF OF EVIDENCE
PLANNING SERVICES**

**PUBLIC INQUIRY IN RESPECT OF THE LINCOLN EASTERN
BYPASS AND THE FOLLOWING ORDERS AND
APPLICATIONS:**

- 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

Submitted by:

Marc Willis BSc, MA, MRTPI

Principal Planning Officer (Development Management)

Planning Services

Lincolnshire County Council

July 2015

1.0 Introduction

- 1.1 I, Marc Andrew Willis will say as follows:-
- 1.2 I, Marc Andrew Willis hold a BSc Combined Studies (Geography and Geology) Degree from the University of Leicester and a MA Town and Regional Planning Post Graduate Degree from the University of Sheffield. I became a Chartered Member of the Royal Town Planning Institute in 2005.
- 1.3 I currently hold the position of Principal Planning Officer (Development Management) at Lincolnshire County Council ('the County Council') and have done so since March 2009. Prior to this role I worked at Staffordshire County Council where between 2002 and 2008 I held posts at different levels within their planning team and was appointed as a Principal Planning Officer in 2005. Whilst at Staffordshire County Council I was responsible for dealing with major mineral and waste proposals including applications for significant extensions to clay, sand and gravel and silica sand quarries, applications made pursuant to the provisions of the Environment Act 1995, proposals relating to major waste management operations including applications which were supported by Environmental Statements.
- 1.4 My current duties continue to include dealing with major and complex proposals including mineral and waste related developments, EIA developments, new and expanded school proposals and highway related schemes. My role requires me to give professional, independent planning advice and to process all planning applications in accordance with the relevant statutory procedures and legislation irrespective of whether the applicant is a private third-party individual/company or another department or section within the County Council.
- 1.5 I appear at this Inquiry to give evidence in respect of planning matters in relation to the Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014, the Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014 and the

Application in relation to the proposed Compulsory Purchase of Land held by The Canal & River Trust. I appear as the planning witness at this Inquiry and replace the previous planning witness Mr. Andrew Gutherson as he has since been promoted to another role within Lincolnshire County Council.

- 1.6 I am aware of and have read the documentation produced by the County Council in respect of the matters before this Inquiry. More particularly I am familiar with the planning history and planning applications which relate to the LEB, the Scheme and also the County Council's Statement of Reasons and Statement of Case. In preparing this proof of evidence I have had regard to relevant background information including:
- a) The 2005 planning approval for a dual carriageway scheme (planning permission reference L/0170/04) (Core Document ref: CD89);
 - b) The 2010 planning approval for a dual carriageway scheme (planning permission reference L/0170/10) and associated documentation including the Environmental Statement (Core Document ref: CD30);
 - c) The 2013 planning approval for a single carriageway scheme (planning permission reference L/110/13) and associated documentation including the Environmental Statement (Core Document ref: CD34);
 - d) The 2014 planning approval for the construction of a non-motorised user bridge at Hawthorn Road (planning permission reference W42/130726/13) (Core Document ref: CD36);
 - e) The 2014 planning approval for the Section 73 application which amended conditions attached to permission L/110/13 relating to the single carriageway scheme (planning permission reference L/0643/14) and associated documentation and updated Environmental Statement information (Core Document ref: CD42);
 - f) The 2014 planning approval for an amended non-motorised user bridge at Hawthorn Road (planning permission reference W42/131879/14) (Core Document ref: CD43);

- g) Proof(s) of Evidence produced by Mr Andrew Gutherson submitted to the previous Public Inquiry.
 - h) The previous Inspectors report to the Secretary of State for Transport dated 30th April 2014 (Core Document ref: CD1) and Secretary of State decision letter dated 8th July 2014 (Core Document ref: CD2).
- 1.7 My reading of the various documents and supporting information indicates that the necessary statutory procedures were complied with during the processing of all the planning applications relating to the Scheme. Part of my responsibility is to ensure that this happens and applications would not be dealt with until they do. I will continue to be connected with the LEB as I will be involved with the discharge of all conditions on the various planning permissions. My approach will be to ensure the statutory requirements continue to be met.
- 1.8 During the course of the Pre-Inquiry Meeting, and as confirmed subsequently, the Inspector requested some update be made to certain matters contained within the Environmental Statement which accompanied the planning application for the Scheme. Those matters related specifically to noise, air quality and ecological matters where the Inspector felt the position may have changed since the planning permission was originally granted. The details of what has been done subsequently is set out in the evidence produced by Mr Rowley but I am able to confirm the following:
- In terms of noise, the position remains essentially the same subject to the amendments to the mitigation measures (i.e. acoustic fencing) dealt with under and approved by the Section 73 planning permission (Core Document ref: CD42). The grant of consent for those amendments demonstrates their acceptability to the Council.
 - In terms of air quality considerations, the changes identified are insignificant and would not alter the Council's position in respect of the grant of planning permission.

- In terms of ecological matters, no additional measures are considered necessary that are not already covered by the conditions attached to the planning permission.

1.9 Consequently having taken into account the information now produced it is my opinion that those matters would not affect the County Councils position or decision in respect of the grant of planning permission for the Scheme.

2.0 Structure of the Evidence

2.1 My evidence will cover the planning history relating to the Scheme, its context in planning policy terms and the latest position regarding the policy position in respect of the development led funding arrangements to be used to secure the delivery of the Scheme.

2.2 Other witnesses to be called on behalf of the County Council are:-

- Lee Rowley, Mouchel – Scheme Promoter for Lincolnshire County Council
- David Chetwynd, Lincolnshire County Council – Highway Engineering Issues
- Gary Billington, Mouchel – Transportation Planning Issues
- Paul Smith, Mouchel – Traffic Modelling Matters

2.3 I have had direct experience with the Lincoln Eastern Bypass Scheme ('the LEB') since 2009/10 as I have been the case officer who was responsible for dealing with the various planning applications following their submission to the County Council. I appear as the planning witness at this Inquiry as Mr Andrew Gutherson, the previous witness who appeared at the Inquiry in February 2014, has since been promoted to another role within Lincolnshire County Council. I have read the proofs of evidence produced by Mr. Gutherson which were presented to the previous Inquiry. My proof of evidence updates the information contained within Mr. Gutherson's evidence in particular

highlighting any changes in the planning policy position and permissions relating to the LEB since the previous Inquiry.

2.4 I can confirm that the contents of my evidence are my professional opinion and are true and gained from my own direct knowledge except where indicated.

2.5 For clarification I can confirm that I am providing the planning evidence at this Inquiry rather than Mr Andrew Gutherson who presented the planning evidence at the previous Inquiry for the following reasons:

- Mr Gutherson has been promoted within the County Council management structure. His new role is as the County Commissioner for Economy and Place. Whilst the role includes that of the County Council Chief Planning Officer it also is the senior position responsible for commissioning of the LEB scheme;
- Mr Gutherson is now providing leadership to the overall project and therefore by me giving evidence avoids any suggestion that there might be a conflict of interest in respect of his new role;
- I have been the case officer for all stages of the planning application process for the LEB since 2009/10.

3.0 Background and Planning History

3.1 In April 2005 planning permission (reference: L/0170/04) was granted for a dual carriageway Lincoln Eastern Bypass (LEB) scheme extending from the Wragby Road (A15/A158) roundabout to the Sleaford Road (A15) south of Bracebridge Heath (Core Document ref: CD89).

3.2 Although permission was granted for this scheme in 2005 work began on identifying alternative route options for the LEB in order to take into account the future growth and potential long-term urban expansion of Lincoln which had been identified in the East Midlands Regional Plan 2009 (Core Document

ref: CD7). Five potential route corridors were subsequently identified and assessed as possible routes for the LEB and following further assessment these were later reduced to two main potential route corridors. Based on these two corridors, three potential routes for the LEB were then identified (Routes X, Y and Z) and these were comparatively assessed.

- 3.3 In 2008 the County Council (acting as the scheme promoter) held a series of public exhibitions in Lincoln and villages east of Lincoln and comments were invited from the public and third party organisations on the three potential routes. Comments received during this exercise were collated and taken into account in identifying the final preferred route. Route Z received the highest level of support and so was subsequently taken forward as the preferred option and a planning application was submitted which sought planning permission for a dual carriageway LEB scheme along this route.
- 3.4 In October 2010 planning permission (ref: L/0170/10) was subsequently granted for the revised LEB scheme which, like the 2005 scheme, was for a dual carriageway bypass (Core Document ref: CD30). The northern section of the revised LEB route (i.e. between Wragby Road and Washingborough Road) was congruent with that of the scheme approved in 2005, however, the southern section of the route (i.e. between Washingborough Road and Sleaford Road) differed in its alignment in order to reflect proposed future development to the east of Lincoln.
- 3.5 In 2010 the Coalition Government's Spending Review meant that the dual carriageway LEB scheme granted by permission L/0170/10 was not taken forward to programme entry for funding and the Department for Transport (DfT) announced that funding would be available through the development pool process for schemes that looked to revise the total funding required from the DfT. In response to this, changes to the scope and engineering of the LEB were identified and assessed in order to develop a more cost effective solution whilst ensuring the wider aims and objectives of the scheme were still capable of being achieved. This assessment resulted in the development of a single carriageway bypass scheme which proposed to run along the same

overall corridor as that of the dual carriageway scheme which was approved in 2010.

- 3.6 In April 2012 I attended a meeting with the Development Manager of Lincolnshire County Council's Planning Services and Lee Rowley and other members of the project team to discuss how the inevitable amendments to the then approved dual carriageway scheme could potentially be taken forward given the DfT's decision and the funding available. The decision taken at the time was that a Section 73 application was the preferred approach as the intention was to limit the changes to the scheme to reduce it from a dual to a single carriageway rather than to seek to follow an entirely different route and accordingly such an application would be submitted. The meeting discussed the detailed requirement for an application submission including the documentation required to support the application.
- 3.7 Subsequent to the April 2012 meeting, the scheme project team obtained legal advice which identified the risks associated with submitting a Section 73 application to amend the 2010 dual carriageway Scheme. A decision was therefore taken to submit a full application with supporting Environmental Statement for a single carriageway scheme but seeking to utilise as much as possible of the route that had already been found to be acceptable in the public interest as it had been granted planning permission. This position was confirmed in teleconference that included the Development Manager on 14 June 2012. That call included further discussion and clarification on the requirements of the new application.
- 3.8 Mr Gutherson indicated to the previous Inquiry that he was of the opinion that was the correct and appropriate way to proceed. I share that opinion that this was the correct and appropriate way for the change in the Scheme to be considered by the County Council as Planning Authority.
- 3.9 In January 2013 a planning application seeking full planning permission for a single carriageway scheme was submitted to Lincolnshire County Council (Core Document ref: CD31) and on the 10 June 2013 planning permission

was granted (permission reference L/0110/13) (Core Document ref: CD34). Although the County Council (acting as the scheme promoter) did consult and contact a range of key strategic stakeholders about the revised LEB prior to formally submitting the planning application for determination, public exhibitions and consultation events like those conducted in 2008 were not carried out. However, once the application was formally submitted the County Council did advertise and carry out consultations on the application in accordance with the statutory requirements and in compliance with the Council's Statement of Community Involvement (SCI) which was first adopted in September 2007 (Core Document ref: CD87). The SCI explains how the County Council engages with the public on planning issues, including the formulation of land use policies and consulting on planning applications. Accordingly full and extensive consultation was carried out with both statutory and non-statutory consultees, Local County Council Members, neighbouring residents and by way of advertising the application with public notices in the local press and at the site.

- 3.10 The 2013 planning application was reported to the County Council's Planning & Regulation Committee and the Officer's report gave a full explanation of the development and highlighted the key differences that existed between the single carriageway scheme and the dual carriageway scheme that was granted permission in 2010 (Core Document ref: CD32). In reaching their decision on the proposal the Committee was advised that the proposal had been assessed against the National Planning Policy Framework (Core Document ref: CD6) and saved Local Plan policies and considered to be in accordance with these policies. Although the route of the bypass did not conform to that which had been identified and protected within the Development Plan, which arose under policies which predated the change to the route alignment, it was essentially the same as that which had previously been approved for the 2010 dual carriageway bypass which was similarly considered to be acceptable in land use planning and environmental terms.
- 3.11 In July 2013 the County Council made The Lincolnshire County Council (River Witham Bridge) Scheme 2013 (the "Bridge Scheme"), the Lincolnshire County

Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2013, (the "SRO") and also the Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2013, (the "CPO"). Collectively the Bridge Scheme, the SRO and the CPO would have enabled the construction and operation of the single carriageway bypass approved by the 2013 planning permission. The Bridge Scheme and SRO and CPO were submitted to the Secretary of State for confirmation and a Public Inquiry was held between 4 and 12 February 2014 in order to consider objections that had been raised in response to the publication of the SRO and CPO. One of the main objections to the Orders was by Cherry Willingham and Reepham Parish Councils and by residents to the proposed stopping up of Hawthorn Road at the intersection with the LEB and the omission of an over bridge which had previously formed part of the 2010 dual carriageway proposal. In response to these objections, and prior to the Public Inquiry, a planning application was submitted by Lincolnshire County Council which sought permission to construct a non-motorised user bridge (the 'NMU bridge') across the bypass route to the north of the Hawthorn Road intersection. Planning permission for this NMU bridge was granted on 15 January 2014 (planning permission reference W42/130726/13) (Core Document ref: CD43).

- 3.12 Despite planning permission having been granted for the LEB and NMU Bridge, following the Public Inquiry the Secretary of State for Transport ('the 'SoS') published his decision to grant the Bridge Scheme however he decided not to grant the SRO and CPO because of a safety concern relating to a small crossing point connecting Hawthorn Road to the proposed NMU bridge. Having reviewed the SoS's decision it was identified that the area of concern relating to the SRO and CPO proposals was limited to the treatment of users of the new NMU bridge route at the point where users would need to cross Hawthorn Road on the eastern side of the LEB to rejoin the existing NMU route on the southern side of Hawthorn Road. In response to the SoS's decision the County Council reviewed the 2013 single carriageway permission (subject of planning permission L/110/13) and also the position of the approved NMU bridge (subject of planning permission reference

W42/130726/13). The County Council made certain decisions following that review.

- 3.13 Firstly, in respect of the NMU bridge and following consultation with the Parish Councils of Cherry Willingham and Reepham as well as the Hawthorn Road Residents Group (a local action group which was formed and raised objections to the SRO and CPO) the County Council decided to adopt a different alignment for the bridge. The new alignment positions the NMU bridge to the south of Hawthorn Road and provides direct connection into the existing footpath/cycleway. This alteration removes the need for the majority of non-motorised users to cross Hawthorn Road on the eastern side of the LEB and therefore removes the potential conflict that the Inspector and SoS considered to be harmful. Planning permission for this revised NMU bridge was granted on 6 October 2014 (planning permission reference W42/131/879/14) (Core Document ref: CD43).
- 3.14 Secondly, in respect of the 2013 single carriageway permission it was concluded that this was still sufficient to enable the LEB to be built, however, it was identified that some alterations could be made to the scheme in order to improve the proposals. In order to incorporate these alterations a planning application was made under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended) which sought to amend the details approved and/or required by conditions 2, 10 and 24 attached to the 2013 planning permission (Core Document ref: CD37).
- 3.15 The variations and amendments sought by the Section 73 application are clearly set out and summarised in the Officers report which was considered by the County Council's Planning and Regulation Committee in October 2014 (Core Document ref: CD40). The amendments and alterations sought can be summarised as follows:
- (i) amend the layout and design of the Hawthorn Road intersection so as to reflect the revised position of the NMU bridge (granted permission under

reference W42/131879/14) as well as alterations to the position of a bridge footing/pier where the bypass crosses the River Witham;

- (ii) amend the timing for when details relating to the temporary bridge structures have to be submitted for formal approval, and;
- (iii) amend the noise mitigation measures proposed along part of the route of the bypass from low noise road surfacing to acoustic fencing. The acoustic fencing would provide specific protection to the existing residential properties closest to the bypass including those within or around the housing estate south of Bunkers Hill and the Wragby Road/A15 roundabout including properties on Cornwood Close, Hawthorn Chase, Stocking Way and Eastholm. The acoustic fencing delivers the same level of noise attenuation and mitigation as that which would have been secured by the use of low noise surfacing. As well as ensuring that the existing residential properties were protected the acoustic fencing was also extended to a point just south of Greetwell Fields Lane in order to provide a further benefit to any future housing which had potentially been identified to be developed on the land to the west of the LEB.

3.16 The Section 73 application was screened in accordance with the requirements of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and a negative screening opinion was issued on 24 June 2014 (reference EIA.12/14). The screening opinion concluded that the revisions sought to the LEB were minor material amendments and would be unlikely to lead to significant adverse effects over and above those that had already been assessed and for which mitigation measures had been secured as part of the 2013 planning permission. Notwithstanding this position, given the proposed change from low noise surfacing to acoustic fencing along part of the LEB route, supplementary information was submitted in support of this application which updated the information contained within the original Environmental Statement which accompanied the 2013 single carriageway proposal (subject of planning permission L/0110/13). Other than this supplementary information in relation to noise mitigation measures, the impacts and mitigation measures assessed in respect of the original

application and supporting Environmental Statement were still considered relevant and therefore were not required to be updated.

- 3.17 The County Council's Planning & Regulation Committee considered the Officers report in relation to the Section 73 application at their October meeting (Core Document ref: CD40) and planning permission was subsequently granted on 7 October 2014 (planning permission reference L/0643/14) (Core Document ref: CD42).

4.0 Consultation at the Planning Application Stage

- 4.1 I can confirm that all the planning applications relating to the LEB (including those made in 2005, 2010, 2013 and 2014) as well as the two applications relating to the NMU bridge were processed in accordance with statutory requirements in respect of publicity and notification and in compliance with the County Council's adopted Statement of Community Involvement (SCI) (Core Document ref: CD87). The SCI was first adopted in September 2007 and explains how the County Council engages with the public on planning issues, including the formulation of land use policies and consulting on planning applications.
- 4.2 In light of recent changes to the planning system, notably the introduction of the Localism Act 2011 and the National Planning Policy Framework in March 2012 (Core Document ref: CD6) and more recently the National Planning Practice Guidance (March 2014) the SCI has subsequently been reviewed and updated in October 2014 (Core Document ref: CD88). The consultation and notification standards relating to how planning applications are handled remain unchanged from those which were set out in the original 2007 version.
- 4.3 More specifically, and in respect of the original single carriageway scheme granted planning permission in 2013 (permission reference L/110/13 – Core Document ref: CD34) the following consultation and publicity/notification standards were carried out:

- a) Advertisement in the local press namely the Lincolnshire Echo on 28 February 2013;
- b) Site notices displayed at various locations along the along the route of the bypass visible from public thoroughfares including Hawthorn Road;
- c) Consultation with statutory and non-statutory consultees including County Council Local Ward Members and District and Parish Councils within whose area the application site is located. The number of such bodies/persons notified totalled 50 and the responses received as a result of this consultation/notification are set out in the Committee Report relating to that proposal (Core Document ref: CD32);
- d) Application details were placed on the County Council's website/planning portal (which are still available to view) and made available to view by members of the public visiting the offices of the County Council's Planning Services Department;
- e) Notification letters were sent to all adjacent landowners and neighbours. The number of individuals notified directly totalled 42.

4.4 In respect of the subsequent Section 73 application and the revised NMU bridge application the consultation and publicity/notification standards carried out were as follows:

- a) Advertisements in the local press namely the Lincolnshire Echo on 10 July 2014 and again on the 4 September 2014.
- b) Site notices displayed at locations along the bypass route affected by the proposed amendments subject of the Section 73 application and also on Hawthorn Road at locations which were visible from public thoroughfares;
- c) Consultations with statutory and non-statutory consultees including all County Council Local Ward Members and District and Parish Councils within whose area the Scheme and the NMU bridge was located. Although not required by the guidance or adopted SCI nearby Parish Councils including Cherry Willingham, Reepham and Fiskerton were also consulted. The number of such bodies/persons notified totalled 57 and

the responses received as a result of this consultation/notification are set out in the Committee Report relating to those proposals (Core Document ref: CD40);

- d) Application details were placed on the County Council's website/planning portal (which are still available to view) and made available to view by members of the public visiting the offices of the County Council's Planning Services Department;
- e) Individual notifications were sent to all landowners and adjoining neighbours as well as persons who had previously made representations and objections to the SRO and CPO published in 2013. The number of such individual notifications sent totalled 102.

4.5 Prior to the determination of the Section 73 and revised NMU bridge applications the Planning and Regulation Committee undertook a site visit to Hawthorn Road where they were given an explanation of the two applications and the reasons behind the changes to the design of the NMU bridge and alterations to the Scheme. 11 members of the Planning and Regulation Committee attended the site visit. I also attended the site visit as too did an officer from Democratic Services, the County Commissioner for Economy and Place, the Development Manager of Planning Services and Lee Rowley. I can confirm that the site visit was conducted in accordance with the County Council's adopted protocol for Committee Site Visits. The Protocol forms part of the County Councils Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

4.6 The Section 73 and NMU bridge applications were reported to the County Council's Planning and Regulation Committee on 6 October 2014. The committee report (Core Document ref: CD40) clearly sets out details of the variations sought by the Section 73 application and also a description of the revised NMU bridge application. The report confirms what publicity and consultation had been carried out in relation to both applications and lists all the statutory and non-statutory consultees that were consulted on the

proposals. The report provides a summary of any comments and responses that had been received by the time the committee report was prepared and paragraph 21 of the report confirms that a number of consultees had failed to formally respond.

- 4.7 A summary of the comments and responses received from statutory and non-statutory consultees who responded to consultation in respect of the two planning applications is reproduced in the Appendix to this proof (Ref: LCC5). This table includes those comments which were received after the committee report was published but which are recorded in the minutes of the 6 October 2014 committee meeting (Core Document ref: CD41). It is clear from the responses received that most of the Parish Councils reiterated their view that the Hawthorn Road intersection should have a motorised user overbridge, however, Cherry Willingham and Reepham Parish Council's in particular also acknowledged that their previous concerns about the NMU bridge crossing had been taken into consideration and that a more plausible, safer option for the NMU bridge had been designed which addressed most of the objections they had raised at the previous SRO and CPO Inquiry.
- 4.8 The minutes of the Planning and Regulation Committee on 6 October 2014 (Core Document ref: CD41) confirm that prior to the Committee Members considering the applications they received an update of the further responses and comments that had been received from statutory and non-statutory consultees as well as members of the public. The minutes contain the additional comments and responses received and records the key issues and questions raised by Councillors and the answers provided by Officers.
- 4.9 The minutes confirm that only those members of the Committee who had attended the site visit on the 1 October 2014 were able to vote on the applications. The minutes record that for voting purposes the Committee agreed to consider the recommendations in the committee report as one application and that both applications were moved and seconded and approved by a vote of 6 in favour and 4 votes against.

4.10 The Orders being considered at this Inquiry are applied for in order to enable the implementation of the planning permissions issued in 2014 (planning permission references L/0643/14 and W42/131879/14) (Core Documents ref: CD42 and CD43). I am of the opinion that the planning applications were processed in accordance with the correct procedures and statutory requirements and that lawful planning consents for the LEB exist.

5.0 National Planning Policy Context

5.1 The planning permissions (references L/0643/14 and W42/131879/14) enable the construction of the LEB and gives effect to key planning policies contained within the National Planning Policy Framework (Core Document ref: CD6) and City of Lincoln Local Plan 1998 (Core Document ref: CD11), West Lindsey Local Plan 2006 (Core Document ref: CD13) and North Kesteven Local Plan 2007 (Core Document ref: CD12) which together constitute the extant Development Plan ('the Development Plan').

5.2 The introduction of the National Planning Policy Framework (NPPF) in March 2012 provides a clear statement of the Government's planning policies for England at the heart of which is the presumption in favour of sustainable development. The NPPF is supported by the National Planning Practice Guidance (NPPG) which was published in March 2014. The NPPG comprises of a series of topic based practice guidance documents which give an indication of the Secretary of State's views on the planning system and matters to be taken into account in the decision-making process. The main considerations within the NPPF which are of relevance to the LEB are as follows:

5.3 Paragraph 31 – Local authorities should work together with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development.

- 5.4 Paragraph 32 – All developments that generate significant amounts of movements should be supported by a Transport Statement or Assessment with decisions taking account of sustainable transport modes, safety considerations and necessary network improvements. Refusal should only occur on transport grounds where the residual cumulative impacts are severe.
- 5.5 Paragraph 41 – Local planning authorities should identify and protect where there is robust evidence, sites and routes which could be critical in developing infrastructure to wide transport choice.
- 5.6 Paragraph 103 – When determining planning applications, local planning authorities should take account of appropriate flood risk issues.
- 5.7 Paragraph 109 – The planning system should contribute and enhance the natural and local environment.
- 5.8 Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
- 5.9 Paragraph 120 – New development should be appropriate for its location and not have adverse effects on the natural environment or general amenity.
- 5.10 Paragraph 123 – planning decisions should take account of health related issues including impact of noise from new development.
- 5.11 Paragraph 128 – In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.12 Paragraphs 186 and 187 – Local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision takers at every level should seek to improve applications for sustainable development where possible. Local planning authorities should work

proactively with the applicant to secure developments that improve the economic, social and environmental conditions in the area.

- 5.13 Paragraph 215 – states that 12 months after the publication of the NPPF (March 2012) due weight should be given to the relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given). This is of relevance to the three District Council Local Plans referred to below (i.e. City of Lincoln Local Plan 1998, West Lindsey Local Plan 2006 and North Kesteven Local Plan 2007).

6.0 Local Planning Policy Context

- 6.1 The extant Development Plan is made up of several policies contained within the City of Lincoln Local Plan 1998 (Core Document ref: CD11), the West Lindsey Local Plan 2006 (Core Document ref: CD13) and the North Kesteven Local Plan 2007 (Core Document ref: CD12). These three Local Plans had planned to be replaced by the Central Lincolnshire Core Strategy however this document was formally withdrawn in January 2014 and consequently not taken into account when the planning permissions relating to the Scheme were granted. The Development Plan therefore remains unchanged from that which was in place at the time of the previous Public Inquiry. As there has therefore been no alteration to the planning policy base since planning permission was first granted for the LEB the following policies are still considered to be generally consistent with the NPPF and are of relevance to the development:

- 6.2 City of Lincoln Local Plan 1998 (Core Document ref: CD11) – Policy 14 (Strategic and Major Road Proposals) of the Plan safeguards land for the construction of the Eastern bypass and states that planning permission will not be granted for any development which would hinder the construction of the road. Combined with policies to ensure the delivery of a strategic transport network (Policy 5); design standards (Policy 34, 55); locational policies (Policy 38E) restricting types of land use; and environmental protection (Policy 44A,

44C, 45A, 46A, 46B) the Plan provides clear support and policy justification for the bypass proposal in accordance with the key principles of the NPPF.

- 6.3 West Lindsey Local Plan 2006 (Core Document ref: CD13) - Policy ECON 13 (Lincoln Eastern Bypass) states that planning permission will not be granted for developments which would prejudice the implementation of the bypass along the route as identified on the Proposals Map. Policy STRAT 10 identifies land adjacent to the bypass as having future development potential. Combined with policies to promote the strategic transport network (Policy SUS1, SUS3); provide environmental protection (NBE 10, NBE 11, NBE 12, NBE 13); and ensure pollution concerns are addressed (Policy NBE14, NBE15, NBE 16, NBE 17, NBE 18) the Plan provides clear support and policy justification for the bypass proposal in accordance with the key principles of the NPPF.
- 6.4 North Kesteven Local Plan 2007 (Core Document ref: CD12) – Policy T7 (Lincoln Eastern Bypass) restricts developments which would prevent or hinder the provision of desirable infrastructure. In particular this seeks to safeguard land required in connection with the construction and operation of the proposed Lincoln Eastern Bypass. Combined with policies to control development opportunities (Policy C7); manage environmental concerns (Policy C10, C11, C14, C19, C22) provide environmental protection (Policy LW1, LW2, LW3, LW4, LW6, LW7, LW8) and provide historic asset protection (Policy H1, H2, H3) the Plan provides clear support and policy justification for the bypass proposal in accordance with the key principles of the NPPF.
- 6.5 The Inspector's decision following the previous Public Inquiry acknowledged the strategic importance of the LEB and accepted that the Development Plan provided clear support and policy justification for the Scheme. In this context it is my opinion that the LEB is fully compliant with national and local planning policy and guidance.

7.0 Emerging and Other Material Planning Policy Considerations

- 7.1 The LEB is identified as a key component of delivering the Lincoln Integrated Transport Strategy (LITS) which is a multi-modal transport strategy aimed at delivering a set of improvements in transport provision up to and beyond 2026. The 4th Local Transport Plan (LTP4) (Core Document ref: CD17) continues to support the provision of the LEB which has (and continues to be) identified as being the County's priority major scheme for improving the overall movement of vehicular trips on the highway network. These transport policy documents provide clear support and policy justification for the bypass proposal in accordance with the key principles of the NPPF.
- 7.2 In terms of emerging planning policy, as indicated above work has been undertaken to produce a new Development Plan for Central Lincolnshire. A Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) was established in 2009 comprising of councillors representing the City of Lincoln Council, West Lindsey District Council, North Kesteven District Council and Lincolnshire County Council and a Central Lincolnshire Local Plan Team was established in 2010. The CLJSPC and Central Lincolnshire Local Plan Team are responsible for preparing planning policy for Central Lincolnshire and the Development Plan would have encompassed a Core Strategy and Allocations Development Plan Document. A Central Lincolnshire Core Strategy has previously been prepared and was submitted to the Secretary of State for examination on 21 October 2013 however that process stalled after the Inspector appointed by the Government to examine the document identified concerns about the proposed two-part plan approach. In light of these concerns the Core Strategy was formally withdrawn in January 2014. At the time planning permission for the single carriageway LEB scheme was first granted the contents of the Central Lincolnshire Core Strategy were not taken into account as it was at too early a stage in its development to carry any weight. More recently work has begun on the preparation of a new Local Plan for Central Lincolnshire and the first round of public consultation on the Local Plan (Preliminary Draft) was carried out between 1 October and 11 November 2014. In the Preface of this plan it is recognised that it is as an 'emerging' plan and therefore given its early stage of preparation very limited weight can be afforded to it in the determination of planning applications.

- 7.3 The current Local Development Scheme for the Local Plan indicates that the next round of consultation on the Local Plan is expected to occur in October/November 2015. Consultation on a Pre-submission version of the Plan will be published in March/April 2016 with a final Submission version expected to be submitted to the Planning Inspectorate for formal Examination in May 2016. It is anticipated that the Local Plan will therefore be adopted in December 2016.
- 7.4 Given that planning permission exists for all elements of the LEB and taking into account the status of the emerging Local Plan it is my opinion that this Plan should not have any bearing on the consideration of these Orders in the Inquiry process. The current planning policy position is that the saved policies of the City of Lincoln Local Plan 1998, the West Lindsey Local Plan 2006 and the North Kesteven Local Plan 2007 all support the delivery of the LEB. These policies are relevant in that they support the overall presumption in favour of sustainable development set out within the NPPF and the LEB is fully in accordance with the NPPF requirements and the saved policies within the Development Plans.

8.0 Funding

- 8.1 The estimated capital cost of the Scheme is £95.858 million. A Best and Final Bid (BaFB) application was made to the DfT for funding in September 2011. The BaFB scheme was successful and achieved Programme Entry status in November 2011 with the Government confirming their contribution of a total of £49.950 million to the scheme. A DfT official has confirmed that there has been no change in the position regarding funding available to support the scheme since that which was confirmed by the letter from the Secretary of State in December 2014 (Core Document ref: CD54) and therefore the Government's commitment and contribution towards the scheme remains. The remainder of the capital costs required to implement the scheme are to be secured as a contribution of £11.914 million from the County Council with

£33.994 million being secured from third party landowner and developer contributions.

- 8.2 The third party contributions are to be secured in the future as a Community Infrastructure Levy (CIL) which will be based upon the CIL charging schedule that will support the Central Lincolnshire Local Plan. As the Central Lincolnshire Local Plan and CIL charging schedule are currently emerging and have yet to be adopted, in the interim a Memorandum of Understanding (MoU) has been formally entered into and signed by the County Council, West Lindsey District Council, the City of Lincoln Council and North Kesteven District Council (Core Document ref: CD49). The MoU will be used by all three District Councils to prioritise and secure contributions via Section 106 obligations towards the LEB funding strategy. The MoU includes a methodology and agreed formula to establish a property/roof tax for calculating contributions and this has been developed based on the viability evidence base used to support the emerging CIL schedule. The implementation of the MoU for housing schemes that may come forward prior to the adoption of the Central Lincolnshire Local Plan and CIL charging schedule will therefore ensure that there are no funding difficulties or impediments which would prevent the delivery of the LEB.
- 8.3 A planning application (reference 132932) was submitted to West Lindsey District Council on 21 April 2015 seeking outline planning permission for up to 500 dwellings on land which abuts the proposed Scheme and which will form the first phase of the proposed North East Quadrant development. The application confirms that the proposed development is to be developed in two overall stages linked to the construction of the Lincoln Eastern Bypass (LEB). It is stated that 150 units could be built in advance of the construction of the LEB with a further 350 built once the LEB is opened. During pre-application discussions the developer has indicated their agreement to a financial contribution based on the MoU which will be used towards the delivery of the LEB. At the time of writing this proof of evidence a decision on that application has yet to be made, however, as the MoU has been agreed by all three District Councils there is no reason to believe this would not be

implemented in the determination of that application. Consequently, and as accepted by the previous Inspector at the earlier Public Inquiry, the LEB has planning permission and has full support from stakeholders, including the local authorities and business and the MoU gives confidence that funding will be in place to ensure that there is no known impediment to the implementation of the LEB.

- 8.4 The position in policy terms remains as it was before the previous Inspector but the situation has moved on to the extent that the final MoU is formally in place and therefore supports the position that there are no financial impediments in respect of the LEB.

9.0 Summary & Conclusions

- 9.1 The LEB is of strategic importance and key to mitigating current and future traffic issues and in facilitating housing and economic growth around Lincoln. There is clear support for the scheme and the Scheme is in accordance with the planning policy objectives at both a national and local level and is fundamental to the delivery of the LITS.
- 9.2 Planning permissions exist and the Orders being considered at this Inquiry are applied for in order to enable the implementation of the planning permissions issued in 2014 (planning permission references L/0643/14 and W42/131879/14) (Core Document refs: CD42 and CD43).
- 9.3 The LEB has support of Central Government evidenced by the funding 50% (circa £50m) of the cost of the scheme, through the Best and Final bid process. The remaining costs are fully covered either through direct contributions from the County Council or by the County Council underwriting and securing third party costs via the Memorandum of Understanding (MoU) (Core Document ref: CD49). The three District Councils have confirmed their commitment to fully support the LEB through the implementation of the MoU which will act as a formal funding mechanism until the emerging Central

Lincolnshire Local Plan and its associated CIL Charging Schedule have been adopted.

- 9.4 There is no impediment to the implementation of the scheme as the LEB has planning permission, funding is in place and there is full support from stakeholders, including the local authorities and business. This is the same position as that which was accepted by the Inspector at the previous Public Inquiry.
- 9.5 Consequently, there is a compelling case in the public interest to confirm the Orders and the Secretary of State is respectfully invited to do so.

Appendix – Summary of consultee responses to S73 and Revised NMU Bridge applications

Consultee	Response/Comments Received	
	L/0643/14 - Variation to wider bypass scheme	W42/131879/14 - Revised NMU bridge proposal
District Councils		
North Kesteven District Council	Confirmed that they had no objections to either application.	
City of Lincoln Council	Confirmed that they no objection to the proposed revisions to the bypass.	
West Lindsey District Council	Confirmed that whilst they support the principle of the bypass and proposals for the NMU bridge, emphasised that there is still concern in the villages affected by the proposal due to the dislocation it would cause. This is particularly so for those from Lincoln who access schools in Cherry Willingham and for those travelling into Lincoln.	
Parish Councils		
Cherry Willingham Parish Council	<p>Commented that they remained very disappointed that the bridge design remains as NMU bridge, particularly as residents continue to strongly express their concerns both about losing the motorised link and about the detrimental effect that this will have on local communities. The Parish Council therefore continued to be very strongly of the opinion that a road bridge is the only option that fully accommodates the needs of all users and commented that there is still strong opposition to the current proposed designs among local residents who remain unhappy that direct vehicular access to Lincoln along Hawthorn road is being closed. The Parish Council therefore remained very disappointed that their discussions regarding an upgrade from the NMU bridge to a single vehicle bridge did not progress any further as this could have been a small compromise from the original plans.</p> <p>Notwithstanding the above, the Parish Council were of the opinion that the latest design for the NMU bridge is an improvement on the original design and commented that they were pleased to see that it has been relocated from the north to the south side of Hawthorn Road to allow for continuity in links to the cycle and pedestrian routes as well as incorporating some alterations in line with the recommendations submitted by Reepham Parish Council</p>	

	<p>on behalf of the British Horse Society.</p> <p>Overall the Parish Council consider that the NMU bridge would provide proper non-motorised multi user access and would be a safer option than the previously proposed design.</p>
Fiskerton Parish Council	Responded advising that having considered the proposed amendments the only further comment they wished to make was that they believed a full road bridge should be installed.
Greetwell Parish Council	Responded advising that six members of the Parish Council had no objections to the proposals and one member stated that nothing but a full road bridge would be acceptable.
Reepham Parish Council	<p>Confirmed that they supported the principle of the LEB but maintained the view that the only appropriate solution to the concerns of all users of Hawthorn Road would be to provide a two way road bridge over the bypass.</p> <p>The Parish Council added that they were of the opinion that a two way road bridge is the only option that fully accommodates all users but also disappointed that a single direction bridge had not been explored despite several representations having been made on this basis.</p> <p>However, the Parish Council commented that they appreciated that their concerns had been taken into consideration and that a more plausible, safer option for the NMU bridge had been designed which addressed most of the objections they raised at the SRO and CPO Public Inquiry.</p>
Canwick Parish Council	Responded confirming that they have no comments to make on either application.
Local County Council Members	
<p>I Fleetwood N Jackson R Renshaw N Murray M Overton J Brockway C Oxby C A Talbot</p>	<p>Cllr Fleetwood made a number of comments prior to the two applications being debated by the Planning and Regulation Committee which are summarised as follows:</p> <ul style="list-style-type: none"> • Commented that most people agreed that there was a need for the bypass but not at the expense of the local people. • Had spent a considerable amount of time visiting people and explaining the situation about the changes to the bypass. • Had campaigned for a full access bridge to be provided or at least a one way bridge with traffic lights but these

	<p>requests had been denied.</p> <ul style="list-style-type: none"> • The additional cost and carbon footprint of people had not been considered. • Proposed housing development in the area would rely on a motorised connection into Lincoln from Hawthorn Road. • Commented that there had been a lack of pre-application consultation on the single carriageway scheme compared to the dual carriageway scheme. • Commented that there was high traffic flow along Hawthorn Road and that is why he felt a motorised user bridge had been proposed on the dual carriageway scheme. • Supported Reepham and Cherry Willingham Parish Councils views. • Commented that the whole junction arrangement could be reviewed in future years as housing is developed in the area. <p>All the other Councillors were notified of the application but no response/comments were received.</p>
Statutory and Non-statutory Consultees	
Canal and River Trust	Confirmed that they had no comments to make on either application.
Design Council (CABE)	Confirmed that they would not make any comment due to resource limitations.
English Heritage (now Historic England)	Advised that the applications should be determined in accordance with national and local policy guidance and on the basis of the County Council's own specialist conservation advice.
Environment Agency	Confirmed that they had no objection/comments to make on either application.
Environmental Health (City of Lincoln District Council)	Confirmed that they had no objection to the replacement of low noise surfacing along the bypass route with a noise barrier.
Greetwell Quarry Residents Association	Commented that they agree with the revised NMU bridge plans, particularly noting that the new plans maintain the connectivity of the cycle/footpath on the south side of

	Hawthorn Road.	
Highways Agency	Confirmed that they had no objection.	
Ministry of Defence (Safeguarding)	Confirmed that they had no objection to either application.	
Natural England	Confirmed that they had no objection to either application.	
Network Rail	Confirmed that they had no further comments.	
Witham First and Third Internal Drainage Boards	Confirmed that they had no comments to make on either application.	
Western Power Distribution	Provided advisory information on the position of assets within the area. These were forwarded onto the applicant by way of an Informative.	
Highways (Lincolnshire County Council)	Confirmed that they had no objection to either application.	
Public Rights of Way (Lincolnshire County Council)	Confirmed that a footpath which runs between the North Delph and River Witham would need to be formally diverted and that a formal diversion order would therefore be required under section 257 of Town and Country Planning Act 1990.	
Historic Environment (Lincolnshire County Council)	Commented that a scheme of archaeological monitoring would need to be secured as part of the development and that this should take into account the revised positioning of the NMU bridge.	
British Horse Society	Objected as they felt that the Scheme still failed to provide sufficient segregation on the NMU bridge between horse riders and other users and failed to provide adequate crossing provision for users across Hawthorn Road on the eastern side of the bypass.	
Lincolnshire Chamber of Commerce	Supported the proposals and commented that on balance they considered that the benefits that the bypass would bring as a whole outweigh the inconvenience that would be caused to local residents in the villages west of Lincoln due to their not being a vehicular road bridge across Hawthorn Road.	