

- 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

Undertakings by the Lincolnshire County Council given to the Church Commissioners for England and Mr Joseph Ward during discussions to satisfy Objections

Introduction

During the discussions with statutory objectors listed on the front page a number of undertakings have been proposed by the Lincolnshire County Council to address concerns raised by the objectors and in anticipation of the withdrawal of the objections. The previous undertakings for these objectors from the 2014 Public Inquiry have been included or amended as appropriate, with the exception of Paragraphs 4 to 10 which are new undertakings. This is therefore a complete list of such undertakings for these objectors and it supersedes the previous list given during the last inquiry as referred to in the Statement of Case.

The Church Commissioners for England (represented by Mrs L Muddiman, Savills incorporating Smiths Gore)

Licences

1. Lincolnshire County Council undertakes that any land acquired from The Church Commissioners for England for a period of time but is not required to be retained permanently for the Scheme will be acquired and occupied on a temporary basis in accordance with the terms of a tripartite Licence agreement between The Church Commissioners for England and their tenants (as listed in Table 1 of the Schedule to the Compulsory Purchase Orders) and Lincolnshire County Council. Lincolnshire County Council undertakes not to seek to implement the Compulsory Purchase Order but to occupy the land when required for construction of the bypass and in accordance with the most recently circulated Licence at the time of the confirmation of The Orders which will be consistent with the terms of previous Licences. This Licence will be rolled out to the rest of The Church Commissioners for England's tenants (as listed in Table 1 of the Schedule to the Compulsory Purchase Orders) who hold tenancy on that land that is required for temporary purposes and signed 8 weeks after Confirmation of the Orders or prior to entry, whichever is sooner. The confirming of the Orders will commit all parties to enter into the Licence with only minor mutually agreed changes permitted, unless it is found that something fundamental to the performance of the Licence has been omitted.

Plot 2/3A

2. With regard to Plot 2\3A, Lincolnshire County Council have taken the opportunity to review the quantities of material required for the Scheme and as a result have engineered a reduction in the amount of surplus topsoil generated by the scheme.

Plot 2\3A is therefore no longer required for permanent regrading for the disposal of topsoil and will be removed from the CPO

Bloxholm Lane

3. With regard to the layout of the proposed development access where it connects to Bloxholm Lane, Lincolnshire County Council also undertakes to continue to liaise with The Church Commissioners for England during the detail design development of the Lincoln Eastern Bypass (LEB) to ensure that the layout is constructed to the satisfaction of both parties. This is shown on the drawing titled 'Alternative Access Arrangements between Westfield Farm and Canwick Manor Farm' in Appendix A.

Land Drainage

4. Lincolnshire County Council has proposed some works to mitigate the impact of the scheme on field drainage and has commissioned and will pay Hugh Jacklin of Land Drainage Service to appraise their proposals and provide his own assessment and recommendations. The works proposed by Lincolnshire County Council are shown on drawings HCMSA0021\LEB\115\000 to \006 and \009, as attached at Appendix A.
5. Lincolnshire County Council to provide a copy of Hugh Jacklin's report to The Church Commissioners for England and their tenants.
6. Lincolnshire County Council will commission and pay Hugh Jacklin to execute the drainage work in accordance with his recommendations in advance of the construction of the bypass

Land Drainage and Settlement Period

7. If any further or additional work is required to mitigate the direct effects of the bypass on land drainage, both in regards to areas entered by Lincolnshire County Council and the adjoining field drainage after the bypass has been completed and within a 3-year settlement period, this will be completed to the Church Commissioners for England's reasonable satisfaction.
8. Any reasonable costs incurred by The Church Commissioners for England and their tenants in dealing with any further work in connection with drainage on land entered by Lincolnshire County Council and adjoining the bypass (or any other matter) within a 3-year settlement period should be paid by Lincolnshire County Council.

Land Drainage – The Design of the Scheme

9. Lincolnshire County Council undertakes to ensure that upon completion the drainage system will function in the same manner as before the works and provide an


indemnity to The Church Commissioners for England and any of their tenants that have interest in the land shown on the drawings in Appendix A for a period of 6 years which is equivalent to the term of the indemnity provided by Lincolnshire County Council's drainage contractor against any problems that arise as a direct result of the design of the drainage scheme except so far as any loss, injury and damage may be due to or caused by any wrongful act, neglect or fault of the landowner (or occupier). After installation the responsibility for maintenance will be the landowner (occupier).

10. Any disputes will be jointly referred to an independent drainage expert and only in the event that fault is found with the design of the scheme the costs associated with remedying the fault along with any professional costs will be met by Lincolnshire County Council.

Mr JA Ward (represented by Escritt Barrell Golding) as tenant of The Church Commissioners for England

11. With regard to land required for temporary purposes, Lincolnshire County Council provides the same undertaking to Mr Ward as in paragraph 1 above for the land he tenants from The Church Commissioners for England.
12. With regard to Plot 2\3A, Lincolnshire County Council provides the same undertaking to Mr Ward as in paragraph 2 above.
13. Lincolnshire County Council undertakes that the water main diversion under the Bypass as shown on drawing HCMSA0021\LEB\115\002 will be designed to water industry standards. The detailed design of the diversion will be developed as the Scheme is carried forward.
14. With regard to accommodation works for field drainage, Lincolnshire County Council provides the same undertaking to Mr Ward as in paragraph 4 - 10 above. The drawings specific to Mr Ward's tenancy are shown on drawings HCMSA0021\LEB\115\000 to \004 inclusive.

Signed


LEE ROWLED

Date

12 AUGUST 2015

Appendix A

1. Drawings HCMSA0021\LEB\115\000 to \006 and \009 showing proposals for accommodation works drainage on land owned by The Church Commissioners for England.
2. Drawing titled 'Alternative Access Arrangements between Westfield Farm and Canwick Manor Farm'