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Your Ref: KNR/DEV006.272

Our Ref: NATTRAN/EM/LAO/0084

Date: 15 February 2016

Dear Ms Newbould-Robertson

HIGHWAYS ACT 1980  
ACQUISITION OF LAND ACT 1981

THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)  
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2014 ("the SRO")

THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)  
COMPULSORY PURCHASE ORDER 2014 ("the CPO")

APPLICATION IN RELATION TO PROPOSED COMPULSORY PURCHASE OF LAND  
HELD BY THE CANAL AND RIVER TRUST ("the Application")

1. I am directed by the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs ("the Secretaries of State") to refer to the joint Public Local Inquiries ("the Inquiry") held at the Hilton Doubletree Hotel, Lincoln between 11 and 21 August 2015 before Mr J Stuart Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT, an Inspector appointed by the Secretaries of State to hear objections to and representations about the above named Orders submitted for confirmation by Lincolnshire County Council ("the Council") and to consider the above Application.

2. If confirmed by the Secretary of State for Transport the SRO and CPO would, respectively, authorise the Council to:

(i) stop up lengths of highway and private means of access, improve highways, construct new highways and provide new means of access; and

(ii) purchase compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of the construction of a highway between the A158 Wragby Road East roundabout and the A15 Sleaford Road (to be known as the A15 Lincoln Eastern Bypass), the construction of highways to connect the above mentioned highway with the existing road system, the construction of other highways and improvement of existing highways in the vicinity of the route, the provision of new means of access to premises in pursuance of the SRO, the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction of the A15 Lincoln Eastern Bypass, the use of land in connection with the construction or improvement of highways or with the carrying out of works authorised under the SRO and mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.

3. An application was made for the Secretary of State for Environment, Food and Rural Affairs to determine whether it would be appropriate to grant Ministerial Certification under section 16 of the Acquisition of Land Act 1981 authorising the compulsory purchase of land held for their statutory purposes by the Canal and River Trust.

#### THE INSPECTOR'S REPORT

4. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretaries of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

5. At IR 1.3 and IR 5.1 the Inspector explains that 5 of the 6 statutory objections had been withdrawn by the close of the Inquiry, that the outstanding statutory objection was in the process of being resolved and that no statutory objectors appeared at the Inquiry. No non-statutory objections were withdrawn.

6. The Inspector's report summarises the case for the Council at IR 3.1 to IR 3.100. The case for supporters of the Council's scheme is summarised at IR 4.1 to IR 4.18, the case for the objectors is summarised at IR 5.1 to IR 5.83. The Alternatives are summarised at IR 6.1 to IR 6.12 and the Council's rebuttal of the objections and the Alternatives is at IR 7.1 to IR 7.124. The Inspector's conclusions are detailed at IR 8.1 to IR 8.157 and his recommendations are given at IR 9.1.

#### THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

7. In light of his conclusions the Inspector recommended at IR 9.1 that the SRO and CPO be confirmed and that the Application be approved. At IR 8.147 the Inspector concluded that the modifications proposed by the Council, reflected in Inquiry Document LCC34 and set out as proposed modifications at IR 3.88 to IR 3.100, are justified and should be made to the CPO and SRO. The proposed modifications are to correct minor drafting errors following discussions with landowners and as a result of design development. At IR 8.146 the Inspector concludes, following an examination of the Orders, that it is clear that the proposed modifications are not substantial and may be

made without causing prejudice to anyone. He also states that there are no objections to the modifications. A copy of Inquiry Document LCC34 can be found as an annex to this letter.

#### THE DECISION OF THE SECRETARY OF STATE FOR TRANSPORT REGARDING THE SRO AND CPO

8. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward and expressions of support. Following the close of the Inquiry, correspondence has been received from Cllr Christopher Darcel and from Lincolnshire County Council. The Secretary of State has carefully considered the matters raised in the post Inquiry correspondence and has taken them into account but they do not alter his decision to accept the Inspector's conclusions and recommendations.

9. The Secretary of State notes the Inspector's conclusions that the proposed modifications are not substantial and may be made without causing prejudice to anyone. Following confirmation from the Council that the change to Plot 2/13A is supported the Secretary of State is satisfied that the modifications detailed in Inquiry Document LCC34 and set out at IR 3.88 to IR 3.100 may be made without causing prejudice.

10. The Secretary of State acknowledges the alterations to the proposed scheme in the Hawthorn Road area following his decision of 8 July 2014 not to confirm an earlier SRO and CPO promoted by the Council in connection with the scheme. In agreement with the Inspector's comments at IR 8.104, the Secretary of State is satisfied that the revised scheme for Non-Motorised Users overcomes the safety concerns expressed by the Inspector at the earlier Inquiry.

11. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 8.156 and IR 8.157 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

12. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals and accepts that the modifications referred to in paragraph 7 above are necessary and that they should be made. For these reasons the Secretary of State has decided to confirm, as modified by him, The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014 and The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014 and this letter constitutes his decision to that effect.

13. In confirming the Orders the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans,

diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

## COMPENSATION

14. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

## THE DECISION OF THE SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS REGARDING THE APPLICATION

15. The objection and associated section 16 representation made by the Canal and River Trust were withdrawn on 30 July 2015 shortly before the opening of the Inquiry. The withdrawal of their objection is recorded by the Inspector at IR 5.4. Accordingly, no Ministerial Certification under section 16 of the Acquisition of Land Act 1981 will now be required from the Department for Environment, Food and Rural Affairs in relation to the compulsory purchase of the land included in the CPO which is held by the Canal and River Trust.

## AVAILABILITY OF DOCUMENTS

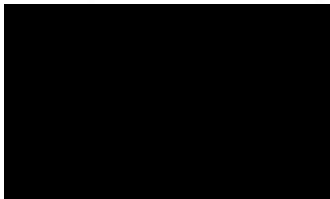
16. A copy of this letter and the annexed modifications report, together with a copy of the Inspector's report, has been sent to statutory objectors, those objectors, their representatives and the other persons who appeared and made representations at the Inquiry and to relevant Members of Parliament. A copy of this letter and its annex, together with a copy of the Inspector's conclusions and recommendations, has been sent to all other supporters of the scheme and outstanding objectors. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>.

17. Please arrange for a copy of the Inspector's report and of this letter, including its annex, to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

## RIGHT OF CHALLENGE

18. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State for Transport has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely



DAVE CANDLISH  
Authorised by the Secretary of State  
to sign in that behalf