- greater distance be required between the road and cycle/footpath to protect pedestrians and cyclists. Also tree planting be undertaken between cycle path and adjoining land to provide additional protection;

- no reference made to the expansion of RAF Waddington and implications this will have in traffic volumes, especially in Bracebridge Heath at rush hour.

(f) Department for Environment, Food and Rural Affairs – Comment as follows:

- that the level of protection from development to be afforded to high quality land and associated soils should be related to other considerations such as landscape character, biodiversity and sustainability. Note that a significant element of the 56 hectares site comprises agricultural land of the best and most versatile quality. A detailed Agricultural Land Classification was not independently commissioned to establish the actual land quality. Suggest the final decision should be influenced by this definitive information;

- expect separate application required to construct construction compound. The road crosses areas of best and most versatile agricultural land and there is a need to consider land quality considerations for both construction and completed stages;

- note the combined cycleway/footway, and are aware of complaints from equestrian users about the nature of the surfaces provided. Whilst British Horse Society consulted there does not appear to be provision for this growing recreational activity.

(g) Health and Safety Executive – Notes that only the installations/complexes and pipelines advised in the consultation have been considered. HSE does not advise on safety grounds, against the granting of planning permission.

(h) Defence Estates – Ministry of Defence has no safeguarding objections to this proposal.

(i) English Nature –Initially objected to the application for the following reasons (summarised):

- consider that the proposals will impact on the extent of the interest features of the Greetwell Hollow SSSI. The southern area of the main east face lies beneath the footprint of the bypass and would be lost if the bypass went over this area;

- considers that currently there are no mechanisms proposed for how the interest of the area will be safeguarded through either planning obligations or conditions. English Nature will not withdraw their objection until this is made clear;

- considers that a scheme such as this, run by Lincolnshire County Council, should have all issues regarding European protected species addressed prior to planning permission being granted. A clear idea of impacts should have been ascertained within the Environmental Statement, such as the loss of hibernation or summer maternity bat roost sites, with appropriate mitigation agreed;

- has concerns that the proposals will result in reduction in the quality of the existing bat commuting corridors, fragmentation of habitats, the potential loss of existing natural bat roosts and that more opportunities should be considered to improving additional areas for bats;

- considers that the proposals will have an impact on the badger population within the area, i.e. a net loss of foraging habitat areas, an increase in disturbance to badgers, severance of existing foraging areas during construction and operation, and sub-optimal habitat within the areas of woodland proposed;

- requires additional discussion to be completed before a final decision is made. English Nature's current opinion is that the proposed route alignment is not the most appropriate to minimise the potential geological and environmental impacts.

Following the submission of amended details English Nature has responded, indicating they have been working with the applicant and others to try to satisfy their concerns. Progress has been made and elements of the amended details reflect this. Thus, (in summary):

- further survey work carried out has identified that great crested newts are not present and no longer represent a concern on this site. Objections to this element of the application is withdrawn;

- note that the construction of bridges and other infrastructure will contain bat roosts and boxes. Objections to this element of the application is withdrawn subject to imposition of planning condition requiring appropriate survey work in Greetwell Wood, Manor Farm, Greetwell Hollow Quarry prior to construction work being undertaken and appropriate licences acquired should bats be present;

- welcome commitment to provide extra habitat for water voles alongside balancing ponds and therefore objections to this element of the application is withdrawn;

- in respect of Greetwell Quarry SSSI some progress has been made and subject to clarification on elements of mitigation and compensation relating to the footprint of the embankment and length of proposed access benches it is considered acceptable to condition the compensation and mitigation;

- in respect of restoration of the Quarry it is now considered that whilst this is crucial to ensuring any future development within the Lincoln Eastern Growth Corridor is sustainable agreement of this need not be explicitly attached to the application, since there are now positive moves to deliver this agreement involving the County Council. Objections to the development on these grounds are withdrawn.

Subject to the clarification requested above being received, English Nature withdraw their objection to the application, requesting:

- a condition that requires the applicants to undertaken appropriate survey work in Greetwell Wood, Manor Farm, Greetwell Hollow Quarry prior to construction work being undertaken, to ensure that appropriate licences are acquired should bats be present on these sites;

- that the proposals for mitigation and compensation identified by the applicants (maintenance of faces in a safe condition and free from vegetation, provision of safe access to the most important exposures, and the provision of interpretation) is appropriately conditioned and that any detail not presently agreed is concluded prior to development taking place.

(j) English Heritage – Note that the early stages of the project identified two main issues:

- archaeology of the area is well preserved, largely unrecorded and of international significance; and

- the effect that a bridge/embankment across the valley would have on the views out across the valley from uphill Lincoln.

Report that concerns about archaeology have been substantially addressed by large-scale evaluation, excavation and realignment of the road to avoid significant sites. There will be some damage to archaeological sites/deposits but consider this can be dealt with by excavation.

Note that the section on groundwater in the ES should have mentioned the historic environment. In respect of the proposed bridge, are concerned about the lack of details and that the only visualisation of the bridge/embankment is that appearing on the cover of the Non-Technical Summary which is a fairly standard type of bridge design. Would like to see more detailed plans of the design and question if the bridge and embankment would have lighting columns.

Whilst some reference is made to listed buildings the issue of the setting of listed buildings does not appear to have been specifically addressed.

(k) Countryside Agency – Are concerned about severance as many of the junctions do not cater adequately for cyclists, pedestrians and horse riders. Uncontrolled crossings do not offer any protection or encouragement to use sustainable modes of travel. Bridges, subways and/or signal controlled crossings should be used to provide safer, more convenient crossing points which would encourage walking, cycling and horse riding.

Despite the above concerns the proposed shared cycle/pedestrian facility along the length of the bypass is welcomed and should be supported.

(l) CPRE – Accepts the justification for an eastern bypass and the chosen route is the best available option. However, would have preferred to see the route continue to the A46. Would like to see ease of access for pedestrians and riders who wish to gain access from the urban area to open countryside to the east. Note that some attractive views of the Cathedral and Castle from open countryside e.g. Heighington Road and River Witham banks would be affected. It is essential that substantial and sympathetic planting is undertaken. CPRE are concerned about highway lighting as little information is provided and request a condition is imposed on the grant of planning permission to prevent continuous lighting along the length of road, lighting at junctions is considered sufficient.

In respect of the amended proposals. CPRE supports the changes, in particular the provision of segregated facilities for pedestrians and cyclists are welcomed as is the proposed access to the Sustrans cycle route. The proposal to facilitate access to Greetwell Quarry SSSI is also positive.

(m) British Waterways – No objection but requests conditions are attached to address the following issues:

- provision of an anti-graffiti finish to the bridge where it crosses the River Witham;

- details of the exact clearance height between the navigation and the underside of the bridge.

(n) Highways Agency – No objection.

(o) Witham Third and Witham First District Internal Drainage Boards – Are concerned about the surface water run-off from the road and access to maintain Boards' watercourses, but it is anticipated that both issues will be addressed prior to agreement on final route and design of the crossing points in the Witham Valley. The need to secure consent to discharge to Board watercourses is emphasised, as is the byelaw distance between development and Board watercourses.

(p) Network Rail – Interest restricted to the two bridges crossing two separate railways. Confirm that no objection is raised but note that the County Council would be required to enter into formal agreements with Network Rail for bridge easements to cross railway property. Also a Works Agreement is necessary setting out respective responsibilities for financial matters and maintenance issues. Attention is also drawn to the need for appropriate safety management requirements during construction works.

In respect of the amended proposals note that no alteration has been made to the design and positioning of the railway bridges but comment as follows:

- where private access road shared with the Viking Way footpath is alongside the Lincoln to Market Rasen railway, two forms of transport should be separated by an Armco or similar barrier, clear of railway property to help prevent any inadvertent breach of the railway boundary;

- the balancing pond adjacent to the Lincoln to Spalding railway line should be lined so no seepage to adjoining property is evident. Spoil from the pond excavation must not be stacked up adjacent to the railway.

(q) Environment Agency – Initially objected to the application because although a Flood Risk Assessment (FRA) has been undertaken it only considers the impact of the bridge structure on the floodplain of the River Witham and makes limited reference to the possibility of increased flood risk elsewhere in the catchment that may result from the generation of additional volumes of surface water runoff. However, following the submission of a revised FRA the EA are satisfied that sufficient land is available to accommodate the attenuation ponds for the predicted worst case scenario. A condition is required to address surface water drainage issues. In respect of groundwater and contaminated land require conditions to be imposed to address measures to be implemented should unknown contaminated land be identified and method for piling foundations has been approved. It is requested that attention is drawn to the requirements of the EA in respect of Environmental Management

An addendum to the Flood Risk Assessment is incorporated into the ES Addendum (December 2004) which addresses the concerns of the EA.

(r) Highways and Planning Directorate (Footpaths) – consider that the rights of way and wider access issues are well covered but request some amendments are made in relation to specific public rights of way.

(s) Mid Lincs Access Forum – note that the kind of provision that should be provided for non motor users over the proposed route is on the whole inadequate and inappropriate. Consider the following:

- better provision at road intersections is required to provide either bridges or light controlled crossings for all non motor users;

- at least one greenway crossing route should be included between every pair of significant road intersections;

- wider environmental effect of the bypass on the surrounding footpaths and bridleways needs to be considered and measures to alleviate it examined. These impacts will be both direct, and by the increased level of traffic on neighbouring and connecting roads.

Following the submission of amended details it is noted that whilst these are intended to better provide for pedestrians and cyclists and they do marginally improve the proposal, substantial concerns remain. In summary it is considered too little priority is being given to non-motorised transport. If authorities are serious in pursuing policies of encouraging walking and cycling as an alternative to the car there is a need to retain or provide routes it crosses at least as short, easy to use, safe, pleasant to use and set in an attractive environment as they are now. If the aim is to encourage non-motor uses the bypass should be seen as an opportunity to considerably improve overall quality of routes affected whereas the proposal only seeks to ameliorate the harm the bypass will do in these respects. Cycling and walking on the eastern edge of the City will be left as a worse option than it is now. This should not be accepted.

The arguments for making proper provision for cycling and walking increases daily and the design of the bypass should start within the principle of improving all the conditions for non-motor users.

(t) Highways (LCC) – No observations to make.

(u) Lincolnshire Wildlife Trust – In its comments on the proposal as first submitted expressed strong reservations about the proposals and supports the view by English Nature concerning lack of consideration of means to conserve the scientific interest of Greetwell Hollow SSSI and issues relating to protected species and other habitats. Main concerns are as follows:

- Greetwell Hollow SSSI – mitigation measures should be agreed with English Nature in advance of further development of the proposals. Subject to a satisfactory agreement, the Trust advocates creation of limestone grassland flora in the landscaping scheme;

- Greetwell Hollow nature reserve – although it is unlikely the LEB would impact on this site consider a formal assessment be made within the ES;

- Greetwell Wood wildlife site – ES makes no reference to the presence in this wood of giant bellflower. Trust recommends a realignment of the road to avoid the wood;

- Other habitats – have some concerns over interpretation of the landscape south of the Witham corridor in the ES. Areas close to Anglian Water's sewage works are likely to be rich in insects and therefore of value as feeding area for bats;

- Species – otters – although no evidence of otters found, these are spreading rapidly in the County and additional surveys required;

- Reptiles – no reference made to the possible presence of reptiles but the Trust holds records of these. Trust would expect their conservation to be given full consideration;

- Great Crested Newts – because of evidence of Great Crested Newts in nearby Cherry Willingham, no reason to suppose that ponds within 500m of the route do not support population of these species. Trust would expect survey results to be included in ES.

On a positive note, the majority of the route passes through intensively farmed countryside and landscaping proposals could result in development of habitats of value for wildlife.

In respect of the amended proposals are disappointed that a number of concerns expressed previously have not been incorporated into the scheme and therefore wish to reiterate chief concerns (outlined above) in respect of Greetwell Hollow SSSI, Greetwell Hollow nature reserve, Greetwell Wood wildlife site, other habitats and reptiles.

(v) CABE (Commission for Architecture and the Built Environment) – comment that they are pleased that advice relating to irregular spans of the bridge has been taken on board. However regret that the series of points of design principle previously made have not been addressed. Consider these fundamental matters are worthy of consideration at this stage because it may prove difficult to address these successfully in the context of further detailed work. The proposal is not sufficiently well considered to justify approval for one of the most significant transport projects next to an historic city currently being undertaken in this country.

(w) Sustrans – object due to the high level road crossing the valley would be immensely intruding both visually, as the view of Lincoln Cathedral would be obscured, and because of noise which would dominate this currently tranquil approach to the City. This gross intrusion would greatly affect the popularity and usage of this part of the national cycle network.

In respect of the amended details note that the improved facilities for cyclists and pedestrians are welcomed. However, a few areas of concern are identified and request these be incorporated into the detailed work on the scheme.

(x) Archaeology – note that work has been undertaken with the applicant and English Heritage on achieving an acceptable standard of archaeological evaluation along the route and largely in agreement with the ES. Details on the archaeological mitigation works need to be confirmed such as the treatment of sites at the southern side of the scheme but requirements of the final mitigation strategy can be covered by planning condition. In addition it is suggested that a further condition is imposed to address the protection of remains that are outside the road corridor but vulnerable to damage from construction works and ancillary works. Also a condition covering the ancillary works is required so

that details of all these works are agreed and include all necessary archaeology evaluation and mitigation works as required.

(y) North Kesteven District Council Environmental Health Officer – consulted on 20 January 2005 but had not replied when this report was prepared.

(z) Local County Council Members, Councillors N I Jackson, R A Renshaw, Mrs C A Talbot, Group Captain W M Bliss CBE and R Sellars – Have been consulted on the application. No comments have been received but Councillor Mrs Talbot, as a Member of the Committee, reserves her position until the meeting of the Committee.

25. The application has been publicised by site and press notices and local residents have been individually notified of the application. In addition all landowners and agricultural tenants with land affected by the bypass route have received notification of the application. Significant numbers of representations have been received objecting to the application from the following:

- local residents;
- landowners and agricultural tenants; and
- local amenity groups and other organisations.

26. Local Residents

Following the initial publicity on the application, 197 letters of objection were received from local residents. The objections raised are as follows (summarised):

The proposed LEB is in close proximity to residential properties and cause significant detrimental effect on amenity for the following reasons:

- increased noise levels at all times of day and night;
- lights from passing cars would shine directly into properties from significant distance in both directions;
- increase in air pollution that will increase with proposed traffic levels;
- result in a significant depreciation in the value of property and security implication as adjacent land will now be freely accessible to the public instead of private farmland;
- seek clarification of what consideration has been made to the traffic flows through Bracebridge Heath in particular at the existing bottlenecks and question the benefits of the scheme to the residents of Bracebridge Health;
- suggest that the justification for the proposed route is based on data produced some 15 years ago. Since that time significant changes to the size and distribution of Lincoln's population has taken place together with the road improvement schemes resulting in significant changes to traffic density and flow in the City;

- question the status of the LEB as a primary route, when in fact the primary route between Peterborough and South Bank of the Humber is A1, A46 Lincoln Western Bypass and A15;

- consider the phase from the A46 to A15 to the south of the City (Lincoln Southern Bypass) be given priority. The argument is reinforced when examining the current alignment without the link to the A46. The siting of the A15/LEB roundabout was linked with the original option to route through Waddington. Having lost this option the siting of the roundabout at the A15 will prove to be least desirable and costly mistake;

- draw attention to the significant residential development on the east side of Bracebridge Heath therefore the assertion that only a small number of properties would be affected by the LEB is misleading and not true;

- question the extent LEB would improve congestion and traffic delays in Lincoln City Centre. Majority of rush hour traffic is commuters going to or returning from work or schools. LEB will do little to alleviate this problem;

- suggest the route is changed so that the line goes to the east of Manor Farm, significantly reducing the impact of the road on the local community;

- the route would have a negative visual impact in the locality and it is not considered that the measures proposed would adequately mitigate against the negative impacts of the development;

- question the type and quality of materials that is proposed for this development. No guarantee to the standard or quality of the asphalt/tarmac surface finish that will be applied to the LEB, in particular the stretch between the B1188 and the A15. Understand that some of the route may well be constructed from concrete which would have a significant impact on the local environment, including noise and other forms of development;

- question the consultation process for the selection of the route and ask why local residents have not been properly notified of the scheme and use of an out of date plan which predates the residential development;

- serious doubts remain in respect of type, quality and effectiveness of mitigation measures proposed for visual impact and noise. The ES makes reference to earth bunds and planting to reduce impact of noise on remote properties but question the measures proposed for large residential properties. Currently consider that little protection is proposed from the increased noise, air pollution and other environmental impacts created during construction and once the road becomes operational.

One letter of support has been received citing the urgent need for a bypass to remove the congestion and reduce the time to travel from the south of the city to the north and vice versa. The proposal would occupy agricultural land affecting very few properties. Whilst some objections may be received from these properties the benefits of constructing the road outweigh any negative impacts to these residents. The impact of such a significant project has been designed with as much sensitivity as possible.

Following the publicity process in relation to the amended details a further 18 letters of objection have been received from local residents who, whilst are supportive of the proposed low noise surfacing and 3m high embankment, still maintain concerns relating to the proposed

route and consider that it should be moved further east to protect their residential amenities. Users of a local livery yard have expressed concern that the proposed bridge at Bloxholm Lane only caters for pedestrians and cyclists, considering this is discriminating against equestrians.

27. Landowners and Agricultural Tenants

The objections raised by owners and tenants notified of the application are as follows:

- do not consider that appropriate consultation with affected landowners has taken place;
- the owners of Canwick Manor object to the proposal because it severs the only access and the proposal does not include plans to provide a suitable replacement access;
- Church Commissioners consider that the scheme as submitted does not facilitate the future development of the Commissioner's adjoining land;
- that the scheme would have an adverse effect on farming operations;
- the tenant of St John's Farm which includes Manor House considers the proposed pedestrian/cycle bridge at Bloxholm Lane will lead to loss of privacy, pose a threat to security of the property, result in rubbish and debris from the raised section being blown directly into the garden and unnecessarily interrupt views over open countryside. Suggest an underpass should be provided instead of the bridge;
- Jesus College University of Oxford, together with the owners of Canwick Manor, Westfield Farm and Whitehall Farm who between them own nearly all of the land in Canwick and Bracebridge Heath between Heighington Road and Sleaford Road, note their interests will be greatly affected by the proposal and an objection in principal to the proposal is lodged;
- Jesus College Oxford has subsequently registered its objections to the planning application on the following grounds (summarised):
  - adverse impacts caused by severance of agricultural land on its two major agricultural holdings between Canwick and Bracebridge Heath, disrupting existing field patterns and running contrary to their alignment. By cutting diagonally across a number of fields, the route would leave several corners of unworkable land. Bisection of the holdings by the route would cause further uneconomic working due to severance and disruption of operations coupled with lack of access and movement between parcels of land;
  - the line of the route differs from the line shown in the North Kesteven Local Plan (1996) by as much as 240 metres. The deviation adjacent to the new housing at Bracebridge Heath is 80m at one point closer to the housing. As such the application should be considered to be a departure from the Development Plan. As such the presumption in favour of granting permission for a proposal that is in accordance with the Development Plan does not apply.
  - inadequate assessment of alternatives and requirement to consider alternative options. The County Council appears to have appraised the construction of a new road against low cost alternatives such as traffic management rather than any alternative route options. Given the far-reaching environmental consequences of this development the

scope of the Environmental Statement must sufficiently address alternative routes, taking account such matters as environmental effects, safety, economy, accessibility and integration. To the extent it fails to do so, the Environmental Statement is deficient;

- route fails to consider the landscape and visual impacts upon the landscape setting of Lincoln adequately. Particular concerns exist in respect of the quality and appearance of the proposed bridge crossings, and the mitigation measures for this major new earthworks which will bisect the valley; the impacts of the cutting and mitigation planting, and the impact of an elevated junction roundabout on the B1188. In respect of the amended details providing for 3m high bunds along the section between B1188 and A15 Sleaford Road, whilst this may be of some benefit to reducing noise impact on residents of Bracebridge Heath it represents an unsightly intrusion into the landscape and likely to dominate views across the gently sloping open plateau;

- in respect of ecology and nature conservation impacts it is considered that the Environmental Statement contains a number of omissions or inadequacies and that further survey work should be undertaken in order to provide a full understanding of the ecological interests of the site;

- a decision on the bypass route in advance of the current review of the Structure Plan, which may determine significant changes in housing requirements with a corresponding impact on land and infrastructure issues, and the completion of the Lincoln transport strategy is premature and at odds with Government advice regarding the integration of land use and transportation matters.

- Alternative options: The College is preparing its own planning application for an alternative route, with preliminary drawings proposed and an environmental assessment due to commence shortly. It is submitted that this is a material consideration to be taken account of in dealing with the present application, given the issues raised by the College and representations made to GOEM (see below). It presents an opportunity to evaluate the merit of the two alternatives and therefore consideration of the present application should be deferred to enable this to take place.

Jesus College, Oxford has also written to the Government Office for the East Midlands setting out various reasons why the Secretary of State should issue a holding direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 pending the County Council's consideration of the application, request that the reasons set out why they consider the Secretary of State should exercise his discretion to issue a direction are drawn to the County Council's Planning and Regulation Committee and considered as being an objection to the application. These are as follows:

"1. The Council has power to determine its own application if it considers it is in accordance with the development plan unless an Article 14 direction is in place. Your letter dated 25 May 2004 states that the application will be notified to GOEM, however, I understand that the Council is promoting the application on the basis that it is in accordance with the development plan and there is therefore a risk that the Council would not notify Government Office under the Town and Country Planning (Development Plans and Consultation)(Departures) Directions 1999.

2. The Council has made clear its desire to grant planning permission for this development as soon as possible. It made a decision on 14 July 2003 not to amend the proposed bypass line, because a new public consultation process and new design and

environmental evaluation work would mean the construction target date of 2006 would not be achievable. It appears this construction target date must be met in order to meet the requirements for an application for EU Objective 2 funding required for the construction of the road. The potential for a challenge against the decision if full investigation work were not carried out first was mentioned in the officer's report to Committee of 4 October 2003 seeking authorisation for submission of the planning application.

3. The Council, as far as I am aware, has not instituted any proposal for compulsory acquisition of the land required for the bypass. It is highly likely that the compulsory acquisition would lead to a public inquiry dealing with objections to the compulsory purchase order. I am unclear therefore how the Council proposes to meets its construction target date of 2006 in any event.

4. A subsequent report to the Strategic Planning Joint Advisory Committee dated 19 November 2004 updating Members on the progress of the application reported that the application was submitted on 13 February following completion of investigation works. It does not state what investigation works were carried out. I have seen no evidence of assessment of alternative routes for the bypass in connection with the application taking into account environmental impact.

5. In this connection, I understand that the Council is currently carrying out a multi-modal transport study. I understand this will satisfy the Department for Transport's requirements for the study of alternative solutions prior to an application for funding being made to support Local Transport Plan initiatives, such as the Eastern Bypass. It is unclear whether this study will consider alternative routes for the Eastern Bypass. If it does, there is a danger that the Council will rely on more than one document to claim that the environmental effects of alternative solutions have been considered in an attempt to satisfy the Environmental Impact Assessment Regulations 1999.

6. In addition, the bypass route appears to be no more than an indicative line on the Local Plan proposals map. Unless a detailed examination of alternative routes on environmental grounds was carried out at the time of establishing the route at development plan stage, given the far reaching environmental consequences of this development, I consider the scope of the environmental statement submitted with the application must sufficiently address alternative routes taking into account environmental effects.

7. From my reading of the Committee report dated 4 October it appears the Council considers that the route of the bypass in the development plan is not indicative. It is stated in that report: *"The route promoted for this planning application with minor alterations was fully consulted upon in March 1992"*. However, the line of the route in the application differs from the line shown in the development plan adopted in 1996. The deviation from the line shown on the development plan proposals map amounts in places to some 240 metres. Adjacent to new housing at Bracebridge Heath (constructed since the consultation in 1992 took place) the deviation in the route amounts to some 80 metres at one point. The application route is closer to the housing than was shown on the development plan route. Clearly this will have a significant effect on the occupiers of those dwellings. The deviation means that in my view the Council cannot legitimately claim the application is in accordance with the development plan, unless it states the development plan line is indicative (as to which see paragraph 6 above).

8. My client considers there are deficiencies in the environmental statement over and above the lack of consideration of alternative routes. For example there are deficiencies in the landscape appraisal. A public inquiry would provide a forum for consideration of further information to be submitted under the Environmental Impact Assessment Regulations. If as a result of the Article 14 direction, the Council requires such further information to be submitted now, the Secretary of State may of course decline to call in the application. However, it is my client's view that in the absence of an Article 14 direction, there is significant danger that the application will be determined without the provision of the required information.

9. The line of the bypass has significant implications for sustainable development and in this connection should be considered particularly in the light of policy currently being formulated through the Structure Plan Review. The line of Phase 2 of the bypass will have an impact on the distribution and quality of development in the county. It would be unfortunate if a required construction target date and the need to submit an application for Objective 2 funding were to result in a premature decision. This would not in my view be an exercise of statutory functions with the aim of promoting sustainable development.

10. In the light of my client's frustration at the Council's refusal to assess alternative routes my client has started preparing an application and environmental statement for an alternative route for the Eastern Bypass southern section. It is proposed that this alternative would link to the Council's proposed route (referred to by the Council as Phase 1). It would therefore be possible for the Council to determine an application for Phase 1 and commence construction of Phase 1. This would allow a full environmental assessment of the Phase 2 route to be carried out preferable by a parallel determination of the comparative merits of the Council's and my client's Phase 2 proposals. Unless an Article 14 Direction is in place now, there is a danger that this solution would not be pursued by the Council."

28. Local Amenity Groups and Other Organisations

(a) Vehicle and Operator Services Agency - Note that no provision has been made for any laybys and it would not be possible to stop vehicles to undertake checks on this stretch of road. The Agency has powers to take overloaded vehicles off the road and also have powers to check on driver's hours to ensure drivers who breach these rules are monitored. The Agency uses laybys to undertake their work but many laybys in Lincolnshire do not meet health and safety requirements. To undertake this work requires safe laybys to operate.

(b) CycleLincs – Initially raised objections to the proposal for the following reasons:

- The scheme itself should not go ahead. The need for it has not been convincingly made, the environmental impact assessment is unrealistically positive, and what is likely to be achieved will be an increase in vehicular use without relieving Lincoln of its traffic congestion. The scheme does not match government thinking that such scheme should only go ahead after all other options have been exhausted;

- The wrong road is being proposed. By creating an almost circular bypass around Lincoln, the result will be an unacceptable, negative environmental impact on the communities between the two ends of the bypass that will become part of an unofficial southern bypass. If a bypass is to be built, then the completion of the Lincoln orbital bypass should be constructed in one phase.

- The needs of vulnerable road users have not been met in the design proposals. The Lincoln Eastern Bypass, as proposed, provides inadequate safe crossings for pedestrians, cyclists, wheelchair users and horse riders. The result will be social exclusion, community severance and a restriction in the use of the very forms of transport that government, regional and local transport policies are seeking to promote.

Following consideration of the amended details to the scheme CycleLincs support and applaud the changes. In particular support the introduction of light controlled crossings. However, still have reservations about the need for the scheme and consider that if a bypass is to be constructed it should be a complete circuit of Lincoln.

(c) Railway Paths Ltd –Originally objected to the scheme because the proposals provide for a totally inadequate link between the cycle path along the former rail formation and the proposed new road. Following the receipt of amended details the company raise no objections. They do comment that the proposal will sever the link a disused railway line which currently connects to a bridge over the South Delph and the dismantled Lincoln to Boston line at Washingborough.

(d) South Lincolnshire Rural Access Forum (Education and Visual Arts) – in respect of convenience it is a welcome and overdue improvement to access and travel into and around Lincoln. Concern relates to the change the visual impression given from the lower River Witham Valley especially around sunset, how this will impact on the view especially the effect of lighting and how this may change the view.

(e) Lincoln Christ's Hospital School – wish to express support for the scheme, it will have considerable benefits for the school, staff and students as follows:

- reduction in through traffic on Wragby Road;
- easier access for staff;
- easier movement on school visits;
- longer term reduction of traffic will encourage people to use cycles to the school;
- suggest schemes to provide links into the City for Great Northern Terrace and Stamp End from the proposed roundabout on Washingborough Road to enable the economic development potential of this area to be met.

District Council's Observations

29. Lincoln City Council note that the application was considered at the Development Control Committee on 21 April 2004 where members of the Committee were fully supportive of the scheme and therefore City of Lincoln Council support the proposed Lincoln Eastern Bypass. In respect of the amendments to the scheme the City Council are supportive of these changes.

North Kesteven District Council, as District Planning Authority, raise no objection to the planning application subject to the implementation of all mitigation works identified in the Environment Assessment.

The West Lindsey District Council consulted on 4 March 2004 have not replied on this application.

Conclusions

30. Section 54A of the Town and Country Planning Act 1990 (as amended) requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The documents comprising the Development Plan are the Approved Structure Plan (1982), the North Kesteven Local Plan (1996), City of Lincoln Local Plan (1998) and West Lindsey Local Plan (1998). A protected line is shown on the Local Plan Proposals Maps and is confirmed by Policy T1 of the North Kesteven Local Plan, Policy 14G of the City of Lincoln Local Plan and Policy TR4 of the West Lindsey Local Plan. Both the North Kesteven Local Plan and West Lindsey Local Plan are undergoing review and the Eastern Bypass is shown as a protected line on these Plans.

31. The proposal is subject to Environmental Impact Assessment pursuant to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 ('the Regulations') and an Environmental Statement has been submitted which details the potential impacts of the development together with mitigation measures proposed to avoid, reduce and if possible remedy any significant adverse impacts. These details together with all the representations received constitute environmental information under the Regulations and must be taken into account in determining the application.

32. Whilst the Approved Structure Plan does not include any specific reference to the Lincoln Eastern bypass, Policy 30 establishes that the strategic road network will be afforded priority in future highway improvement schemes. The A15 and the A158 are part of the County Strategic Highway network and therefore the proposal is in accordance with this objective. Policy 31 states the highest priority will be given to those schemes which provide additional benefits of improved environmental standards, and in particular by bypasses and relief roads that remove extraneous traffic from centres of population and areas of high amenity value. The LEB would assist the City of Lincoln, which in recent years has experienced significant growth in traffic levels, creating associated problems of traffic congestion, reduced air quality and a less attractive living and working environment. The LEB would remove traffic from a significant number of properties in Lincoln and from the historic core of the City, particularly from the medieval core. Therefore the LEB meets the requirements of Policy 31 to move extraneous traffic from centres of population and high amenity value. Policy 34 requires specific considerations in respect of landscape, built environment and consideration of high quality agricultural land. The ES accompanying the application fully explores the impact of the scheme in all these areas and proposed measures to minimise these impacts. Therefore the application is in accordance with Policy 34.

33. The County Council's most up to date strategic planning policies comprise the Lincolnshire Structure Plan Deposit Draft (2005). The Committee is entitled to give limited weight to these policies in considering the development proposals. These policies reiterate the Council's commitment to improvements to the strategic road network and within this give priority to improvements to the A158 (Lincoln Eastern Bypass) during the Plan period. The scheme has been included in the Council's Local Transport Plan as a longer term major scheme that because of the size and complexity together with the high cost would mean that the scheme would only make significant construction progress in the period after that covered by the Transport Plan. However, preparatory work would continue in order to be in a position to move forward smoothly in due course. The scheme is also identified in the government's Regional Planning Guidance for the East Midlands as a highway investment priority for the Local Transport Authority to progress work.

34. The issue of an alternative route has been put forward by a major landowner, together with a significant number of local residents at Bracebridge Heath. This suggestion relates to the southern section of the route and where it is suggested that the route is moved to the east of Canwick Manor Farm. In this respect the Committee are advised that the decision of the Council as Highway Authority on the matter of the selection of the proposed route followed the procedures adopted by the Council in such matters, which have regard to the environment as well as traffic engineering considerations. The Committee is required to consider the acceptability or otherwise of the proposed scheme on its own planning merits.

35. The Council's justification for constructing the LEB is to improve movement to and from Lincoln. In addition this would improve the effectiveness of Lincoln's strategic highway network and has associated environmental, social, economic and development benefits. The LEB would improve the overall strategic highway network for Lincolnshire improving links for longer distance movement across the County. Within the City of Lincoln the LEB would contribute to the removal of through traffic from Lincoln to provide considerable network benefits in terms of reduction in congestion and improvements in journey times. With respect to the City's heritage the traffic impact on the historic core, especially the medieval core, could be reduced with the bypass. The LEB would provide an important infrastructure requirement not only for the strategic highway network but also for the local and regional economy. The impacts of undertaking this scheme has been addressed through the ES together with the mitigation measures required to minimise or overcome those impacts. This, together with the consideration of the representations received provides the framework for evaluating the proposal against the detailed development control policies for the area.

Natural Environment

36. West Lindsey Local Plan (WLLP) Policy ENV10 restricts development which would result in the loss or cause harm to the quality of the landscape which is also an objective of draft Structure Plan Policy NE6. The ES has shown that although initially the scheme would be visible from some distance especially in the southern section, mitigation in the form of planting, together with the proposed alignment would enable the development to be accommodated in the landscape. The ES acknowledges that the most severe impact is on the River Witham valley. The elevated scheme across the Witham would remain as a residual negative landscape impact within the valley, which would be reduced over time should the planned future developments along the current urban edge of Lincoln be forthcoming.

37. In respect of the development's impact on nature conservation issues, a number of Local Plan policies are relevant. City of Lincoln Local Plan (C of LLP) policies 44A, 44C, WLLP Policies ENV11, SA14 and S15, North Kesteven Local Plan (NKLP) Policy G7 and draft Structure Plan policies NE2, NE3 all seek to protect sites of nature conservation, SSSI and protected species from inappropriate development. The ES concludes that following the implementation of the proposed mitigation measures, the significance of the pre-mitigation adverse impacts would be reduced in all habitat areas along the proposed route. It is acknowledged that some minor adverse impacts would remain even with mitigation as proposed. The ES also acknowledges that some residual impacts would remain in respect of barn owls, water voles, bats and badgers.

38. English Nature (EN) initially objected to the application due to the impacts on Greetwell Quarry SSSI, inadequate information on protected species included within the ES and required further details on ecology and nature conservation in relation to implementation and long term management. Following receipt of the additional information, the undertaking of additional surveys and in the light of ongoing discussions with respect to the management of the main

element of the quarry face at Greetwell Quarry EN have removed their objection subject to the imposition of appropriate conditions.

39. Lincolnshire Wildlife Trust objected to the application and have maintained their holding objection following consultation on the amended proposals. These concerns relate to their contention that Greetwell Hollow nature reserve should be included within the ES; the scheme should be amended to avoid Greetwell Wood wildlife site as it contains giant bellflowers; concerns regarding interpretation of landscape south of the Witham corridor; and concerns regarding protected species. It is the view of the applicant that Greetwell Hollow Nature Reserve would not be adversely affected by the LEB and therefore no further assessment is necessary. In respect of Greetwell Wood the areas potentially affected are assessed as having a poor ground flora, the areas with a more interesting ground flora, including giant bellflower, are situated at the east side of the wood and would be unaffected by the scheme. The ES confirms that the habitats to the south of the Witham corridor were surveyed and assessed both for vegetation and bats. No work was undertaken at the sewage treatment works as it is not considered that this area would be affected. The applicant notes that the addendum to the ES includes additional areas for ecological mitigation within the amended development boundary and it is concluded that the proposed level of mitigation would adequately compensate for any losses and in some cases enhance the local biodiversity resource.

40. It is considered that the outstanding ecological issues can be addressed by appropriate planning conditions agreed with English Nature to ensure that the proposal is not contrary to the development plan policies relating to nature conservation issues indicated above.

Amenity Issues

41. WLLP Policy G1 lists a wide range of criteria that development must take into account including the impact on the character, appearance and amenities of neighbouring land. In assessing the impact on the amenity of residential and other noise sensitive properties the impact cannot be considered solely against impacts on those properties in proximity to the LEB but also on the wider impacts associated with the transfer of traffic from Lincoln City Centre.

42. NKLP Policy G3 restricts development outside settlement curtilages unless it is a development which requires a countryside location. In cases where a countryside location is accepted for a development the suitability of a proposal would be assessed in relation to a number of criteria including its impact on neighbouring land uses by reason of noise, disturbance or visual intrusion. An explanation to this Policy notes that several settlements have been provided with bypasses in recent times to remove through traffic from built-up areas. Others, including the Lincoln Eastern Bypass are planned. Such roads will run through extensive stretches of countryside close to, but not directly abutting, the developed area of the settlements concerned.

43. The issue of noise has generated the most significant number of objections to the scheme from local residents, in particular those with properties on the Cathedral View development at Bracebridge Health. These residents fear that the construction of the bypass along the proposed alignment would result in unacceptable adverse impacts on their amenity. Some residents have acknowledged that the amendments to the scheme in the form of proposed low noise surfacing of the carriageway together with the construction of a 3m high embankment on the western side of the carriageway would produce some positive benefits. However, despite the physical improvements and the predicted noise levels the local residents continue to fear that the proposed scheme would have a major adverse impact on their amenities. The addendum to the ES notes that the proposed scheme would be a new source of noise to a number of properties with the greatest impact to properties situated adjacent to the scheme

including farmsteads and properties east of Bracebridge Heath. Because of the existing low background noise levels in these areas the introduction of the bypass would increase noise levels by levels that would be identified as having the potential to create 'major adverse' impacts. Although these noise level increases are predicted as significant the predicted noise levels are still below the qualifying levels defined by the Noise Insulation Regulations 1975.

44. It should also be noted that the Bracebridge Health development area was designated for housing at the same time as the route of the Eastern Bypass was included in the Development Plan for the area (North Kesteven Local Plan – 1996).

45. In addition whilst a number of residential properties would be subject to higher noise exposure than is currently experienced a significant number of residential properties in both the City of Lincoln and Bracebridge Heath areas would benefit from a reduction in traffic travelling along existing routes and therefore reduction in noise levels.

46. In respect of the impact of the scheme on the visual amenity of the area the most significant impact is assessed to be the proposed bridge over the River Witham. The development plan includes a number of policies that seek to protect the dominance of Lincoln Cathedral in the landscape. C of LLP Policy 55 seeks to restrict development which would obstruct views of the historic hilltop city and/or the Lincoln Edge and Witham Gap and specific reference is made to the line of the eastern bypass where it crosses the floor of the Witham Gap. WLLP Policy C2 restricts development which detracts significantly from views of Lincoln Cathedral. Deposit Draft Structure Plan Policy LPA9 also seeks to protect the dominance of Lincoln Cathedral on the skyline. In relation to the crossing over the River Witham CABE note a series of design principles made previously have not been addressed. It is the view of CABE that design matters are worthy of consideration at this stage because it is likely to provide difficult to address these successfully in the context of further detailed work. English Heritage note that CABE objected to a standard bridge design and embankment and suggest that a design solution is found. Concern is raised regarding the lack of detail of the visualisation of the bridge with the only visual image being that which appears on the front of the Non-Technical Summary, a fairly standard type of bridge design. English Heritage note that they encourage good modern design and wish to view more detailed plans of the design. English Heritage also raise the issue of lighting and CPRE who are generally supportive of the scheme also raise the issue of lighting and note that if the proposal involves continuous lighting along its length this could lead to an objection from CPRE. The applicant notes that it is not proposed to include street lighting along the entire length. All junctions would be lit together with three short sections of the route. It is not considered that this is an excessive level of lighting and is a reasonable balance between the need to provide lighting for highway safety reasons but protect the visual amenity of the area from excessive night-time light pollution.

47. It is considered that insufficient detail concerning the design of the proposed bridges has been provided. The ES acknowledges that the most severe impact of the scheme is on the River Witham Valley where important views into and out of Lincoln would be adversely affected and the character of the valley as it approaches the Lincoln 'Gap' degraded by the form and alignment of the earthworks. It is acknowledged that the valley crossing would become a landmark feature within the environs of Lincoln for users of both the scheme and pedestrians within the valley. The elevated scheme across the Witham would reduce the sense of openness and perceived access to the countryside that currently exists. The ES considers that as further areas of development evolve between the LEB and the current urban edge of Lincoln the impact would be reduced but the embankment would remain as a residual negative landscape impact within the valley. In view of the ES conclusion about the negative impact on the landscape resulting from the scheme on the River Witham Valley, it is considered that further details/drawings of the crossing should be provided to demonstrate that the mitigation

measures and final design makes a positive statement in one of the most sensitive locations in the County. To ensure that further information and details concerning the design of the bridges is submitted and subject to further assessment, a condition could be imposed on any permission granted requiring such details to be submitted and approved. This would ensure that as much examination as possible has been given to the design of the bridges and that the County Planning Authority can be satisfied that the structures would be the most appropriate for this location. A meeting has been held with CABE who have indicated they would support such an approach.

Archaeology and Built Environment

48. C of LLP Policies 21 and 22 together with WLLP Policy SA8 and NKLP Policy C6 seek to ensure that the impacts of development proposals on archaeology are assessed and appropriate mitigation measures put forward. This approach is endorsed by Deposit Draft Structure Plan Policy BE4. It is acknowledged by both English Heritage and the Council's Archaeological Officer that concerns about archaeology have been substantially addressed by extensive evaluation, excavation and realignment of the road to avoid significant sites. Whilst it is acknowledged that there would be some damage to archaeological deposits/sites this could be addressed by an excavation works condition. Appropriate conditions could be imposed to ensure the necessary excavation works are undertaken in an acceptable manner. Provided appropriate archaeological mitigation measures are put in place it is considered that these would satisfactorily address the impact on archaeology and therefore meet the requirements of the above policies.

49. English Heritage however did raise concern about the failure of the ES to address listed building issues. The applicant notes that the impacts on listed buildings and the built environment are addressed in the ES. This concluded that the scheme is unlikely to result in any adverse impacts on the built environment and recognises the potential wider benefits to the built environment due to a result of traffic reduction in the historic city centre. The impact assessment took into account setting but this was limited to buildings within the study corridor only. This is an approach which is considered appropriate.

Water Environment

50. C of LLP Policy 38F, WLLP Policies ENV17 and ENV18, and NKLP Policies PU2, PU3 and PU4 together with Draft Structure Plan Policy NE11 all seek to ensure development should not impede the risk or flow of flood water or increase the risk of flooding. In addition these policies seek to restrict development which would have adverse impacts on the quality or quantity of ground waters.

51. As a result of the consultation process on the initial application the Environment Agency (EA) objected to the proposal because of a number of deficiencies with the FRA. The amended application and addendum to the ES outlines a number of changes to the initial scheme which have evolved following discussions with the EA. The revisions to the scheme include increasing the size of the balancing pond to the south of the River Witham to cover an area of 8200m^2. The amended FRA confirms the level of flood risk posed to the northern and southern floodplains as a result of the development of the balancing ponds. On the northern floodplain the proposal is likely to have negligible impact on water levels. On the southern floodplain of the River Witham the balancing pond is likely to have an impact on water levels following a breach, but this is not predicted to be significant. It is acknowledged that a detailed assessment of the arrangement of the balancing ponds would be required at the detailed design stage and could be required by planning condition.

52. The impacts of the proposed scheme on both surface and groundwater has been addressed by the ES. This identified that the long term risk of pollution from a spillage event would have a negligible impact on water quality in the area. However, it is still necessary to incorporate spillage control measures and oil interceptors in high risk areas such as roundabouts and slip roads. During the construction phase adherence to appropriate pollution prevention guidelines would minimise impacts. The revised FRA proposals have been subject to detailed assessment by the EA. The EA have indicated that the FRA meets the requirements of Planning Policy Guidance Note 25, Appendix F, (Guidance on requirements for undertaking a flood risk assessment). Therefore the application meets the objectives of the Development Plan policies relating to the water environment outlined above.

Impacts on Agriculture

53. Both Draft Structure Plan Policy NE7 and Policy C6 of the WLLP seeks to protect agricultural land and will not permit development on the best and most versatile agricultural land unless there is no other suitable land available. The landscape character of the route is primarily agricultural. The area includes agricultural land classed as the best and most versatile. The ES concludes that the land-take is relatively small and the loss is not considered to be a significant factor in assessing the environmental impact of the LEB.

54. DEFRA note that the level of protection to be afforded to high quality agricultural land and associated soils should be related to other considerations such as landscape character, biodiversity and sustainability. Also referred to by DEFRA is the fact that a detailed Agricultural Land Classification was not independently commissioned to determine the actual land quality. DEFRA suggest that final decisions be influenced by this definitive information. An agricultural land classification was commissioned by the County Council and undertaken by external consultants in 2003. An agricultural impact assessment was also undertaken. The land classification survey identifies the majority of the route is over land classed as Grade 2, i.e. very good quality agricultural land. Whilst it is acknowledged that the scheme would result in the loss of some agricultural land classed as the 'best and most versatile' category, the scheme is designed to minimise this loss. However, the amount of land to be lost is a modest amount and the wider benefits of the scheme justify the loss of some land of this quality. Therefore in this particular case it has been demonstrated that there is no alternative to the use of the best and most versatile agricultural land and therefore the application is not contrary to development plan policies.

55. DEFRA are also concerned about the potential for damage to agricultural land due to construction of associated compounds etc. The applicant correctly notes that should planning permission for the LEB be granted the ancillary developments such as site compounds etc would be permitted pursuant to Part 4 (Temporary Buildings and Uses) of the General Permitted Development Order 1995. In circumstances where concern exists regarding the impact of 'permitted developments' on the environment justification exists for a condition to be imposed on any permission granted to remove these permitted development rights. In this case because of the need to protect agricultural land and sites of archaeological importance outside the application site it would be reasonable to impose such a planning condition.

56. In respect of agricultural businesses the ES determines that nine agricultural businesses would potentially suffer adverse impacts from the scheme. A number of landowners and agricultural tenants have made representations on the application following the receipt of Article 6 Notices (Notification of Landowners and Agricultural Tenants). Main concerns relate to severance and other effects resulted from the proposed development. The ES concludes that assuming access can be provided to severed areas four holdings would suffer minor impacts through land-take and severance and the remainder only negligible impacts. Negotiations have been on-going

with two of the landowners and an agreement in principle has been reached with a private means of access for the sole use of the residents and owners of Canwick Manor/Canwick Manor Farm.

57. The ES satisfactorily addressed the impacts on directly affected agricultural holdings and the wider agricultural access issue both during the construction phase and the longer term by proposals to maintain access to severed land. This should ensure that farming activity can continue on all holdings and although this may result in some extended journeys between blocks of land this would be addressed in any compensation agreed.

Safety

58. In respect of the impact of the LEB on public rights of way together with proposed cycle facilities, a number of groups who represent the interests of cyclists have made representations on the application. Whilst the amendments to the scheme improve facilities for cyclists and pedestrians have been welcomed, a number of concerns regarding the proposed facilities remain. However the concerns made by Sustrans are of a detailed nature which as far as is practical would be incorporated at the detailed design stage. To meet the concerns of CycleLincs a number of amendments to the proposal have been made, which include a number of additional toucan crossing facilities, links to the LEB at appropriate points and a cycle/footbridge across the scheme at Bloxholm Lane. CycleLincs have welcomed these changes.

59. In respect of groups representing the interests of pedestrians, concerns have been raised because of inadequate provision for non-motorised and disabled users; provision of grade separated or controlled at-grade facilities at all road crossings; one greenway crossing of the bypass should be provided between junctions; and consideration of the environmental impact and provision of mitigation measures for surrounding footpaths and bridleways. As a result of further consideration being given to the proposal in respect of the provision for pedestrians, amendments to the application have been made which includes ensuring that, where possible, cycle/footway facilities would be located away from the carriageway, toucan crossing facilities would be provided at appropriate locations. Links from the LEB at appropriate locations and a cycle/footbridge across the scheme at Bloxholm Lane are also proposed. It is therefore concluded that the proposal will not be contrary to WLLP Policy RC6 which seeks to ensure that Public Rights of Way are maintained. In addition the proposal is in accordance with development plan policies which seek to encourage a greater proportion of journeys to be made by cycle and on foot.

60. The observations from the Vehicle and Operator Services Agency (VOSA) relate to the incorporation of laybys within the scheme. It is noted that the scheme is a county road and in the future will form the urban fringe for Lincoln. The LEB has junctions less than 2km apart that creates constraints to meet the requirements for the incorporation of laybys within a highway. However, the matter has been discussed with VOSA and it has been agreed that provision of a single set of laybys between Heighington Road and the B1188 is considered acceptable. The laybys have been incorporated into the amended proposal to meet the issues raised by VOSA.

Alignment

61. It is the view of some local residents from Bracebridge Heath and landowners, principally Jesus College, Oxford that the alignment of the road should be changed so that the southern section of the route passes to the east of Canwick Manor Farm. It is the view of the local residents of Bracebridge Heath that the alignment should be amended in the interests of their

amenity. It is considered that the noise report submitted as an addendum of the ES and the mitigation measures proposed demonstrate that although some residents would experience an adverse impact, due to the low background noise levels, the predicted noise levels are not sufficient to justify compensation pursuant to the Noise Insulation Regulations 1975.

62. The objections submitted on behalf of Jesus College, Oxford relate to procedural matters concerning the route rather than objecting to the principle of the development of the LEB. Firstly the objection relates to the view that the application constitutes a departure from the development plan. The College state that the line of the route in the application differs from the line shown on the North Kesteven Local Plan adopted in 1996. In some places this difference amounts to 240m. In the vicinity of the recently constructed residential development at Bracebridge Health the deviation is as much as 80m in places, with the application site closer to the residential development than shown on the local plan. Therefore the view of the objector is that the County Council cannot legitimately claim the application is in accordance with the development plan unless the development plan line is only indicative. As Members will be aware, in relation to County Council developments that are in accordance with the development plan, there is no requirement for the Authority to notify the Government Office of the application. For applications by a local authority that are not in accordance with the development plan, the County Council would be required to notify the Government Office pursuant to the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999. The Secretary of State then has the opportunity to consider whether to 'call in' the application for his own determination.

63. The view of the County Planning Authority is that although the scheme before the Committee does not follow the exact line shown in the North Kesteven Local Plan it is within a distance to the original line that it is reasonable to conclude that it is in accordance with the Development Plan. This conclusion is based upon the fact there is no specific guidance on indicative roadlines where the detailed design of such has not been completed and taking the principles set out in the compulsory purchase powers under the Highways Act 1980 extend normally to 220 yards (200 metres) of the middle of the proposed highway or 880 yards (800 metres) in specific circumstances, thereby assuming highway development may extend to a much wider corridor. The distance from the Local Plan indicative line is within the corridor that can be considered reasonable if reference is made to the principles set down in the Highways Act 1980.

64. With regard to the proximity to the residential development at Bracebridge Heath, the North Kesteven Local Plan, which was adopted in 1996, also allocated the land which now forms Cathedral Drive and associated residential developments. The District Council and developers of Cathedral View were therefore aware of the intention to build a bypass when the proposals for residential development were drawn up and considered. Therefore the relationship between the residential development and bypass has been considered in an integrated manner prior to the erection of the houses or the details design of the road.

65. Jesus College also express concern that the Council may rely on more than one document to satisfy the requirements that the environmental effects of alternative solutions have been considered to meet the requirements of the Environment Impact Assessment Regulations 1999. This is due to the Council currently undertaking a multi-model transport study to address the requirements of the Department of Transport for the study of alternative solutions prior to an application for funding being made to support Local Transport Plan initiatives such as the LEB. It is also contended that the proposed route is no more than an indicative line on the Local Plan proposals map. It is suggested that unless a detailed examination on environmental grounds was undertaken at the time the route was incorporated into the development plan because of the far reaching environmental consequences of the scheme, the application should

consider alternative routes taking into account environmental impacts. This is the procedure Jesus College consider the Authority should follow.

66. It is the view of the College that the County Council has made its intention clear in the decision taken in July 2003 not to amend the proposed bypass line because of the time implications of a new public consultation process and further design and environmental evaluation would result in the target date to commence construction works in 2006 being missed.

67. The Environmental Impact Assessment Regulations 1999 and accompanying Circular 2/99, state that an outline of the main alternatives studied by the applicant and the main reason for the choice made, taking into account the environmental effects, must be provided in an Environmental Statement. The Regulations do not prescribe what is the scope or nature of the alternatives, only that the applicant should outline the main alternatives studied. The Environmental Statement submitted by the applicant provides in Section 5.0 details of the alternative studied. It is considered therefore, that with respect to Regulations the issue of alternatives has been addressed.

Design

68. In respect of the proposed bridges this has already been highlighted as an issue that requires further information and assessment. It is considered that this is an issue that it is appropriate to use planning conditions to address. There will then be an opportunity for interested parties such as CABE and English Heritage to be consulted and for their comments to be taken into consideration. Members may also share the view that it is appropriate that the more detailed information to enable a full assessment of the impact of the crossing over the River Witham and other bridges required for the proposed scheme should be required by planning condition.

69. In conclusion the development of the LEB would be a further step towards the completion of an eventual ring road around Lincoln, connecting the existing western and northern relief roads to the anticipated southern bypass. The LEB would be an important part of the necessary infrastructure to provide a strengthened regional role to realise and to support future redevelopment and new development taking place. It would facilitate improved accessibility and movement not just for the City but also for the wider county and region. It would assist future development and regeneration opportunities such as the North East Quadrant Development Area. The predicted reduction of through traffic would also assist to create improved investment conditions within the City, attracting activities and people back into the urban area. The LEB is seen to be an important infrastructure requirement not only for the strategic highway network but also for the local and wider regional economy.

70. The application has been assessed against adopted local development policies contained within the City of Lincoln Local Plan, West Lindsey Local Plan and North Kesteven Local Plan and it is considered that the proposal, subject to mitigation measures identified through the formal Environmental Impact Assessment procedure (secured by conditions) can be undertaken in a manner where the level of impact is acceptable and in accordance with those development control policies.

RECOMMENDATIONS

A. Having regard to all material considerations (including the environmental information) it is recommended that planning permission be granted subject to the conditions listed below; and

B. That this report forms the Council's statement under Paragraph 21 of the Town and Country Planning (Environment Impact Assessment)(England and Wales) Regulations 1999 which requires the Council to make available for public inspection at the District Council offices specified information regarding the decision.

Conditions

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

2. The development shall be undertaken strictly in accordance with the details contained in the application, as amended and in full compliance with the mitigation measures detailed in the accompanying Environmental Statement except as may be modified by the requirements of other conditions of this planning permission or as may otherwise be agreed in writing with the County Planning Authority.

3. Before any development is commenced the approval of the Director of Highways and Planning is required to a scheme of landscaping and tree planting for the site (indicating inter alia the number, species, heights on planting and positions of all the trees). Such scheme as approved by the Director of Highways and Planning shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced, (or within such longer period as may be agreed in writing with the Director of Highways and Planning). All trees, shrubs and bushes shall be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

4. Before any development commences, details of the bunds for noise mitigation and landscaping shall be submitted to and approved in writing by the County Planning authority. The works shall be carried out in accordance with the approved details prior to the road being brought into use.

5. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority. The submitted scheme shall extend to include all site compounds and accommodation works.

6. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification) no compounds or ancillary works shall be constructed in connection with the scheme without the prior written approval of the Director of Highways and Planning.

7. Before any development commences full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings incorporated into the scheme shall be submitted to and approved in writing by the County Planning Authority. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall be constructed in accordance with the approved details.

8. Before any development commences details of the exact clearance height between the Witham navigation and the underside of the bridge shall be submitted and approved in writing by the County Planning Authority.

9. Before the bypass hereby approved is brought into use details of the proposed lighting along the road shall be submitted to and approved in writing by the County Planning Authority. Thereafter the lighting shall accord with the approval details.

10. Before any development commences details showing any art work to be erected or incorporated into the design shall be submitted to and approved in writing by the County Planning Authority. The art work shall be undertaken in accordance with the approved details.

11. Should contamination not previously identified be found within the site during construction then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be undertaken until the developer has submitted to and obtained written approval from the County Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement shall detail how the unsuspected contamination shall be dealt with.

12. No development shall commence until the proposed method for piling foundations has been submitted to and approved in writing by the County Planning Authority. The piling shall thereafter be undertaken in accordance with the approved details.

13. Before any development commences a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing by the County Planning Authority. The work/scheme shall be constructed and completed in accordance with the approved details.

14. Any facilities, above ground, for the storage of oils, fuels or chemicals during the bypass construction phase shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and be protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage)(England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997.

15. Before any development commences a detailed pollution prevention plan to incorporate measures to address run-off from the proposed development during construction and operation, shall be submitted to and approved in writing by the County Planning Authority.

16. Before any development commences a surface water quality monitoring scheme referred to in Paragraph 10.4.35 of the Environmental Statement received on 13 February 2004 shall be submitted to and approved in writing by the County Planning Authority.

17. No hedgerow or scrub clearance or site preparation works affecting breeding birds' habitats shall be undertaken from 1 March to 31 July inclusive.

18. Before any development commences a survey for the presence of bats shall be undertaken in Greetwell Wood, Manor Farm and Greetwell Quarry in accordance with a scheme which shall have been submitted to and approved in writing by the County Planning Authority. The results

of the survey and any mitigation measures proposed shall be submitted to the County Planning Authority prior to construction works commencing.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To enable the County Planning Authority to adequately control the development and to minimise its impacts on the surround area.

3. To minimise the impact of the development upon the landscape, in the interest of visual amenity.

4. In the interests of the visual amenity of the area.

5. In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on site.

6. In order to ensure that no known sites of archaeological remains are destroyed by ancillary operations.

7. In the interests of the visual amenity of the area.

8. To ensure that the users of the River Witham can navigate the river safely.

9. In the interest of amenity.

10. In the interest of visual amenity.

11. To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

12. Part of the site may be potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

13. To ensure a satisfactory method of surface water drainage.

14, 15 &16
To protect the water resources of the area from pollution in the interests of the amenity of the area.

17&18 To minimise/mitigate against any adverse impacts on protected species.

Reason for Granting Permission

The application, subject to conditions, would allow the construction of a highway to the east of Lincoln removing traffic from the centre of Lincoln to reduce congestion and traffic levels to the benefit of local residents and the historic core of Lincoln. The proposed highway would be an important part of the necessary infrastructure to provide a strengthened regional role for Lincoln to realise and to support future redevelopment and new development taking place. The application is not considered to be a departure from the development plan nor contrary to local plan development control policies.

Policies Referred To

Approved Structure Plan (1982)

- Policy 30 – Improvement of Existing Road System
- Policy 31 – Determine Priorities for Improvements Within Country Strategic Road Network
- Policy 34 – Effect of Highway Improvements upon the Landscape and Built Environment, and the Need to Conserve High Quality Agricultural Land.

Lincolnshire Structure Plan: Deposit Draft (2005)

- Policy M1 – Strategic Road Network
- Policy M8 – Cycling
- Policy M9 – Pedestrians
- Policy M10 – Freight
- Policy BE4 – Archaeological Heritage
- Policy NE1 – Development in the Open Countryside
- Policy NE2 – Sites of Nature Conservation Importance
- Policy NE3 – Species Protection
- Policy NE4 – Trees, Woodlands, Hedgerows Protection
- Policy NE6 – Landscape Character and Natural Areas
- Policy NE7 – Development of Agricultural Land
- Policy NE10 – Water Resources and Water Quality
- Policy NE11 – Development and Flood Risk
- Policy LPA1 – Lincoln Policy Area Strategy
- Policy LPA7 – Movement Strategy
- Policy LPA9 – Protection of the Dominance of Lincoln Cathedral
- Policy T7 – Informal Recreation in the Countryside

City of Lincoln Local Plan (1998)

- Policy 5G – Strategic Network of Cycleways, Footpaths and Bridleways
- Policy 14G – Strategic and Major Road Proposals
- Policy 21 – Archaeological Assessment
- Policy 22 – Archaeological Constraints
- Policy 38D – Environmental Pollution Arising from Development Proposals
- Policy 38E – Development Adjacent to Greetwell Quarry
- Policy 44A – Sites of Special Scientific Interest and Other Critical Natural Assets
- Policy 44C – Protected Species
- Policy 45A – Trees and Other Ecological and Landscape Features on Development Sites
- Policy 46A – Woodland and Other Major Planting Initiatives
- Policy 55 – Long Views Into and Out of the City
- Policy 38F – Flood Risk
- Policy 34 – Design and Amenity Standards

West Lindsey Local Plan (1998)

- Policy G1 – Development Requiring Planning Permission
- Policy ENV10 – Landscape Conservation
- Policy ENV11 – Wildlife Conservation
- Policy ENV17 – Water Quality and Supply
- Policy ENV18 – Flood Risk Areas
- Policy ENV19 – River Corridors
- Policy SA8 – Ancient Monuments and Sites of Archaeological Importance
- Policy SA14 – Sites of Special Scientific Interest

Policy SA15 – Sites of Nature Conservation Importance and Local Nature Reserves
Policy C1 – Development in the Countryside
Policy C2 – Development in the Countryside (Protecting Views of Lincoln Cathedral)
Policy C3 – Quality of Agricultural Land
Policy RC6 – Public Rights of Way
Policy TR2 – Transport
Policy TR4 – Road Transport – New Road Schemes

North Kesteven Local Plan (1996)

Policy G3 – Development Outside Curtilage Lines
Policy G5 – Landscaping Provision
Policy G7 – Sites of Nature Conservation Interest
Policy T1 – Protection of Road Lines
Policy C6 – Protection of Archaeological Interest
Policy PU2 – River Witham Flood Protection Area
Policy PU3 – Flood Risk
Policy PU4 – Protection of Water Quality and Quantity

Informative

Attention is drawn to the following:

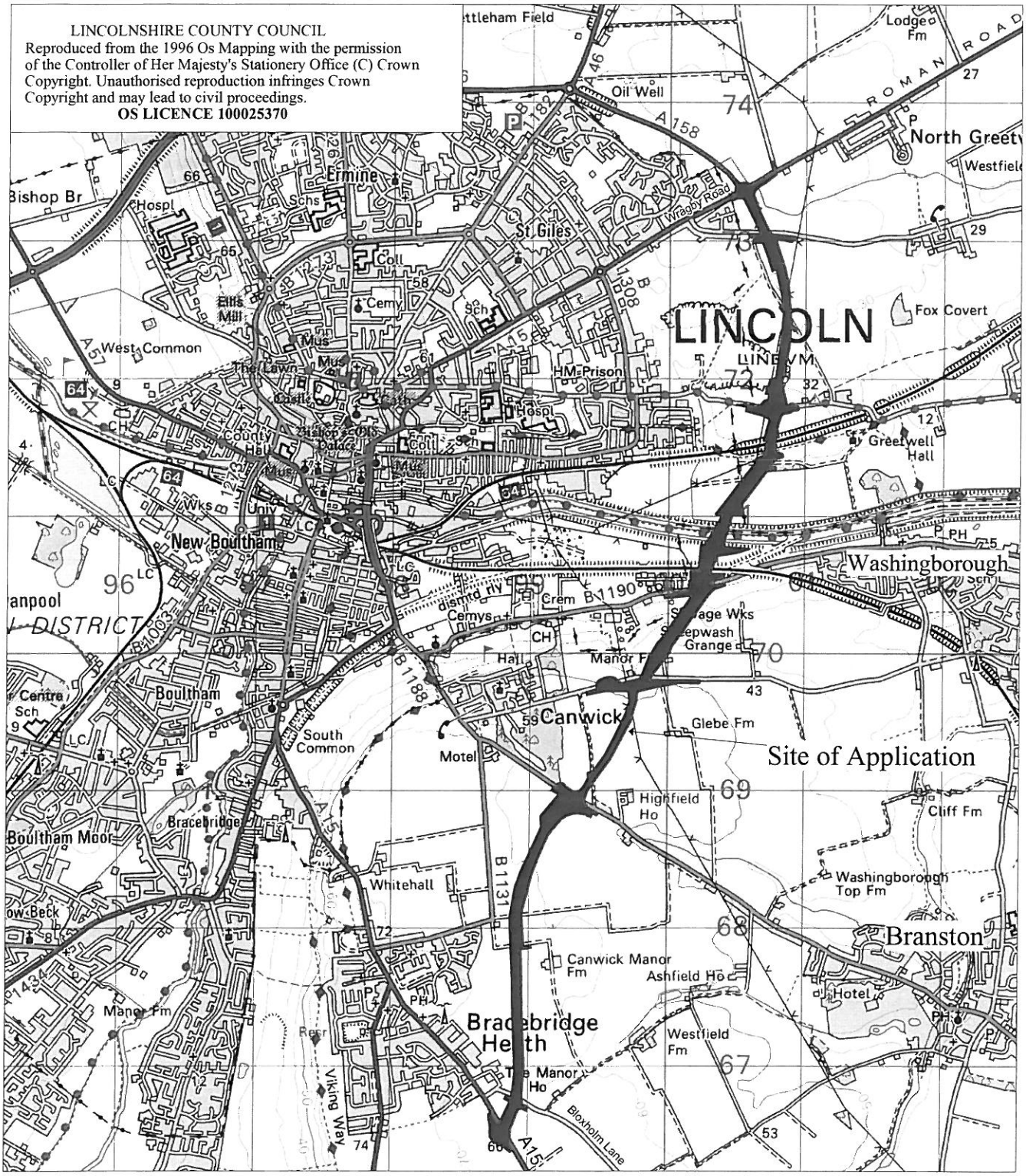
1. Prior to any works commencing the applicant is advised to contact British Waterways, Third Party Works Engineer (01636) 675768 in order to ensure that any necessary consent are obtained and the works are compliant with the Code of Practice for Works Affecting British Waterways.

2. The letter of Network Rail dated 2 February 2005 (Ref: LNER/AP/0/NOB/032) addressed to Lincolnshire County Council requiring the separation by an Armco or similar type of barrier along the private access beneath the proposed new road immediately alongside the Lincoln the Market Rasen railway line.

3. The requirements of the Environment Agency contained in letters dated 11 May 2004 (Ref: AN/2004/010338-1/1) and 14 September 2004 (Ref: AN/2004/010338-2/1) addressed to Lincolnshire County Council.

BACKGROUND PAPERS			
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.			
PAPER TYPE	**TITLE**	**DATE**	**ACCESSIBILITY**
Planning Application Files	L/0170/04 N12/17/71/0387/04 W42/65/0279/04	13 February 2004	Highways and Planning Directorate, Planning and Conservation Group, Witham Park House, Waterside South, Lincoln
Regional Planning Guidance	Regional Planning Guidance for the East Midlands to 2021: Draft Proposed Changes	July 2004	
Structure Plan	Approved Structure Plan Lincolnshire Structure Plan: Deposit Draft	1982 2005	
Local Plan	North Kesteven Local Plan City of Lincoln Local Plan West Lindsey Local Plan	1996 1998 1998	
Local Transport Plan	Lincolnshire Local Transport Plan	2000	

Lincolnshire County Council
Highways & Planning Directorate
Planning and Conservation Group



Location:
The Parishes of: Nettleham, Greetwell, Lincoln, Washingborough, Canwick, Bracebridge Heath

Description:
To construct the Lincoln Eastern Bypass.

Application Numbers L.0170.04, N.0387.04, W.0279.04

Scale: 1 : 40,000