

# Lincolnshire County Council Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal 13 October 2009

Application No. 125523  
10/0170/CCC  
LCC Ref. No. L/0170/10

## Part 1 Planning Permission

1. On 4 October 2010 the Lincolnshire County Council resolved, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, to construct a new bypass known as the Lincoln Eastern Bypass at land to the east of Lincoln.
2. Take notice that Planning Permission is hereby granted by Lincolnshire County Council to carry out the above development in accordance with the application, plans and Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 subject to the following conditions.

## Part 2 Conditions

1. The development hereby permitted shall be commenced within 15 years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.
2. The development hereby permitted shall be undertaken strictly in accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement, unless otherwise agreed in writing with the CPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions.

**Alan Freeman**

Signed .....  
Head of Spatial Planning  
Lincolnshire County Council

Date 14 October 2010

### NOTES:

1. This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.
2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

3. No development shall take place until a detailed landscaping scheme, including any proposed fencing, has been submitted to and approved in writing by the CPA. The landscaping scheme shall include information on the species, numbers, spacing and positions of all grasses, trees, shrubs, hedgerows and bushes to be planted as part of the development and include details of the long term maintenance and aftercare proposals to ensure their success for a period of 10 years commencing from the date of completion of the development. Any plants which at any time during the development and/or 10 year aftercare period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the CPA. In respect of fencing, details shall include the type, height, treatment/colour and position of any fencing to be erected as part of the development. The approved scheme shall thereafter be carried out and maintained in accordance with the approved details.
4. No development shall take place until details of the bunds for noise mitigation and landscaping to be constructed along the boundaries of the development have been submitted to and approved in writing by the CPA. Such details shall include appropriate cross sections of the bunds and include details of the location, size and height of the bund as well as details of the proposed materials and method of construction. Following the construction of the bunds they shall be grass seeded, landscaped and maintained in accordance with the details approved pursuant to Condition 3. Thereafter the bunds shall be constructed and all works implemented and carried out in full accordance with the approved details and thereafter whilst ever the development subsists.
5. Unless minor variations are otherwise agreed in writing by the CPA, construction works which are audible at the site boundary shall only take place between 07.00 – 19.00 Monday to Friday, and 09.00 – 13.00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Construction activities which are assessed as being inaudible at the site boundary (such as electrical work) may be undertaken outside of these times.
6. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
7. 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 CPA. The scheme shall reflect the practices and mitigation measures to reduce or avoid impacts on archaeological deposits as set out in Section 8.5 of the Environmental Statement and shall be extended to include the former ironstone mine entrance which has been identified within the Greetwell Hollow. The works shall be carried out in full accordance with the approved details prior to the road being brought into use.
8. No development shall take place until details of a scheme of historic building recording relating to the Railway Underbridge (Site 770) as referred to in Paragraph 8.9.1 of the Environmental Statement has been submitted to and approved in writing by the CPA. The scheme shall provide a written, drawn and photographic record of

the structure (as appropriate) and provide a permanent record of the structure in its current condition. The historic building recording works shall thereafter be implemented and carried out prior to the structures demolition, in full accordance with the approved scheme.

9. No development shall take place until details of the historic landscape survey referred to in Paragraph 8.13.7 of the Environmental Statement have been submitted to and approved in writing by the CPA. The submitted scheme shall provide for the recording of the identified Historic Landscape Types 1, 2, 3 and 11 (as identified on Figure 8.3 of the Environmental Statement) and should include measured survey of any field boundaries to be removed as well as photographic survey of the wider area and long views to and from the Historic Landscape Types. The historic landscape survey shall be carried out prior to any construction works taking place within the identified Historic Landscape Type areas, in full accordance with the approved scheme.
10. No development shall take place until full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings (including temporary bridges across the River Witham during construction works) have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
11. All floodlighting and external site lighting associated with the construction of the development hereby permitted shall be positioned and operated to minimise the potential nuisance of light spillage from the site.
12. Before the bypass hereby approved is brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted for the approval of the CPA. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details.
13. Should, during construction works, contamination not previously identified be found within the site then no further development (unless otherwise agreed in writing with the CPA) shall be carried out until the developer has submitted to and obtained written approval from the CPA for a remediation strategy detailing how the unsuspected contamination shall be dealt with.
14. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts of the development on the Greetwell Quarry SSSI have been submitted to and approved in writing by the CPA.
15. No development shall take place until details of the facilities to be constructed to provide public/pedestrian access to the retained exposures of the Greetwell Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.

16. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts to bats, water voles and grass snakes have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.
17. No earthworks, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the CPA. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
18. No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the CPA, in consultation with surface drainage authorities, including the Internal Drainage Boards and the Environment Agency. The scheme shall reflect the principles, mitigation measures and specification requirements as set out in Paragraph 11.8 of the Environmental Statement including the provision of level for level floodplain compensatory storage as indicated in the applications Flood Risk Assessment. The approved scheme shall be implemented and carried out before the development is completed and shall thereafter be maintained for the duration that the development hereby permitted subsists.
19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
20. No development shall take place until a Construction Environmental Management Plan (as referred to in Paragraph 16.6 of the Environmental Statement) has been submitted to and approved in writing by the CPA. The Plan shall include details of the development which shall include but not necessarily be limited to the following:
  - a) identify the locations of the contractor's temporary site storage areas/compounds including details of the number, size (including height) and location of contractors' temporary buildings;
  - b) the means of moving, storing and stacking all materials, plant and equipment around the site;
  - c) the measures to be adopted during all works to ensure that dust emissions are minimised (reflecting those practices and mitigation measures set out in Sections 6.6 and 16.6 of the Environmental Statement);

- d) the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from the development (reflecting the practices and mitigation measures set out in Sections 7.6 and 16.6 of the Environmental Statement);
- e) the measures to avoid the pollution and discharge of any substances, including surface water run-off, into controlled water during the construction and operation phases of the development (reflecting the practices and measures set out in Section 11.8 of the Environmental Statement);
- f) details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

- 21. No development shall take place until a detailed strategy and method statement for minimising the amount of construction waste resulting from the construction of the development shall be submitted to and approved in writing by the CPA. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in strict accordance with the approved strategy and method statement.
- 22. No development shall take place until a Soil Management Plan as referred to in Paragraph 13.4.33 of the Environmental Statement has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented and carried out in full accordance with the approved details.

The reasons for the conditions are:

- 1. Due to the size, scale and complexity of the development an extended period of time to implement the planning permission is considered acceptable.
- 2. To ensure that the development is carried out in accordance with the details as contained in the application and the principles of the mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.
- 3 & 4 To minimise the impact of the development on the local landscape in the interests of visual amenity.
- 5 & 6 To minimise the impacts of noise arising from the development, in the interests of amenity.

**7 to 9** To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site and to secure appropriate schemes for recording of the historic railway underbridge and historic landscape features as identified and proposed within the Environmental Statement.

**10.** To ensure that the final design, scale and appearance of the proposed structures are appropriate and would not adversely detract or impact upon the visual amenity of the area and views to and from the historic city centre. Such details would also ensure that adequate clearance is provided to allow safe and unrestricted access by users of the River Witham and to protect the bridge from defacement/vandalism as per the recommendations of British Waterways.

**11 & 12**

In the interests of visual amenity and to minimise the impacts of light pollution on the local landscape and adjoining land uses (e.g. railway infrastructure).

**13.** In accordance with the recommendations and advice of the Environment Agency and to ensure that appropriate remediation measures can be secured to protect controlled waters for any contaminated land which may be present within the site.

**14 & 15**

In accordance with the recommendations of Natural England and to minimise the impacts of the development on the SSSI and to mitigate for the loss of the SSSI by ensuring suitable access to the retained exposures of the SSSI is secured in the interest of nature conservation.

**16.** In accordance with the recommendations of Natural England so as to protect bats, water voles and grass snakes that have been identified as being affected by the development and to secure the mitigation measures for these species as set out in Section 10.7 of the Environmental Statement.

**17.** In the interests of safeguarding nesting birds that are protected by law.

**18 & 19**

To reflect the recommendations and conditions proposed by Environment Agency so as to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

**20.** To ensure that the development does not give rise to adverse impacts by virtue of noise, dust and to protect water resources from pollution in the interests of the amenity of the area.

**21.** To minimise the amount of construction waste to be removed from site for final disposal.

**22.** To prevent loss or damage of soil, or mixing of topsoil with subsoil, or mixing of dissimilar soil types so as to ensure that the areas to be restored/ reinstated back to agricultural use can do so effectively.

## **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 providing a strengthened regional role for Lincoln. Therefore the bypass is not only an important infrastructure project but would also have wider economic, environmental and social benefits which would help to support the future economic success and growth of Lincoln and whilst the route of the bypass does not conform to that which has been identified and protected within the Development Plan, on balance, this alternative route is considered to be acceptable in land use planning and environmental terms and would not significantly conflict with the wider objectives or development control policies contained within the Development Plan.

## **Policies Referred To**

### **National Guidance**

- Planning Policy Statement 1- Delivering Sustainable Development
- Planning Policy Statement 5 - Planning for the Historic Environment
- Planning Policy Statement 9 - Biodiversity & Geological Conservation
- Planning Policy Guidance 13 - Transport
- Planning Policy Statement 23 - Planning & Pollution Control
- Planning Policy Guidance 24 - Planning & Noise
- Planning Policy Statement 25 - Development & Flood Risk

### **City of Lincoln Local Plan 1998 (Saved Policies)**

- Policy 5 - Strategic Network of Cycleways, Footpaths and Bridleways
- Policy 14 - Strategic & Major Road Proposals
- Policy 15B - Greetwell Hollow Road Improvement
- Policy 38 - Design & Amenity Standards
- Policy 38E - Development adjacent to Greetwell Quarry
- Policy 44A - Sites of Special Scientific Interest or other Critical Natural Assets
- Policy 44C - Protected Species
- Policy 45A - Trees & Other Ecological & Landscape Features
- Policy 46A - Woodland & Other Major Planting Initiatives
- Policy 46B - Protecting the Water Environment
- Policy 55 - Long Views Into and Out of the City
- Policy 70 - Greetwell Quarry

### **West Lindsey Local Plan 2006 (Saved Policies)**

- Policy STRAT1 - Development Requiring Planning Permission
- Policy STRAT3 - Development in the Countryside
- Policy STRAT10 - Longer Term Development Options – Lincoln and Bardney
- Policy SUS1 - Development Proposals & Transport Choice
- Policy SUS4 - Cycle & Pedestrian Routes in Development Proposals
- Policy ECON13 - Lincoln Eastern Bypass
- Policy CORE10 - Open Space & Landscaping Proposals
- Policy CRT9 - Public Rights of Way affected by Development
- Policy NBE10 - Protection of Landscape Character
- Policy NBE11 - Sites of Special Scientific Interest & National Nature Reserves
- Policy NBE12 - Nature Conservation in Wildlife Corridors

Policy NBE14 - Waste Water Disposal  
Policy NBE15 - Water Quality & Supply  
Policy NBE16 - Culverting Watercourses  
Policy NBE17 - Potentially Polluting Uses  
Policy NBE18 - Light Pollution

**North Kesteven Local Plan 2007 (Saved Policies)**

Policy C2 - Development in the Countryside  
Policy C3 - Agricultural Land Quality  
Policy C5 - Effects on Amenities  
Policy C7 - Comprehensive Development  
Policy C10 - Flood Risk  
Policy C11 - Pollution  
Policy C14 - Surface Water Disposal  
Policy C19 - Landscaping  
Policy C22 - External Lighting Schemes  
Policy T4 - Safety  
Policy T7 - Lincoln Eastern Bypass  
Policy RST2 - Public Rights of Way  
Policy RST4 - Public Access to the Countryside  
Policy LW1 - Landscape Conservation  
Policy LW2 - Green Wedges  
Policy LW3 - Visual Amenity Areas  
Policy LW4 - Sites of Special Scientific Interest  
Policy LW6 - County Wildlife Sites & Local Nature Reserves  
Policy LW7 - Features of Importance for Wildlife  
Policy LW8 - Protected Species  
Policies HE1 to HE3 - Protection of Features of Archaeological Interest

**Informatives**

1. The applicant's attention is also drawn to the comments/advice contained in the following correspondence/letters:

Environment Agency's letter dated 12 March 2010;

Network Rail email dated 8 March 2010;

Natural England letter dated 24 May 2010

Railway Paths letter dated 31 August 2010 - regarding the need to complete a Deed of Easement to cover the crossing of the former rail formation.

2. The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter.

Any proceedings should be brought promptly and within three months from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months have expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as



**possible. The detailed procedural requirements are set out in the Civic Procedure Rules Part 54 of the Practice Directives for these rules.**

Lincolnshire County Council  
Development Control, Planning &  
Conservation  
Witham Park House  
Waterside South  
LN5 7JP

**Our ref:** AN/2010/109187/01-L01

**Your ref:** PL1022709

**Date:** 12 March 2010

FAO: Marc Willis

Dear Sir/Madam

**A NEW BYPASS TO THE EASTERN SIDE OF LINCOLN: LINCOLN EASTERN  
BYPASS  
LAND TO THE EAST OF LINCOLN**

Thank you for referring the above application, which was received on 10 February 2010 and additional information received on 5 March 2010.

**Environment Agency position**

We have assessed the information submitted with this application and have no objection, subject to the following conditions being attached to any planning permission granted:

Flood risk

**Condition (1)**

The development hereby permitted shall not be commenced until such time as a scheme to provide level for level floodplain compensatory storage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason (1)**

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

**Condition (2)**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.

Waterside House, Waterside North, Lincoln,  
LN2 5HA.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Weekday Daytime calls to 0870 numbers cost 8p plus up to 8p per minute from BT Weekend Unlimited. Mobile and other providers' charges may vary.

Cont/d..

**Reason (2)**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

**Informative (2)**

Please note that soakaways should not be considered in the detailed surface water scheme. There is insufficient protective cover over the Limestone, and so a soakaway would constitute a direct discharge to groundwater. This is not permitted under the Groundwater Regulations 2009.

**Potential land contamination****Condition (3)**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason (3)**

To prevent risk of pollution of controlled waters.

**Informative advice for applicant****Flood defence consent**

Under the terms of the Land Drainage Act 1991, any culvert or works that may impede the flow of water on any ordinary watercourse, which falls outside an Internal Drainage Board District will require the prior written permission of the Environment Agency by way of Flood Defence Consent.

Calculations have been included for culvert sizing to the level of 'conceptual design' based on CIRIA Report 168. The CIRIA report recommends that further hydraulic design is undertaken to finalise the design of the culverts. This will look at how, the upstream and downstream conditions and the design of headwalls, could affect the flow through the culvert.

When designing culverts to go under permanent structures, such as major roads, it is recommended that they are a suitable size to avoid the need for alterations in the future, if flows in the watercourse increase. At the Consent stage the design will be looked at in more detail.

Under the terms of the Water Resources Act (WRA) 1991 and Land Drainage Byelaws, any works in, over, under or within 9.0 metres of the landward toe/brink of any Main River also requires the prior written permission from the Environment Agency by way of a Flood Defence Consent.

This will apply to the bypass bridge over the River Witham and the South Delph and the foot bridge over the South Delph. It is very important that the applicant contacts us to discuss our requirements for maintenance access along the river banks. We need to discuss the headroom which we require for machine access.

Please note that our formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments and it is therefore imperative that early contact is made regarding our byelaw requirements. Each Flood Defence Consent application can take a maximum of 2 months to determine.

#### **Discharge consent**

A consent to discharge under the WRA 1991 will be required if there are discharges to Controlled Waters from this site which are not regulated by the Environment Agency in another environmental permit.

#### **Pollution prevention**

Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Siltation traps and oil interceptors should be fitted to ensure that any surface water discharging from the road into watercourses is clean.

#### **Waste**

Any waste material generated in the course of the development must be disposed of in accordance with section 34 of the Environmental Protection Act 1990.

To import waste onto the site appropriate authorisation may have to be obtained from the Environment Agency. To export waste the applicant must ensure that they use a registered waste carrier and complies with their duty of care. The duty of care means that the applicant must ensure that the waste is removed by an authorised waste carrier and is taken to an appropriately authorised waste facility.

Guidance on Duty of Care can be found at:

[www.environment-agency.gov.uk/business/topics/waste/40047.aspx](http://www.environment-agency.gov.uk/business/topics/waste/40047.aspx). Additionally, a Site Waste Management Plan should be produced which should clearly set out how waste will be managed during all phases of the project.

#### **Water Resources**

There is a need to carefully consider the potential impact of the proposed development on water features and existing licensed and unlicensed (lawful) water users.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

**Laura Richardson**  
**Planning Liaison Officer**  
Direct dial 01522 785938 Direct fax 01522 512927  
Direct e-mail [lauram.richardson@environment-agency.gov.uk](mailto:lauram.richardson@environment-agency.gov.uk)

End

**From:** Lake Margaret  
**To:** Dev Planning Support  
**Subject:** Lincolnshire/PL/0227/09/New Lincoln Eastern bypass on land to the East of Lincoln  
**Date:** 08 March 2010 14:52:25

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**FAO – Marc Willis**  
**Ref – PL/0227/09**  
**Proposal – New Lincoln Eastern bypass**  
**Location – Land to the East of Lincoln**

Thank you for your letter of 10/02/2010 providing Network Rail with an opportunity to comment on the abovementioned application.

Network Rail has no objection in principle to the development subject to all legal agreements, including design of railway bridges, being in place. Network Rail continues to have discussions with the applicant over the scheme.

With reference to the protection of the railway below are some requirements which must be met.

#### **Drainage**

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

#### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

#### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Outside Parties Engineer should be undertaken.

#### **Security of Mutual Boundary**

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

#### **Armco Safety Barriers**

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

#### **Fencing**

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

#### Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, Armco barriers, method statements, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The method statement will need to be agreed with:

**Network Rail's Territory Outside Parties Engineer  
Network Rail (London North Eastern)  
2nd Floor  
George Stephenson House  
Toft Green  
York  
Y01 6JT**

**E-mail: [opelondonnortheastern@networkrail.co.uk](mailto:opelondonnortheastern@networkrail.co.uk)**

**Margaret Lake  
Town Planning Technician LNE  
Network Rail**

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Kings Place, 90 York Way London N1 9AG

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Date: 24 May 2010  
Our ref: B 5.8.1  
Your ref: PL/0227/09



ENGLAND

Mr Willis  
Lincolnshire County Council  
Unit 16 Witham Park House  
Waterside House  
LINCOLN  
LN5 7JN

Ceres House  
2 Seaby Road  
LINCOLN  
LN2 4DT

T 0300 860 4734  
F 0300 060 4731

Dear Mr Willis

**Proposal: New Bypass**  
**Location: To the eastern side of Lincoln Greetwell Hollow Quarry Site of Special Scientific Interest (SSSI), Lincolnshire**

Since our letter of 26 March 2010, Natural England and Lincolnshire County Council have been working to address the reasons for our objection.

The application site is within the Greetwell Hollow SSSI. On the basis of the information provided, Natural England withdraws its objection of 26 March 2010 subject to the inclusion of our recommended conditions and the proposals being carried out in strict accordance with the details and plans of the application. The reason for our withdrawal of objection response is that the proposal, subject to the aforementioned conditions, is not considered to have a significant effect on the features of interest of Greetwell Hollow Quarry SSSI.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to Greetwell Hollow Quarry SSSI shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: the development is taking place within the SSSI and will lead to a loss of part of the exposure in the south-east corner of the quarry. We wish to see more detailed plans than currently provided (B/0231400/PA/02) to ensure that the reduction in the SSSI exposure is minimised and to agree the limits of working on the quarry floor, access, storage, etc.

Before development commences, a plan to construct a means of access between the new bypass the quarry floor of Greetwell Quarry SSSI shall be agreed with your Authority. All works shall be in accordance with the agreed plan. The means of access shall be completed at the date that the bypass is open for traffic.

Reason: To mitigate for the loss of SSSI exposure, we advise that steps are created to allow pedestrian access from the bypass to the quarry floor beside the pillar of rock that supports the electricity pylon in the south-east corner of the SSSI. This will allow access to a good section of the SSSI exposure. Lincolnshire County Council is keen that access to the steps is restricted by the use of locked gates (or similar) and we are satisfied with this proposal. In the longer term, these steps could be part of the pedestrian access from the potential Greetwell Quarry development to the bypass.

We draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent



with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

We also draw your attention to the provisions of S281 of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then you must ensure that:

-notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice.

-the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

Please note that should there be any modification or amendment to the application which may affect the SSSI(s), Natural England must be consulted.

#### **Legally protected species**

We have agreed a way forward with Lincolnshire County Council to: 1) assess the risks to any bats that may be using the quarry face as a roost site, and 2) a method of compensating for the potential loss of roost sites in the quarry face. The quarry face is to be surveyed for bats during 2010. If bats are found to be using the quarry face as a roost, a mitigation plan to minimise the risk to bats will be drawn up. This will potentially involve excluding bats from roost sites and removing loose rock during the summer when hibernating bats will not be affected. If there is a significant risk to bats or their roosts, the work will be carried out under a licence issued by Natural England under the Conservation of Habitats and Species 2010. Features suitable for use by bats as roosts shall be fitted to or made part of the bridge structures where the bridges cross the River Witham and the drains in the valley bottom and in the SSSI. This will not only act as mitigation for the loss of the quarry face, it will allow Lincolnshire County Council to fulfil its 'biodiversity duty' (Natural Environment and Rural Communities Act 2006 40(1)).

We advise that the following conditions are attached to any permissions granted:

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to bats shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: to protect bats that are using Greatwell Hollow Quarry SSSI and to mitigate for the loss of roosts. Natural England wishes to be consulted over the results of the bat survey. Detail on the survey and mitigation method is provided in Lincoln Eastern Bypass: Greatwell Quarry Provisional Bat Mitigation Plan May 2010 and letters to Natural England from Lincolnshire County Council 11 and 14 May 2010.

Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

Reason: to protect birds' nests and eggs that are protected by law.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to water voles shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: Water voles have been identified as being present in several of the water courses that the road will cross. A mitigation plan is specified in 10.7.13 of the Environmental Statement.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to grass snake shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: grass snakes are present within the bypass corridor. A mitigation plan is specified in 10.7.14 of the Environmental Statement.

Natural England withdraws its objection of 26 March as a plan to deal with the presence of all legally protected species has been agreed.

**Locally designated sites and biodiversity gain**

Natural England has not commented on the impact of the development on local wildlife sites and the biodiversity gain opportunities created by the development. Our 'no comment' should not be interpreted by any party as a comment on the acceptability of the proposals. Your authority should seek the opinions of the County Ecologist and the Lincolnshire Wildlife Trust on these issues.

If you have any queries on the above, please do not hesitate to contact us at the above address.

Yours sincerely

Nick Tribe  
Planning and Conservation Adviser  
West Lincolnshire Team  
0300 060 4711 or 07967 692835  
CC Elizabeth Blott, Lincolnshire Wildlife Trust



# Railway Paths Ltd

Estate Office  
4<sup>th</sup> Floor, George Nott House  
119 Holloway Head  
Birmingham B1 1QP  
Tel. No: 0121 633 8266 / 7  
Fax No: 0121 643 1214

E-mail: [estateoffice@railwaypaths.org.uk](mailto:estateoffice@railwaypaths.org.uk)

Mr M Willis  
Principal Planning Officer  
Spatial Planning  
Unit 16  
Witham Park House  
Waterside North  
Lincoln  
LN5 7JN

Block No.	307-371
Officer Dealing:	max willis
Date Reply Required:	
Date Replied Via:	
CRM Transaction No.	

31<sup>st</sup> August 2010

O/R: M003/0030/RFH/HC

Dear Mr Willis

**Re: Lincoln-Boston Former Rail Formation**  
**Proposed Lincoln Eastern Bypass**

I refer to your email of 22<sup>nd</sup> July 2010 and am aware that Nicola Jones of Sustrans has written to you under separate cover concerning cycling and pedestrian provisions within the new road proposals.

From the point of view of this company as I mentioned in my letter of 18<sup>th</sup> March 2010 we are long leaseholders of the land affected by the proposals, which forms part of the former Lincoln to Boston rail formation, from BRB (Residuary) Ltd. In this regard there will be a need to complete a Deed of Easement to cover the crossing of the former rail formation. BRB (Residuary) Ltd and ourselves will wish to approve the engineering drawings before any work whatsoever is undertaken.

Yours sincerely

E M Thornborrow  
Director of Estate Management

# Lincolnshire County Council Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal	13 October 2009	Application No.	125523 10/0170/CCC
		LCC Ref. No.	L/0170/10

## Part 1 Planning Permission

- On 4 October 2010 the Lincolnshire County Council resolved, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, to construct a new bypass known as the Lincoln Eastern Bypass at land to the east of Lincoln.
- Take notice that Planning Permission is hereby granted by Lincolnshire County Council to carry out the above development in accordance with the application, plans and Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 subject to the following conditions.

## Part 2 Conditions

- The development hereby permitted shall be commenced within 15 years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.
- The development hereby permitted shall be undertaken strictly in accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement, unless otherwise agreed in writing with the CPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions.

**Alan Freeman**

Signed .....  
Head of Spatial Planning  
Lincolnshire County Council

Date 14 October 2010

### NOTES:

- This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.
- This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

3. No development shall take place until a detailed landscaping scheme, including any proposed fencing, has been submitted to and approved in writing by the CPA. The landscaping scheme shall include information on the species, numbers, spacing and positions of all grasses, trees, shrubs, hedgerows and bushes to be planted as part of the development and include details of the long term maintenance and aftercare proposals to ensure their success for a period of 10 years commencing from the date of completion of the development. Any plants which at any time during the development and/or 10 year aftercare period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the CPA. In respect of fencing, details shall include the type, height, treatment/colour and position of any fencing to be erected as part of the development. The approved scheme shall thereafter be carried out and maintained in accordance with the approved details.
4. No development shall take place until details of the bunds for noise mitigation and landscaping to be constructed along the boundaries of the development have been submitted to and approved in writing by the CPA. Such details shall include appropriate cross sections of the bunds and include details of the location, size and height of the bund as well as details of the proposed materials and method of construction. Following the construction of the bunds they shall be grass seeded, landscaped and maintained in accordance with the details approved pursuant to Condition 3. Thereafter the bunds shall be constructed and all works implemented and carried out in full accordance with the approved details and thereafter whilst ever the development subsists.
5. Unless minor variations are otherwise agreed in writing by the CPA, construction works which are audible at the site boundary shall only take place between 07.00 – 19.00 Monday to Friday, and 09.00 – 13.00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Construction activities which are assessed as being inaudible at the site boundary (such as electrical work) may be undertaken outside of these times.
6. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
7. 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 CPA. The scheme shall reflect the practices and mitigation measures to reduce or avoid impacts on archaeological deposits as set out in Section 8.5 of the Environmental Statement and shall be extended to include the former ironstone mine entrance which has been identified within the Greetwell Hollow. The works shall be carried out in full accordance with the approved details prior to the road being brought into use.
8. No development shall take place until details of a scheme of historic building recording relating to the Railway Underbridge (Site 770) as referred to in Paragraph 8.9.1 of the Environmental Statement has been submitted to and approved in writing by the CPA. The scheme shall provide a written, drawn and photographic record of

the structure (as appropriate) and provide a permanent record of the structure in its current condition. The historic building recording works shall thereafter be implemented and carried out prior to the structures demolition, in full accordance with the approved scheme.

9. No development shall take place until details of the historic landscape survey referred to in Paragraph 8.13.7 of the Environmental Statement have been submitted to and approved in writing by the CPA. The submitted scheme shall provide for the recording of the identified Historic Landscape Types 1, 2, 3 and 11 (as identified on Figure 8.3 of the Environmental Statement) and should include measured survey of any field boundaries to be removed as well as photographic survey of the wider area and long views to and from the Historic Landscape Types. The historic landscape survey shall be carried out prior to any construction works taking place within the identified Historic Landscape Type areas, in full accordance with the approved scheme.
10. No development shall take place until full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings (including temporary bridges across the River Witham during construction works) have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
11. All floodlighting and external site lighting associated with the construction of the development hereby permitted shall be positioned and operated to minimise the potential nuisance of light spillage from the site.
12. Before the bypass hereby approved is brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted for the approval of the CPA. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details.
13. Should, during construction works, contamination not previously identified be found within the site then no further development (unless otherwise agreed in writing with the CPA) shall be carried out until the developer has submitted to and obtained written approval from the CPA for a remediation strategy detailing how the unsuspected contamination shall be dealt with.
14. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts of the development on the Greetwell Quarry SSSI have been submitted to and approved in writing by the CPA.
15. No development shall take place until details of the facilities to be constructed to provide public/pedestrian access to the retained exposures of the Greetwell Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.

16. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts to bats, water voles and grass snakes have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.
17. No earthworks, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the CPA. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
18. No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the CPA, in consultation with surface drainage authorities, including the Internal Drainage Boards and the Environment Agency. The scheme shall reflect the principles, mitigation measures and specification requirements as set out in Paragraph 11.8 of the Environmental Statement including the provision of level for level floodplain compensatory storage as indicated in the applications Flood Risk Assessment. The approved scheme shall be implemented and carried out before the development is completed and shall thereafter be maintained for the duration that the development hereby permitted subsists.
19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
20. No development shall take place until a Construction Environmental Management Plan (as referred to in Paragraph 16.6 of the Environmental Statement) has been submitted to and approved in writing by the CPA. The Plan shall include details of the development which shall include but not necessarily be limited to the following:
  - a) identify the locations of the contractor's temporary site storage areas/compounds including details of the number, size (including height) and location of contractors' temporary buildings;
  - b) the means of moving, storing and stacking all materials, plant and equipment around the site;
  - c) the measures to be adopted during all works to ensure that dust emissions are minimised (reflecting those practices and mitigation measures set out in Sections 6.6 and 16.6 of the Environmental Statement);

- d) the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from the development (reflecting the practices and mitigation measures set out in Sections 7.6 and 16.6 of the Environmental Statement);
- e) the measures to avoid the pollution and discharge of any substances, including surface water run-off, into controlled water during the construction and operation phases of the development (reflecting the practices and measures set out in Section 11.8 of the Environmental Statement);
- f) details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

- 21. No development shall take place until a detailed strategy and method statement for minimising the amount of construction waste resulting from the construction of the development shall be submitted to and approved in writing by the CPA. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in strict accordance with the approved strategy and method statement.
- 22. No development shall take place until a Soil Management Plan as referred to in Paragraph 13.4.33 of the Environmental Statement has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented and carried out in full accordance with the approved details.

The reasons for the conditions are:

- 1. Due to the size, scale and complexity of the development an extended period of time to implement the planning permission is considered acceptable.
- 2. To ensure that the development is carried out in accordance with the details as contained in the application and the principles of the mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.
- 3 & 4 To minimise the impact of the development on the local landscape in the interests of visual amenity.
- 5 & 6 To minimise the impacts of noise arising from the development, in the interests of amenity.



**7 to 9** To ensure that **satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site and to secure appropriate schemes for recording of the historic railway underbridge and historic landscape features as identified and proposed within the Environmental Statement.**

**10.** To ensure that the final design, scale and appearance of the proposed structures are appropriate and would not adversely detract or impact upon the visual amenity of the area and views to and from the historic city centre. Such details would also ensure that adequate clearance is provided to allow safe and unrestricted access by users of the River Witham and to protect the bridge from defacement/vandalism as per the recommendations of British Waterways.

**11 & 12**

In the interests of visual amenity and to minimise the impacts of light pollution on the local landscape and adjoining land uses (e.g. railway infrastructure).

**13.** In accordance with the recommendations and advice of the Environment Agency and to ensure that appropriate remediation measures can be secured to protect controlled waters for any contaminated land which may be present within the site.

**14 & 15**

In accordance with the recommendations of Natural England and to minimise the impacts of the development on the SSSI and to mitigate for the loss of the SSSI by ensuring suitable access to the retained exposures of the SSSI is secured in the interest of nature conservation.

**16.** In accordance with the recommendations of Natural England so as to protect bats, water voles and grass snakes that have been identified as being affected by the development and to secure the mitigation measures for these species as set out in Section 10.7 of the Environmental Statement.

**17.** In the interests of safeguarding nesting birds that are protected by law.

**18 & 19**

To reflect the recommendations and conditions proposed by Environment Agency so as to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

**20.** To ensure that the development does not give rise to adverse impacts by virtue of noise, dust and to protect water resources from pollution in the interests of the amenity of the area.

**21.** To minimise the amount of construction waste to be removed from site for final disposal.

**22.** To prevent loss or damage of soil, or mixing of topsoil with subsoil, or mixing of dissimilar soil types so as to ensure that the areas to be restored/ reinstated back to agricultural use can do so effectively.

## **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 providing a strengthened regional role for Lincoln. Therefore the bypass is not only an important infrastructure project but would also have wider economic, environmental and social benefits which would help to support the future economic success and growth of Lincoln and whilst the route of the bypass does not conform to that which has been identified and protected within the Development Plan, on balance, this alternative route is considered to be acceptable in land use planning and environmental terms and would not significantly conflict with the wider objectives or development control policies contained within the Development Plan.

## **Policies Referred To**

### **National Guidance**

- Planning Policy Statement 1- Delivering Sustainable Development
- Planning Policy Statement 5 - Planning for the Historic Environment
- Planning Policy Statement 9 - Biodiversity & Geological Conservation
- Planning Policy Guidance 13 - Transport
- Planning Policy Statement 23 - Planning & Pollution Control
- Planning Policy Guidance 24 - Planning & Noise
- Planning Policy Statement 25 - Development & Flood Risk

### **City of Lincoln Local Plan 1998 (Saved Policies)**

- Policy 5 - Strategic Network of Cycleways, Footpaths and Bridleways
- Policy 14 - Strategic & Major Road Proposals
- Policy 15B - Greetwell Hollow Road Improvement
- Policy 38 - Design & Amenity Standards
- Policy 38E - Development adjacent to Greetwell Quarry
- Policy 44A - Sites of Special Scientific Interest or other Critical Natural Assets
- Policy 44C - Protected Species
- Policy 45A - Trees & Other Ecological & Landscape Features
- Policy 46A - Woodland & Other Major Planting Initiatives
- Policy 46B - Protecting the Water Environment
- Policy 55 - Long Views Into and Out of the City
- Policy 70 - Greetwell Quarry

### **West Lindsey Local Plan 2006 (Saved Policies)**

- Policy STRAT1 - Development Requiring Planning Permission
- Policy STRAT3 - Development in the Countryside
- Policy STRAT10 - Longer Term Development Options – Lincoln and Bardney
- Policy SUS1 - Development Proposals & Transport Choice
- Policy SUS4 - Cycle & Pedestrian Routes in Development Proposals
- Policy ECON13 - Lincoln Eastern Bypass
- Policy CORE10 - Open Space & Landscaping Proposals
- Policy CRT9 - Public Rights of Way affected by Development
- Policy NBE10 - Protection of Landscape Character
- Policy NBE11 - Sites of Special Scientific Interest & National Nature Reserves
- Policy NBE12 - Nature Conservation in Wildlife Corridors

Policy NBE14 - Waste Water Disposal  
Policy NBE15 - Water Quality & Supply  
Policy NBE16 - Culverting Watercourses  
Policy NBE17 - Potentially Polluting Uses  
Policy NBE18 - Light Pollution

**North Kesteven Local Plan 2007 (Saved Policies)**

Policy C2 - Development in the Countryside  
Policy C3 - Agricultural Land Quality  
Policy C5 - Effects on Amenities  
Policy C7 - Comprehensive Development  
Policy C10 - Flood Risk  
Policy C11 - Pollution  
Policy C14 - Surface Water Disposal  
Policy C19 - Landscaping  
Policy C22 - External Lighting Schemes  
Policy T4 - Safety  
Policy T7 - Lincoln Eastern Bypass  
Policy RST2 - Public Rights of Way  
Policy RST4 - Public Access to the Countryside  
Policy LW1 - Landscape Conservation  
Policy LW2 - Green Wedges  
Policy LW3 - Visual Amenity Areas  
Policy LW4 - Sites of Special Scientific Interest  
Policy LW6 - County Wildlife Sites & Local Nature Reserves  
Policy LW7 - Features of Importance for Wildlife  
Policy LW8 - Protected Species  
Policies HE1 to HE3 - Protection of Features of Archaeological Interest

**Informatives**

1. The applicant's attention is also drawn to the comments/advice contained in the following correspondence/letters:

Environment Agency's letter dated 12 March 2010;  
Network Rail email dated 8 March 2010;  
Natural England letter dated 24 May 2010  
Railway Paths letter dated 31 August 2010 - regarding the need to complete a Deed of Easement to cover the crossing of the former rail formation.

2. The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter.

Any proceedings should be brought promptly and within three months from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months have expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as

**possible. The detailed procedural requirements are set out in the Civic Procedure Rules Part 54 of the Practice Directives for these rules.**

Lincolnshire County Council  
Development Control, Planning &  
Conservation  
Witham Park House  
Waterside South  
LN5 7JP

**Our ref:** AN/2010/109187/01-L01  
**Your ref:** PL\0227\09  
**Date:** 12 March 2010

FAO: Marc Willis

Dear Sir/Madam

**A NEW BYPASS TO THE EASTERN SIDE OF LINCOLN: LINCOLN EASTERN  
BYPASS  
LAND TO THE EAST OF LINCOLN**

Thank you for referring the above application, which was received on 10 February 2010 and additional information received on 5 March 2010.

**Environment Agency position**

We have assessed the information submitted with this application and have no objection, subject to the following conditions being attached to any planning permission granted:

Flood risk

**Condition (1)**

The development hereby permitted shall not be commenced until such time as a scheme to provide level for level floodplain compensatory storage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason (1)**

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

**Condition (2)**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.

Waterside House, Waterside North, Lincoln,  
LN2 5HA.  
Customer services line: 08708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Weekday Daytime calls to 0870 numbers cost 8p plus up to 8p per minute from BT Weekend Unlimited. Mobile and other providers' charges may vary.

Cont/d..

**Reason (2)**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

**Informative (2)**

Please note that soakaways should not be considered in the detailed surface water scheme. There is insufficient protective cover over the Limestone, and so a soakaway would constitute a direct discharge to groundwater. This is not permitted under the Groundwater Regulations 2009.

**Potential land contamination****Condition (3)**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason (3)**

To prevent risk of pollution of controlled waters.

**Informative advice for applicant****Flood defence consent**

Under the terms of the Land Drainage Act 1991, any culvert or works that may impede the flow of water on any ordinary watercourse, which falls outside an Internal Drainage Board District will require the prior written permission of the Environment Agency by way of Flood Defence Consent.

Calculations have been included for culvert sizing to the level of 'conceptual design' based on CIRIA Report 168. The CIRIA report recommends that further hydraulic design is undertaken to finalise the design of the culverts. This will look at how, the upstream and downstream conditions and the design of headwalls, could affect the flow through the culvert.

When designing culverts to go under permanent structures, such as major roads, it is recommended that they are a suitable size to avoid the need for alterations in the future, if flows in the watercourse increase. At the Consent stage the design will be looked at in more detail.

Under the terms of the Water Resources Act (WRA) 1991 and Land Drainage Byelaws, any works in, over, under or within 9.0 metres of the landward toe/brink of any Main River also requires the prior written permission from the Environment Agency by way of a Flood Defence Consent.

This will apply to the bypass bridge over the River Witham and the South Delph and the foot bridge over the South Delph. It is very important that the applicant contacts us to discuss our requirements for maintenance access along the river banks. We need to discuss the headroom which we require for machine access.

Please note that our formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments and it is therefore imperative that early contact is made regarding our byelaw requirements. Each Flood Defence Consent application can take a maximum of 2 months to determine.

#### **Discharge consent**

A consent to discharge under the WRA 1991 will be required if there are discharges to Controlled Waters from this site which are not regulated by the Environment Agency in another environmental permit.

#### **Pollution prevention**

Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Siltation traps and oil interceptors should be fitted to ensure that any surface water discharging from the road into watercourses is clean.

#### **Waste**

Any waste material generated in the course of the development must be disposed of in accordance with section 34 of the Environmental Protection Act 1990.

To import waste onto the site appropriate authorisation may have to be obtained from the Environment Agency. To export waste the applicant must ensure that they use a registered waste carrier and complies with their duty of care. The duty of care means that the applicant must ensure that the waste is removed by an authorised waste carrier and is taken to an appropriately authorised waste facility.

Guidance on Duty of Care can be found at:

[www.environment-agency.gov.uk/business/topics/waste/40047.aspx](http://www.environment-agency.gov.uk/business/topics/waste/40047.aspx) . Additionally, a Site Waste Management Plan should be produced which should clearly set out how waste will be managed during all phases of the project.

#### **Water Resources**

There is a need to carefully consider the potential impact of the proposed development on water features and existing licensed and unlicensed (lawful) water users.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

**Laura Richardson**

**Planning Liaison Officer**

Direct dial 01522 785938 Direct fax 01522 512927

Direct e-mail [lauram.richardson@environment-agency.gov.uk](mailto:lauram.richardson@environment-agency.gov.uk)

End

**From:** Lake Margaret  
**To:** Dev. Planning Support  
**Subject:** Lincolnshire/PL/0227/09/New Lincoln Eastern bypass on land to the East of Lincoln  
**Date:** 08 March 2010 14:52:25

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**FAO – Marc Willis**  
**Ref – PL/0227/09**  
**Proposal – New Lincoln Eastern bypass**  
**Location – Land to the East of Lincoln**

Thank you for your letter of 10/02/2010 providing Network Rail with an opportunity to comment on the abovementioned application.

Network Rail has no objection in principle to the development subject to all legal agreements, including design of railway bridges, being in place. Network Rail continues to have discussions with the applicant over the scheme.

With reference to the protection of the railway below are some requirements which must be met.

**Drainage**

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

**Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

**Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Outside Parties Engineer should be undertaken.

**Security of Mutual Boundary**

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

**Armco Safety Barriers**

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

**Fencing**

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.



### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Crefaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebрина"

#### Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the **boundary fencing, Armco barriers, method statements, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The method statement will need to be agreed with:

**Network Rail's Territory Outside Parties Engineer  
Network Rail (London North Eastern)  
2nd Floor  
George Stephenson House  
Toft Green  
York  
Y01 6JT**

**E-mail: [opelondonnortheastern@networkrail.co.uk](mailto:opelondonnortheastern@networkrail.co.uk)**

Margaret Lake  
Town Planning Technician LNE  
Network Rail

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Kings Place, 90 York Way London N1 9AG

\*\*\*\*\*

MW

Date: 24 May 2010  
Our ref: B 5.8.1  
Your ref: PL/0227/09

Lincolnshire  
County Council  
25 MAY 2010  
Planning &  
Conservation

ENGLAND

Ceres House  
2 Seerby Road  
LINCOLN  
LN2 4DT

Mr Willis  
Lincolnshire County Council  
Unit 16 Witham Park House  
Waterside House  
LINCOLN  
LN5 7JN

T 0300 080 4734  
F 0300 080 4731

Dear Mr Willis

**Proposal: New Bypass**  
**Location: To the eastern side of Lincoln**  
**Greetwell Hollow Quarry Site of Special Scientific Interest (SSSI), Lincolnshire**

Since our letter of 26 March 2010, Natural England and Lincolnshire County Council have been working to address the reasons for our objection.

The application site is within the Greetwell Hollow SSSI. On the basis of the information provided, Natural England withdraws its objection of 26 March 2010 subject to the inclusion of our recommended conditions and the proposals being carried out in strict accordance with the details and plans of the application. The reason for our withdrawal of objection response is that the proposal, subject to the aforementioned conditions, is not considered to have a significant effect on the features of interest of Greetwell Hollow Quarry SSSI.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to Greetwell Hollow Quarry SSSI shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: the development is taking place within the SSSI and will lead to a loss of part of the exposure in the south-east corner of the quarry. We wish to see more detailed plans than currently provided (B/0231400/PA/02) to ensure that the reduction in the SSSI exposure is minimised and to agree the limits of working on the quarry floor, access, storage, etc.

Before development commences, a plan to construct a means of access between the new bypass the quarry floor of Greetwell Quarry SSSI shall be agreed with your Authority. All works shall be in accordance with the agreed plan. The means of access shall be completed at the date that the bypass is open for traffic.

Reason: To mitigate for the loss of SSSI exposure, we advise that steps are created to allow pedestrian access from the bypass to the quarry floor beside the pillar of rock that supports the electricity pylon in the south-east corner of the SSSI. This will allow access to a good section of the SSSI exposure. Lincolnshire County Council is keen that access to the steps is restricted by the use of locked gates (or similar) and we are satisfied with this proposal. In the longer term, these steps could be part of the pedestrian access from the potential Greetwell Quarry development to the bypass.

We draw your attention to your duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent

with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

We also draw your attention to the provisions of S281 of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then you must ensure that:

-notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice.

-the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.'

Please note that should there be any modification or amendment to the application which may affect the SSSI(s), Natural England must be consulted.

#### **Legally protected species**

We have agreed a way forward with Lincolnshire County Council to: 1) assess the risks to any bats that may be using the quarry face as a roost site, and 2) a method of compensating for the potential loss of roost sites in the quarry face. The quarry face is to be surveyed for bats during 2010. If bats are found to be using the quarry face as a roost, a mitigation plan to minimise the risk to bats will be drawn up. This will potentially involve excluding bats from roost sites and removing loose rock during the summer when hibernating bats will not be affected. If there is a significant risk to bats or their roosts, the work will be carried out under a licence issued by Natural England under the Conservation of Habitats and Species 2010. Features suitable for use by bats as roosts shall be fitted to or made part of the bridge structures where the bridges cross the River Witham and the drains in the valley bottom and in the SSSI. This will not only act as mitigation for the loss of the quarry face, it will allow Lincolnshire County Council to fulfil its 'biodiversity duty' (Natural Environment and Rural Communities Act 2006 40(1)).

We advise that the following conditions are attached to any permissions granted:

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to bats shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: to protect bats that are using Greetwell Hollow Quarry SSSI and to mitigate for the loss of roosts. Natural England wishes to be consulted over the results of the bat survey. Detail on the survey and mitigation method is provided in Lincoln Eastern Bypass: Greetwell Quarry Provisional Bat Mitigation Plan May 2010 and letters to Natural England from Lincolnshire County Council 11 and 14 May 2010.

Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

Reason: to protect birds' nests and eggs that are protected by law.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to water voles shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: Water voles have been identified as being present in several of the water courses that the road will cross. A mitigation plan is specified in 10.7.13 of the Environmental Statement.

Before development commences, a method statement, detailed plan and timetable of works to mitigate impacts to grass snake shall be submitted to your authority. All works shall be in accordance with the agreed statement, plan and timetable.

Reason: grass snakes are present within the bypass corridor. A mitigation plan is specified in 10.7.14 of the Environmental Statement.

Natural England withdraws its objection of 26 March as a plan to deal with the presence of all legally protected species has been agreed.

**Locally designated sites and biodiversity gain**

Natural England has not commented on the impact of the development on local wildlife sites and the biodiversity gain opportunities created by the development. Our 'no comment' should not be interpreted by any party as a comment on the acceptability of the proposals. Your authority should seek the opinions of the County Ecologist and the Lincolnshire Wildlife Trust on these issues.

If you have any queries on the above, please do not hesitate to contact us at the above address.

Yours sincerely

Nick Tribe  
Planning and Conservation Adviser  
West Lincolnshire Team  
0300 060 4711 or 07967 892835  
CC Elizabeth Blott, Lincolnshire Wildlife Trust

Lincolnshire County Council

03 SEP 2010

Support Services

## Railway Paths Ltd

Estate Office  
4<sup>th</sup> Floor, George Nott House  
119 Holloway Head  
Birmingham B1 1QP  
Tel. No: 0121 633 8266 / 7  
Fax No: 0121 643 1214  
E-mail: [estateoffice@railwaypaths.org.uk](mailto:estateoffice@railwaypaths.org.uk)

Mr M Willis  
Principal Planning Officer  
Spatial Planning  
Unit 16  
Witham Park House  
Waterside North  
Lincoln  
LN5 7JN

Document No.	307-374
Officer Dealing:	max.willis.
Date Reply Required:	
Date Replied Via:	
CRM Transaction No	

31<sup>st</sup> August 2010

O/R: M003/0030/RFH/HC

Dear Mr Willis

**Re: Lincoln-Boston Former Rail Formation**  
**Proposed Lincoln Eastern Bypass**

I refer to your email of 22<sup>nd</sup> July 2010 and am aware that Nicola Jones of Sustrans has written to you under separate cover concerning cycling and pedestrian provisions within the new road proposals.

From the point of view of this company as I mentioned in my letter of 18<sup>th</sup> March 2010 we are long leaseholders of the land affected by the proposals, which forms part of the former Lincoln to Boston rail formation, from BRB (Residuary) Ltd. In this regard there will be a need to complete a Deed of Easement to cover the crossing of the former rail formation. BRB (Residuary) Ltd and ourselves will wish to approve the engineering drawings before any work whatsoever is undertaken.

Yours sincerely

E M Thornborrow  
Director of Estate Management