

Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to:	Executive
Date:	07 October 2014
Subject:	The A15 Lincoln Eastern Bypass Compulsory Purchase Order and Side Roads Order
Decision Reference:	I007041
Key decision?	Yes

Summary:

The purpose of this report is to seek members approval to proceed with making a Compulsory Purchase Order and Side Roads Order in relation to a major highways scheme for the Lincoln Eastern Bypass. The scheme is the subject of a planning application (L/0110/13) that was submitted on the 5 December 2012 which was determined by the Council's Planning and Regulation Committee on 10 June 2013. A variation to this planning permission is due to go before Committee on 6 October 2014. In addition a new application for a relocated NMU bridge to the south of Hawthorn Road is being considered at the same Committee.

Recommendation(s):

1. That, subject to planning permissions being granted on 6 October 2014 Lincolnshire County Council make:-
 - (i) a Compulsory Purchase Order under Sections 239, 240, 246,250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 in the form as set out in Appendices 2A and 2B to this report to secure the compulsory acquisition of the land shown coloured pink on the Order plans at Appendix 2C and the new rights over the land shown coloured blue on the said Order plans on the basis that there is a compelling case in the public interest for making this Order;
 - (ii) a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 in the form set out in Appendix 3A and 3B to carry out works to existing highways and;
2. That the Statement of Reasons for the above mentioned Orders as set out in Appendix D be approved.
3. That authority be given to the Executive Director for Environment & Economy to make, if necessary, any minor or technical amendments to the

Orders referred to in paragraph (1) above or to the Statement of Reasons referred to in paragraph(2) above prior to publication of the Orders.

4. That authority be given to the Chief Legal Officer of Legal Shared Services to seal the Orders and to take all the ancillary or necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at any Public Inquiry, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council.

5. That authority be given to the Executive Director for Environment & Economy to request confirmation of the Orders with modifications, if, in the light of new information, it appears expedient to ensure the confirmation of the Orders.

6. That authority be given to the Chief Legal Officer of Legal Shared Services to acquire all third party interests in the land and properties subject to the Compulsory Purchase Order (whether compulsorily or by agreement) on terms recommended by the Executive Director for Environment & Economy.

Alternatives Considered:

1. Not to make the Compulsory Purchase Order and the Side Roads Order. The scheme could not proceed without these Orders.

Reasons for Recommendation:

In order to comply with the necessary statutory requirements for the construction of the Lincoln Eastern Bypass.

1. Background

1. Development of the Scheme

1.1 The Lincoln Eastern Bypass (LEB) is one of the County Council's priority schemes as identified in the County Council Business Plan 2012-15. It is the key element of the Lincoln Integrated Transport Strategy (the Strategy) that allows the wider benefits of the Strategy to be delivered. It also contributes to the wider aims of the city by facilitating growth and regeneration and is supported by the City of Lincoln Council, West Lindsey District Council and North Kesteven District Council. The route of the LEB is shown at Appendix A.

1.2 The transport problems within Lincoln and the need to address them have been recognised over a long period. Planning permission was granted as long ago as 2005 for an eastern bypass of the City as part of the measures to be pursued to address the transport problems. The route of that bypass was to the east of Lincoln but running nearer to Canwick and Bracebridge Heath. That permission was never implemented as the proposal was

reviewed in the light of the changing circumstances, including a revised planning policy approach, associated with the future growth expectations of the City itself. From late 2007 the intention for an eastern bypass was revisited and various scheme options were examined with three being taken forward for consultation with the public.

- 1.3 In February 2008 public consultation was undertaken to engage elected members, selected stakeholders and the wider public to gauge opinion on three routes for the LEB; these were known as routes X, Y and Z. The public consultation results showed that the most easterly route (Route Z) had the greatest support and this was the subject of the Preferred Route Announcement that was made in November 2008. This scheme, which was granted planning permission in 2010, was a 7.85km dual carriageway with a 70mph speed limit, linking the existing Northern Relief Road at the junction of the A158 Wragby Road in the north to the A15 Sleaford Road in the south; the route alignment being essentially the same as now being considered for the single carriageway.
- 1.4 As a result of the government spending review in 2010 the dual carriageway LEB was not taken forward to Programme Entry. DfT announced that funding would be available through the development pool process for schemes that looked to revise the total cost required from DfT. As a result the LEB design was revised to reduce the overall cost and a number of options were evaluated. A revised proposal was put forward that included reducing the LEB design to a single carriageway scheme, along with a number of other changes. It was identified that these changes would offer significant cost savings without significantly affecting the ability of the Scheme to deliver the overall scheme objectives.
- 1.5 Between June and August 2011, as part of the Best and Final Bid funding process, a consultation exercise was undertaken with the aim of ensuring that the revised scheme was relevant to the economic regeneration plans of key stakeholders. The scheme was supported by all key stakeholders and there were no changes to the scheme design following the stakeholder consultation. However, the design was revisited as per the value engineering options identified at the Expression of Interest and Value Engineering stages for the Best and Final Bid Submission which was submitted in September 2011.
- 1.6 The Best and Final Bid scheme was successful and achieved Programme Entry status on 30 November 2011, following which a review of the design was undertaken to ensure that it remained robust. Given that dualling of LEB remains a long term aspiration of LCC, the design was revised to incorporate potential future proofing measures to minimise where possible the costs and impacts of future dualling, to a large extent, whilst remaining within the land acquisition requirements that are justified by the single carriageway scheme. The main exception to that being the need to acquire land to permit future widening in the cut running up to Heighington Road which would otherwise be very difficult and costly to achieve in the future.

- 1.7 A planning application for the single carriageway LEB scheme (ref L/0110/13) was submitted on 5 December 2012 and was approved by the County Council's Planning and Regulation Committee on 10 June 2013. Planning permission was issued on 10 June 2013.
- 1.8 A previous set of Orders (CPO, SRO and Bridge Scheme) were published on 25 July 2013. A number of objections were received to the Orders relating to the closure of Hawthorn Road to all traffic on the western side. To try to mitigate some of these concerns a planning application was submitted to incorporate within the scheme a new Non-Motorised User (NMU) bridge to the north of Hawthorn Road. Planning permission was granted on 15 January 2014 under reference PL/0245/13 (W42/130726/13).
- 1.9 As a result of the objections to the Orders a Public Inquiry was held in February 2014. On 8 July 2014 the Secretary of State for Transport published his decision to not confirm the CPO and SRO for the scheme, although he did confirm the Bridge Scheme.
- 1.10 Although the Inspector for the Orders agreed that the scheme was 'much needed' and that virtually all objections had been satisfactorily dealt with by the Council, she did however have a concern over the proximity of the proposed location of the NMU crossing on Hawthorn Road to the bypass. As a result of this single remaining concern a review of NMU provision took place in the area. Following consultation with Cherry Willingham and Reepham Parish Councils, a decision was taken to relocate the NMU bridge from the north of Hawthorn Road to the south and thus remove the need for the majority of users to cross Hawthorn Road at all. This is the subject of a planning application (reference PL/0194/14) due to be considered at Planning and Regulation Committee on 6 October 2014.

2. The Scheme

- 2.1 The LEB will provide a new 7.5km single carriageway relief road that will link the A158 Wragby Road in the north to the A15 Sleaford Road in the south. The new route will be subject to a 60mph speed limit and a separate 3m wide combined cycle, pedestrian and equestrian right of way (located on the western side of the carriageway) will be provided along the full length of the scheme, to link up with existing public rights of way. The pedestrian, equestrian and cycle route is referred to as the NMU.
- 2.2 The Scheme will comprise the following elements:

Wragby Road East Roundabout to Greetwell Road (0-1,500m):

- *Wragby Road Roundabout:* From A158 Wragby Road East, the single carriageway layout ties into the existing roundabout as a fourth arm. The diameter of the existing roundabout remains unaltered.
- *Hawthorn Road Junction:* The western side (residential side) of Hawthorn Road will be stopped up. A left in left out only junction with auxiliary diverge lane on the eastern side with the LEB will be added and

a segregation island included to block right turns in and out of the junction.

- The existing footpath located to the north of Hawthorn Road will be stopped up where it crosses the bypass and access provided to the NMU on both sides of the LEB.
- A new NMU bridge to the south of Hawthorn Road will maintain the existing NMU route along the southern side of Hawthorn Road. This is subject of a planning application (reference PL/0194/14) considered at Planning and Regulation Committee on 6 October 2014.
- *Greetwell Road Footbridge:* A footbridge on the north side of the Greetwell Road Roundabout over the LEB will provide access to the NMU and maintain the current NMU provision along Greetwell Road.

Greetwell Road Roundabout to Washingborough Road Roundabout (1,500m-3,000m):

- *Greetwell Road Roundabout:* A new four arm roundabout will provide a link from the LEB to Greetwell Road.
- *Lincoln to Market Rasen Railway Bridge:* The structure will carry the LEB over the Lincoln to Market Rasen railway line and the Viking Way, a nationally recognised long distance trail. A link will be provided to the Viking Way from the NMU.
- *Northbound overtaking lane provided between the River Witham Bridge and Greetwell Road Roundabout:* This will provide for overtaking of slower vehicles for the northbound traffic over the length of the LEB.
- *River Witham Bridge:* The River Witham Bridge is the largest structure on the Scheme and will carry the LEB over the River Witham floodplain on an embankment, with the bridge travelling over the North Delph, River Witham, and South Delph.
- *Lincoln to Spalding Railway Bridge:* To the south of the river, the bypass will cross under the Lincoln to Spalding railway line.
- *South Delph Footbridge:* The footbridge will cross the South Delph watercourse away from the northbound carriageway and provide access from the NMU to the existing Sustrans cycleway/footway that runs parallel to the River Witham.

Washingborough Road Roundabout to 1500m south of Heighington Bridge (3,000m-4,500m):

- *Washingborough Road Roundabout:* The LEB joins the B1190 Washingborough Road at a new four arm roundabout.
- A climbing lane has been provided on the southbound exit from Washingborough Road roundabout with an 8% gradient.
- *Heighington Road Overbridge:* The LEB will pass under Heighington Road through a new bridge, with only NMU access to Heighington Road.

4,500m–6,000m:

- *Lincoln Road Roundabout:* A new four arm roundabout will be constructed where the LEB crosses the B1188 Lincoln Road.
- *Lincoln Road Subway:* An underpass is proposed for non-motorised users to cross the LEB north of Lincoln Road.

6,000m–7,500m:

- *Bloxholm Lane Footbridge:* A new footbridge will be provided over the LEB at Bloxholm Lane, adjacent to the original line of Bloxholm Lane. Bloxholm Lane will be diverted to tie into the new roundabout.
- *Sleaford Road Roundabout:* A new four arm roundabout will be constructed to join the LEB with the A15 Sleaford Road and the realigned Bloxholm Lane.

3. Funding

An application was made to the DfT for funding in September 2011. The Best and Final Bid scheme was successful and achieved programme Entry Status in 2011. The Scheme cost is £96m which comprises £50m from DfT, and the remaining £46m from Lincolnshire County Council Highways Capital budget allocated to the Lincoln Eastern Bypass. The County Council contribution includes underwriting third party contributions. There is therefore no impediment to the implementation of the scheme.

As stated during the Public Inquiry, the intention was to start spending central government funding prior to the end of Parliament in May 2015. Any delay to the scheme will result in slippage of the spend profile which introduces the risk of a review of government funding following the next General Election. The County Council continues to discuss funding with the DfT to try to minimise this risk.

A Memorandum of Understanding (MoU) has been agreed with the three partner authorities to the Central Lincolnshire Local Plan. This states that

"In considering planning applications submitted ahead of the delivery of the Lincoln Eastern Bypass ("LEB") WLDC, CITY and NKDC as local planning authority will use all reasonable endeavours, where compliant with CIL Regulation 122, to secure contributions towards the LEB under section 106 of the Town and Country Planning Act 1990 based on the formula set out at Annex A"

This agreement is intended to secure developer contributions in advance of the implementation of the Community Infrastructure Levy which is being developed in parallel with the Local Plan. The County Council does however continue to underwrite this funding in the short term until developer contributions are received.

It is anticipated that the MoU will be signed by all parties prior to this report being considered.

4. Programme

The County Council continues to engage with statutory objectors to the previous Orders to try to satisfy their objections. Assuming however that as a worst case there are still objections to the Orders and a Public Inquiry will be held the current estimated programme for delivery of the Scheme is as follows:

October 2014 - Orders made and published

December 2014 - Objection period ends

March 2015 - Public Inquiry held

May 2015 - Secretary of State's decision made whether to confirm the Orders

Summer 2015 - Start on site

Summer 2017 - Scheme opens

This timescale is an estimate only and is heavily dependent on whether a Public Inquiry is held. Discussions are ongoing with the DfT regarding having as short a process as possible for the Orders, whilst complying with legal requirements.

5. Purpose and justification for use of compulsory purchase order powers

Transport Problems and Issues

- 5.1 Lincoln suffers from a number of transport related problems and issues that have a significant impact on journey reliability, journey times and network reliability throughout the city. These, in turn, have a negative impact on the wider Lincoln economy and act as a restraint to regeneration and the city's development aspirations. A number of the problems are long-standing and these were identified and investigated as part of the development of the Lincoln Integrated Transport Strategy.
- 5.2 Lincoln's city centre currently suffers from high levels of congestion from local and strategic traffic movements which impacts on the quality of life for local residents, acts as a constraint to the economy and reduces the attractiveness of the city for visitors and investors. Traffic currently using the city centre causes congestion, impacts on air and noise quality, reduces the quality of life for residents, and makes access to jobs and facilities in the city centre more difficult for its residents and those who live nearby.
- 5.3 A lack of route choice has long been identified as a problem for north-south movements. A number of key strategic north-south routes converge on the city centre and with few viable alternative routes; this results in significant levels of strategic traffic being channelled through the centre of Lincoln.

- 5.4 In addition, the lack of alternative river crossings means that strategic traffic, including large numbers of long distance HGVs again are forced to converge on the A15 within the city centre. This intrusion of strategic traffic has been identified as a key constraint to Lincoln's continued success and a key driver for the promotion of the Lincoln Integrated Transport Strategy, including the LEB.
- 5.5 A number of the transport problems and challenges facing Lincoln are expected to increase over the mid to long term, which will place further stress on the highway network and likely have a significant impact on the local economy and Lincoln's development aspirations. Traffic levels are forecast to continue to grow within the Lincoln Area, heightened by population growth, and this will lead to increased problems and pressure on the highway network. Much of the network already operates above capacity during peak periods, resulting in little scope for increased demand to be accommodated on the existing network. A continued lack of route choice will also exacerbate the problems on existing routes.
- 5.6 Significant housing and economic development is targeted for the Lincoln area as in July 2008, Lincoln was afforded Growth Point status by the Government. Targets (formerly set out in the Regional Policy base and now enshrined in local policy aspirations) are for an additional 42,800 dwellings and 210ha of employment and within the Central Lincolnshire area by 2031. The North East and South East Quadrant development sites and the Western Gateway Corridor, located to the east and west of Lincoln, are key to the delivery of these growth aspirations. These urban extensions have the potential to accommodate a significant level of development within the Lincoln area and the implementation of the Strategy (including LEB) will be necessary to facilitate and support their delivery in a safe and acceptable manner.

The need for the Scheme

- 5.7 As described, the LEB forms an intrinsic part of the Lincoln Integrated Transport Strategy and is a key intervention that will help achieve the transport aims and objectives identified in the Strategy as well as the development aspirations for Lincolnshire. The LEB is considered to be necessary to help alleviate the problems caused by congestion and support the delivery of national and local policy agendas identified for the Lincoln area up to 2031.
- 5.8 Without the addition of the LEB, the existing problems are forecast to increase and the challenges currently facing Lincoln will be exacerbated. The traffic flows are predicted to increase and by 2032 (the current LEB Design Year) the additional stress on the network will result in slower average speeds and longer journey times across the Lincoln Policy Area. The predicted increase in traffic flows would have a detrimental impact on all users of the network. Public Transport would experience the same increase in journey times as private car users, impacting on the efficiency and reliability of services. It is also likely that pedestrians and cyclists would also

suffer through increased levels of severance, impacting on the attractiveness of cycling and walking within and around Lincoln.

5.9 It is important to note that the Lincoln Integrated Transport Strategy includes a large number of sustainable transport measures designed to improve conditions in the city and to assist businesses with their economic growth strategies. The LEB will be fundamental in the successful delivery of the other measures outlined by the Lincoln Integrated Transport Strategy by removing the extraneous traffic from the centre and creating the conditions necessary for their implementation. The LEB will not bring forward those additional measures directly but it will contribute to the infrastructure necessary to allow them to be developed.

5.10 In the absence of the LEB the forecast future conditions would also have a detrimental impact on the growth strategy for Lincoln and specifically for the Growth Point agenda in the Lincoln Policy Area. The LEB is a key infrastructure development that will facilitate the growth aspirations and the economic development of Lincoln and the Lincoln Policy Area. It is important to stress that any deterioration of conditions in the City Centre would have a detrimental impact on local businesses and the amenity of users of the public realm, so that, for example, the experience of visitors would be worsened. This would reduce the ability of Lincoln to attract investment from the business community and detract from Lincoln's setting as a tourist destination. Any impact on this sector would have serious implications for the local and regional economy.

5.11 The LEB scheme has three clear objectives:

Objective 1: To support the delivery of sustainable economic growth and the Growth Point agenda within the Lincoln Policy Area through the provision of reliable and efficient transport infrastructure.

Objective 2: To improve the attractiveness and liveability of central Lincoln for residents, workers and visitors by creating a safe, attractive and accessible environment through the removal of strategic through traffic (particularly HGVs).

Objective 3: To reduce congestion, carbon emissions, improve air and noise quality within the LPA, especially in the Air Quality Management Area in central Lincoln, by the removal of strategic through traffic (particularly HGVs).

Land Assembly

5.12 The extent of the freehold land and land over which rights are required to construct the LEB scheme is shown on the Order Plans (Appendix 2C). This land is predominantly arable farmland in various ownerships but with the majority of the land belonging to two owners. Negotiations for the necessary land acquisitions will be progressed but in order to ensure that possession and ownership can be obtained it is necessary to make the

Compulsory Purchase Order. An offer has been made to all landowners to discuss the acquisition of the land, with limited success. The CPO is however the only way to guarantee that the land required for the scheme is available to the Council.

An issue has arisen since the previous Orders connected to land owned by the former British Railways Board (Residuary) (BRB). On 30 September 2013 responsibility for this land was transferred to the Highways Agency. As Crown Land it cannot therefore be compulsorily acquired. Discussions are taking place regarding the acquisition of the land by agreement.

6. Side Roads Order

In addition to the proposed Compulsory Purchase Order, LCC will need to make a Side Roads Order in order to carry out works to existing highways which are necessary to enable the LEB to be built.

7. Circular 6/04

7.1 Government circular 06/04 provides guidance to acquiring authorities in England in the exercise of their powers of compulsory acquisition. The guidance states that “compulsory purchase powers are an important tool for local authorities....to use as a means of assembling land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban ...regeneration, the revitalisation of communities and the promotion of business – leading to improvements in quality of life.”

7.2 Paragraph 17 of the circular provides that “A compulsory purchase order should only be made where there is a compelling case in the public interest”. As can be seen from the contents of this report, in particular in meeting the objectives set out in paragraph 5.11 above, the LEB scheme will facilitate sustainable development by improving access to potential growth areas and underpinning the Strategy, which will deliver more sustainable and reliable transport options in the area; it will remove traffic from key routes in the city centre which will not only improve air quality but will allow LCC and its partners to ‘lock in’ benefits for sustainable transport and the environment in the city.

8. Circular 2/97

Department of Transport circular 2/97 provides guidance on compulsory purchase orders for highway schemes and states that the Secretary of State will not confirm a CPO until he is satisfied that planning permission for the scheme, to which the order relates, has been granted. As noted in this report planning permission for the LEB scheme was approved by the Council’s Planning and Regulation Committee on 10 June 2013. It is recommended that making the proposed Compulsory Purchase Order is subject to planning permission being issued for the revised NMU bridge due to go to Committee on 6 October 2014.

9. Human Rights Implications

- 9.1 The County Council in proposing to make the Compulsory Purchase Order has to consider the applicability of the Human Rights Act 1998 (HRA) and in particular the European Convention On Human Rights Article 1 of the First Protocol, which provides that “every person is entitled to the peaceful enjoyment of his possessions” and “no one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law”.
- 9.2 The proposed compulsory acquisitions do not include any residential properties or homes, but commercial interests are proposed to be acquired. These commercial interests can be compensated in accordance with the law.
- 9.3 The Scheme will facilitate sustainable development and remove traffic from key routes in the city centre. On balance it is therefore believed that the Scheme is overwhelmingly in the public interest.

10 Other Legal Considerations

Equality Act 2010

- 10.1 The Council's duty under the Equality Act 2010 needs to be taken into account by the Executive when coming to a decision.
- 10.2 The Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7).
- 10.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
 - Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
 - Compliance with the duties in this section may involve treating some persons more favourably than others.
- 10.4 A reference to conduct that is prohibited by or under this Act includes a reference to:
- (a) A breach of an equality clause or rule
 - (b) A breach of a non-discrimination rule
- 10.5 It is important that the Executive is aware of the special duties the Council owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the Executive. The duty applies to all decisions taken by public bodies including policy decisions and decisions on individual cases and includes this decision.
- 10.6 To discharge the statutory duty the Executive must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.
- 10.7 An impact analysis has not been undertaken specifically in relation to the making of a Compulsory Purchase Order and Side Roads Orders. These relate ultimately to land transactions and are considered neutral in their impact on persons with a protected characteristic.
- 10.8 In terms of the scheme itself, all design complies with national design standards including the relevant requirements and guidance in relation to accessibility. This includes the proposed bridge over Hawthorn Avenue. Potential impacts at the level of the scheme itself therefore have been mitigated through the design.

Child Poverty Strategy

- 10.9 The Council is under a duty in the exercise of its functions to have regard to its Child Poverty Strategy. Child poverty is one of the key risk factors that can negatively influence a child's life chances. Children that live in poverty

are at greater risk of social exclusion which, in turn, can lead to poor outcomes for the individual and for society as a whole.

10.10 In Lincolnshire we consider that poverty is not only a matter of having limited financial resources but that it is also about the ability of families to access the means of lifting themselves out of poverty and of having the aspiration to do so. The following four key strategic themes form the basis of Lincolnshire's Child Poverty strategy: Economic Poverty, Poverty of Access, Poverty of Aspiration and Best Use of Resources.

10.11 The Strategy has been taken into account in this instance and while there are no direct impacts, the scheme, for the reasons set out in the Report and Statement of Reasons is expected to have a beneficial impact on the economy of Lincoln and the wider county and will therefore contribute to addressing economic poverty generally and therefore that of children.

Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS)

10.12 The Council in exercising its functions must have regard to both the JSNA and the JHWS.

10.13 Consideration has been given to the JSNA and the JHWS and as can be seen from the Objectives of the scheme set out in paragraph 5.11 above, especially Objectives 2 and 3, the scheme has significant benefits for both the health and wellbeing of people in Lincoln.

2. Conclusion

Approval is sought from the Executive to proceed with making a Compulsory Purchase Order and Side Roads Order in relation to a major highways scheme for the Lincoln Eastern Bypass for the reasons set out in the Report.

3. Legal Comments:

Section 239(3) of the Highways Act 1980 enables a highway authority to acquire land required for the improvement of a highway. Circular 2/97 states that the Secretary of State will not confirm a Compulsory Purchase Order until he is satisfied that planning permission for the scheme, to which the Order relates, has been granted. Counsel's advice is that, on the basis of the information which has been presented to him, and provided it can be justified then the scheme appears to be a robust one in justifying the use of compulsory purchase powers.

The proposal is consistent with the Policy Framework and within the remit of the Executive.

4. Resource Comments:

The cost of the Scheme will be funded from the overall scheme budget of £96M within the existing Highways and Transportation capital programme.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Plan showing the route of the Lincoln Eastern Bypass
Appendix B	2A Draft Lincolnshire County Council (A15 Eastern Bypass) Compulsory Purchase Order 2014 2B Draft Schedule to the Lincolnshire County Council (A15 Eastern Bypass) Compulsory Purchase Order 2014. 2C Draft plans to the Lincolnshire County Council (A15 Eastern Bypass) Compulsory Purchase Order 2014
Appendix C	3A Draft Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014 3B Draft plans to the Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014
Appendix D	Draft Statement of Reasons to accompany the Compulsory Purchase Order and the Side Roads Order

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application L/0110/13 and accompanying documents	http://www.lincolnshire.gov.uk/residents/environment-and-planning/lincolnshire-county-councils-planning-portal/
Planning Application PL/0194/14 and accompanying documents	http://www.lincolnshire.gov.uk/residents/environment-and-planning/lincolnshire-county-councils-planning-portal/
Inspector's Report for the 2013 Orders	www.lincolnshire.gov.uk\leb

This report was written by Lee Rowley, who can be contacted on 01522 555587 or lee.rowley@lincolnshire.gov.uk .