

**THE HIGHWAYS ACT 1980  
THE ACQUISITION OF LAND ACT 1981  
THE COMPULSORY PURCHASE ACT 1965  
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**STATEMENT OF CASE OF LINCOLNSHIRE COUNTY COUNCIL IN RESPECT OF  
THE FOLLOWING ORDERS:**

- 1. The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2014** – Pursuant to the Highways (Inquiries Procedure) Rules 1994.

Department for Transport Ref: NATTRAN/EM/LAO/0084

- 2. Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2014** – Pursuant to the Compulsory Purchase (Inquiries Procedure) Rules 2007;

Department for Transport Ref: NATTRAN/EM/LAO/0084

27 February 2015

Person: Richard Wills  
Position: Executive Director for Environment and Economy  
Address: Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL

## **Contents.**

1. Introduction.
2. Location and description of the Order Land.
3. The Planning position.
4. Purpose of the Orders.
5. Description of the LEB scheme.
6. Justification for the use of compulsory purchase powers and the SRO.
7. The need for Compulsory Purchase
8. Funding
9. Land assembly – current status
10. Transport implications of the LEB
11. Human Rights.
12. Other special considerations
13. Implementation of the LEB scheme
14. Response to objectors.
15. List of Documents, Maps or Plans for the Public Inquiry.
16. Appendix 1 Table of All Objections and Support Received Including a List Of Matters Raised In Support Of The Objection or Support

## **1. Introduction.**

- 1.1 This Statement of Case ("Statement") has been prepared on behalf of Lincolnshire County Council (the "Council"). It is produced in the Council's capacity as the acquiring authority pursuant to the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in its capacity as Highways Authority pursuant to the making of a Side Roads Order under Section 14 and 125 of the Highways Act 1980 under the Highways (Inquiries Procedure) Rules 1994.
  
- 1.2 This Statement introduces the Lincolnshire County Council's ("LCC") proposals as published in October 2014 in respect of the two Orders listed on the front cover of this Statement for the provision of the Lincoln Eastern Bypass Scheme; hereafter called the LEB. This Statement does not address or relate to any of the applications made for planning permission which provides for the construction of the LEB as currently envisaged. This Statement relates to the current proposals for the LEB and supersedes the statement of case published in respect of the previous proposals and is brought forward following the receipt of the Secretary of States decision letter in respect of the previous proposals. Those earlier proposals were considered at a public local inquiry held during February 2014 and in respect of which the Inspectors report and the Secretary of States decision letter were received by the Council on the 9<sup>th</sup> July 2014.
  
- 1.3 The decision of the Secretary of State in respect of the previous proposals, following the recommendation of the Inspector, was to confirm the Scheme to cross the River Witham [namely the Lincolnshire County Council (River Witham Bridge) Scheme 2013] as being required and justified to allow for the provision of the LEB but not to confirm the Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2013 and the

Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2013.

- 1.4 The reason relied on by the Inspector and accepted by the Secretary of State for not confirming either the SRO or the CPO is set out in the Inspectors report (see document 1) and related to one specific element of the previous published proposals. In all other respects and in relation to all objections raised against the LEB at the previous Inquiry the Inspector found the Council's proposals for LEB to be sound and justified which the Secretary of State accepted as is clear from the decision letter.
- 1.5 The point of concern is set out clearly in the Inspectors report. Although the Inspector found that the LCC proposals generally were robust, including the provision of reasonably convenient alternative access for all users including those following the closure of Hawthorn road (see section 3 of the report) a concern remained for non-vehicular users. Paragraph 8.95 summarises the position as follows;

*“In relation to the stopping up of the highways, another reasonably convenient route will be available or will be provided in all cases, except in respect of Hawthorn Road. The provision of a left in left out junction and the availability of safe alternative routes using the surrounding local highway network would ensure reasonably convenient routes for people travelling by motor vehicles. To the east of the bypass the NMU bridge would fail to provide users with a safe connection to Hawthorn Road. LCC has not shown how this significant deficiency is to be overcome. I conclude, on the evidence available, that the statutory test has not been satisfied and the Sides Roads Order is not able to be confirmed. In the event the Secretary of State disagrees with my conclusion on the NMU bridge the Order is able to be confirmed subject to the proposed modifications identified in paragraph 8.92 above.”*

- 1.6 In respect of the CPO the Inspector found that the CPO was justified but for the difficulty that had been identified in respect of the SRO. Accordingly it was on the basis of the inability to confirm the SRO on the issue identified above that lead to the CPO being rejected. Paragraph 8.99 noted;

*“However, in the event the SRO is not confirmed there would be a serious impediment to implementation of the Scheme. For that reason the CPO should not be confirmed. In the alternative, if the Secretary of State decides to confirm the SRO the impediment would be removed and enable the CPO to be confirmed without modification.”*

- 1.7 Taken together the only issue found to be wanting related to the safe treatment of NMU users to the east of the LEB in the vicinity of Hawthorn Road and in all other respects the position was found to be acceptable. That decision letter and the findings of the Inspector are material considerations of great weight to take into account in respect of how the Council should proceed with a Scheme that enjoys a great deal of public support and for which the need was not questioned.
- 1.8 The Council was not asked to explain how that deficiency relied on by the Inspector could be remedied despite the fact that the Inspector raised that consideration specifically in paragraph 8.64 of the Report and further that the Council would have been able demonstrate that the remedy could be achieved within existing highway boundaries using permitted development powers. The LCC has therefore revisited the LEB proposals to the extent necessary to address the specific area of concern raised in the Inspectors report and in the light of the Secretary of States decision and has adopted the appropriate course of action to bring the LEB forward in an efficient and expedient way. That course of action allows the Council to rely on the original planning permission granted in 2013 in respect of the LEB proposal, subject

to a number of small variations, although it does necessitate a change to the proposals in the vicinity of Hawthorn Road. That change, however does not alter the proposals in so far as that road will be closed on the western side and reprovided as a non motorised user (NMU) route although it does alter the location of it, thereby requiring a new planning permission for that crossing point alone, although the planning permission for the route of the LEB itself remains unchanged.

- 1.9 Accordingly, in order to proceed with the LEB and to meet the limited concern raised by the Inspector and accepted by the Secretary of State the Council has adopted the following course of action.
- 1.10 LCC has reviewed the Secretary of States decision and identified that the only area of concern was limited to the treatment of users of the new NMU route at the point where users would need to cross the road at Hawthorn Road. It has therefore examined the 2013 planning permission and has concluded that it is sufficient to allow the LEB to be built; although that examination has identified that some alterations could be adopted that will improve the proposals and they will be brought forward separately from the promotion of these Orders as they do not affect the Orders. There are four specific matters in that respect and they are being considered under the provisions of Section 73 of the Town and Country Planning Act 1990 and for which applications were made in August 2014. Those four matters are set out below although it should be noted at this stage that planning permission has been granted in respect of each of them.
- 1.11 Secondly, LCC has reviewed the position in respect of the NMU provision at Hawthorn Road and following consultation with the Parish Councils of Cherry Willingham and Reepham and also the newly created Hawthorn Road Residents Group (representing the same two Parish Councils and Mrs Louise Carder, Mr Alex Lake and Mrs Anne Welburn) LCC has decided to adopt a

different alignment for that proposal. Planning permission for that alteration was sought on the 26<sup>th</sup> August 2014 and was granted on the 6<sup>th</sup> October 2014. The new alignment will be located to the south of the existing Hawthorn Road and will therefore remove the need for the majority of Non Motorised Users to cross Hawthorn Road on the eastern side of the Bypass and will therefore remove that potential conflict which the Inspector found to be harmful. In addition those wishing to cross Hawthorn Road would be able to make use of a designated crossing point located further to the east than previously shown. Taken together those measures address the Inspector's only remaining concern in full.

- 1.12 Having examined the existing planning permission for LEB and having submitted the planning application for the NMU bridge to replace that granted planning permission in 2014 LCC has identified the necessary alterations for which a SRO needs to be published and for which the land and other interests have to be acquired through the use of compulsory purchase powers. LCC has therefore identified all the land required and has included that within the CPO published in October 2014.
- 1.13 That examination has been undertaken in the light of the Inspectors report and the confirmation by the Inspector and the Secretary of State that the areas of land required for LEB are as set out in the previous Orders that were examined through the inquiry held in February 2014.
- 1.14 LCC has accordingly published the SRO to reflect as closely as possible the SRO that has already been examined at inquiry and in relation to the CPO the order as now published relates as closely as possible to that which was examined. In respect of the CPO the only difference relates to the British Railways Board (Residuary) Ltd land which is referred to below.

- 1.15 In addition in bringing forward the Statement of Reasons and also this Statement of Case, although both statements relate to the current proposals and the current Orders both Statements have reused, without alteration, as much of the previous versions as it is possible to use, given the Scheme itself has not changed. During that process the opportunity has been taken, however, to update the information where necessary.
- 1.16 The SRO and the CPO have both been published, subject to the specific changes outlined below, in the same form as they were published previously and they are supported by the same documentation. The River Witham Bridge Scheme has not been republished as that Order was confirmed by the Secretary of State following the previous Inquiry; although the proposals contained within that scheme are described for the sake of completeness in section 9 of the Statement of Reasons.
- 1.17 The changes between the previous orders and the current ones that have been brought forward and which need to be identified fall into two main categories. The first is those changes which were brought before the previous Inspector or were identified by her and which were reported as being acceptable in the Inspectors report. These are identified in paragraphs 3.58 to 3.81 and 8.88 and 8.90 of the report. All those alterations have now been incorporated in to the published Orders as required; these changes relate exclusively to the SRO given the fact that the Bridge Scheme was confirmed and no changes were suggested in respect of the CPO.
- 1.18 The second category relates to alterations brought forward following the decisions being issued on the previous Orders. These changes all relate to the SRO and mainly the consequential alteration related to the new location for the NMU bridge at Hawthorn Road, as no alteration is required to either the Bridge Scheme (now confirmed) or to the CPO as previously drafted.

Further small alterations have been identified to allow for further access provision. The new NMU requirements are, however, described first.

1.19 The new route of the proposed NMU will be aligned through an area of land that was required for the LEB in any event and the land is therefore contained within the CPO already and any additional landscape measure required as part of the new NMU proposal can be accommodated within the existing land take.

1.20 The changes for the NMU bridge at Hawthorn Road are summarised below and the only change to the current SRO when compared with the previous SRO is that a new Site Plan 1 and Schedule 1 has been brought forward to replace the previous version to reflect the new location for the NMU bridge. The changes are therefore limited to the following matters:-

(i). The creation of a bridleway reference letter C on the Site Plan 1 (as an alteration to that shown on the earlier order) over the bridge to connect to the NMU route either side of the bypass.

(ii). The realignment of the eastern NMU route to take it to the south of the existing Hawthorn Road to permit the NMU bridge to connect to the NMU route within the land already contained within the CPO.

(iii). The realignment of the western NMU route to take it south of the existing Hawthorn Road to permit the NMU bridge to connect to the NMU route within the land already contained within the CPO.

(iv). The creation of the eastern NMU route along the northern side of Hawthorn Road to allow the NMU route to be extended eastwards along Hawthorn Road to relocate the crossing point of Hawthorn Road for those

users who wish to continue to cross Hawthorn Road as opposed to travel along it.

- 1.21 As a consequence of the NMU bridge relocation the height of the bridge above the LEB will be at a different level when compared with the previous proposal and will necessitate a change in levels along the NMU route. That has been adopted as the consultation process with those affected, including the Parish Councils preferred that location even though the level difference was found to exist. The planning and environmental effect of that change has been examined through the planning process and was taken into account as part of the planning decision in respect of the new application made for the new NMU Bridge in the revised location which was granted planning permission on the 6<sup>th</sup> October 2014.
- 1.22 As indicated above there have been four other alterations that have come forward during the reassessment of the LEB proposals. None of the four matters affect either the SRO or the CPO now being promoted and none of the four required a new planning application to be made in respect of the main route, form and layout of the LEB. All four were considered, however, to be sufficiently different when compared with the original proposals to require an application under Section 73 of the 1990 Act as referred to above. Those four matters are as follows. First, the relocation of the new NMU crossing bridge to the south has been accommodated within the overall design of the LEB proposals but it has resulted in some layout and landscape changes in the vicinity of Hawthorn Road that had to be addressed. Secondly the provision of a new acoustic fence (now incorporated within the scheme) alongside part of the main route where none had previously thought to be required. Thirdly the minor diversion of a public right of way along the River Witham to avoid the location of one of the bridge piers on the River Witham bridge. Fourthly an application was made to vary two conditions dealing with the removal of the use of low noise surfacing and the detail of design of

structures where alternative solutions were preferred. The four matters were granted planning consent on the 6<sup>th</sup> October 2014. None of the four directly affected either the SRO or the CPO.

1.23 In bringing forward the CPO LCC would draw attention to the fact that there is one alteration to the CPO when this version is compared with the previous one that was considered at the inquiry. That alteration is of limited nature and arises from a change in the ownership of ten plots of land located near to the River Witham. The change to the CPO does not affect any matter that the Inspector dealt with at the inquiry and it does not relate to any land in the vicinity of Hawthorn Road. The change arises because some of the land previously in the ownership of British Railways Board (BRB) (Residuary) Ltd was transferred to the Secretary of State for Transport following the dissolution of BRB in September 2013. That land therefore now falls to be considered as Crown Land and accordingly it is not intended to acquire title to that land through the use of the CPO. The plots of land, namely Plots 2/11 to 2/11 H inclusive and Plot 2/15 remain within the CPO as there are other interests which need to be acquired to enable the LEB to proceed. In respect of the Crown's interests discussions have taken place with the agent representing the Highways Agency and good progress has been made on agreeing terms. It is hoped that this will be resolved by the time the Inquiry is held.

1.24 As LCC made clear in the Statement of Reasons (see paragraph 1.21) it is conscious of the fact that suggestions were made at the previous Inquiry that a reduced speed limit on certain roads away from the LEB itself may be advantageous to adopt. As explained that consideration needs to wait until a later time and accordingly it is not appropriate to consider it further at this stage.

- 1.25 In paragraph 1.22 of the Council's Statement of Reasons the Council indicated that the Undertakings given at the previous Inquiry would continue to bind the Council in respect of the current Orders. The position remains as set out in that paragraph and the Council continues to operate on that basis. If the need arises for any further undertakings to be given they will be considered and brought forward at the Inquiry. Discussions are ongoing with the Church Commissioners regarding a number of other undertakings they are seeking.
- 1.26 The position can therefore be summarised in the following way. On the 10<sup>th</sup> June 2013 planning permission was granted for the Lincoln Eastern Bypass ("LEB") pursuant to an application made on the 5<sup>th</sup> December 2012. The planning permission is subject to a condition requiring that the work should commence within three years of the relevant grant; the permission will continue to be live therefore until the 10<sup>th</sup> June 2016.
- 1.27 The two Orders; namely the SRO and the CPO, have been made to enable construction and operation of the Scheme to take place.
- 1.28 The Orders were submitted to the Secretary of State for Transport, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR on 24<sup>th</sup> October 2014 for confirmation. The Department for Transport has issued an acknowledgement letter dated the 18<sup>th</sup> December 2014 indicating that objections have been received to the SRO and CPO and accordingly a Public Inquiry is to be held in respect of them unless all statutory objections are withdrawn. The Public Inquiry has been arranged to commence on 11<sup>th</sup> August 2015 and is likely to be set down for approximately two weeks.
- 1.29 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Orders to secure the outstanding land

and property rights and interests (the “Order Land”) as described in the schedule to the Order and shown on the map referred to in the Order (the “Order Map”) and for the purposes of implementing the LEB.

- 1.30 The LEB is an integral part of the Lincoln Integrated Transport Strategy, the “LITS”, which contains a number of ambitions and identifies the range of interventions that are connected to the local and regional economy, regeneration and the environment. The previous Inspector accepted the essential role that the LEB is intended to play and consequentially the importance that should be given to the Scheme.
- 1.31 The LITS underpins Lincoln’s economic, regeneration and growth ambitions and the range of interventions contained within the strategy (including the LEB) will facilitate these ambitions through removing the constraints caused by the existing transport problems. The LEB along with the other transport and highways schemes detailed within the LITS will act as a catalyst for development opportunities located within the Lincoln Policy Area including the North East Quadrant, South East Quadrant and Western Growth Corridor.
- 1.32 In particular the LEB, as a pivotal part of the LITS, is an essential element in the continued growth and development of Lincoln. Lincoln currently suffers from a number of longstanding 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.
- 1.33 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.

- 1.34 The transport problems and congestion within central Lincoln are exacerbated by a lack of route choice for north-south movements and lack of alternative river crossings. At present several key strategic north-south routes converge on the city centre and with few viable alternative routes, this results in significant levels of strategic traffic, including large numbers of long distance HGVs, being channelled through the centre of Lincoln.
- 1.35 In addition significant housing and economic development is targeted for the Lincoln area and in July 2008, Lincoln was afforded Growth Point status by the Government. Regional and Local housing targets are for an additional 25,000 dwellings within the Lincoln area by 2026 of which the North East and South East Quadrant development sites, located to the east of Lincoln and to the north and south of the LEB 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 LEB as part of the LITS will be necessary to facilitate and support their delivery.
- 1.36 The LEB scheme is an intrinsic part of the LITS and is an integral part of the plan to help alleviate the high levels of congestion that currently affect the centre of Lincoln. It will provide an additional crossing of the River Witham and an appropriate route for strategic traffic removing the need for much of this traffic to travel through the centre of the city. The LEB is also fundamental in providing the necessary infrastructure improvements that will unlock the city's development potential.
- 1.37 A total of 545 objections and 60 letters of support have been received by the Department for Transport. These are broken down as being 6 from Statutory Objectors who all raise objections to both the CPO and the SRO.

- 1.38 The remainder of the objections are from non statutory objectors. Of these the majority of them object to the SRO with a small number objecting to the CPO also.
- 1.39 The majority of the objections raised in respect of the SRO relate to the effect of the LEB in the vicinity of Hawthorn Road. As stated above the LEB was granted planning permission on the 10<sup>th</sup> June 2013 and the Orders now being pursued will provide the means by which that proposal can be constructed and used. The LEB for which planning permission was granted severed Hawthorn Road and sought to accommodate the traffic, both vehicular and the non motorised users, the “NMU”, by means of alternative provision. The motor vehicles being encouraged to follow an alternative route and then use the new bypass as necessary and the NMU’s to follow the diversion provided within the proposals.
- 1.40 The Council is content that the proposals for which planning permission was granted are sound and that the Orders that are promoted pursuant to that permission are lawful and are before this Inquiry can be confirmed as drafted.
- 1.41 This Statement sets out the full particulars of the Council’s case for the making and confirmation of the Orders.

## **2. Location and Description of the Order Land.**

- 2.1 The planning permission granted for the LEB, taken together with the alterations given consent in October 2014 and the planning permission for the Hawthorn Road bridge, allows for the construction of a road along with associated highway infrastructure between the A158 Wragby Road East roundabout and the A15 Sleaford Road. The new road will be 7.5 Km long and will provide all movement connections with Greetwell Road,

Washingborough Road, and Lincoln Road with a restricted left in/left out connection with Hawthorn Road east of the bypass. The planning permissions provide for all the necessary works to be undertaken for providing the new highway.

- 2.2 The Order Land extends to 104 hectares and is held in approximately 25 separate ownerships. At present the Council does not own any of the land other than that forming part of the public highways crossed by the LEB.
- 2.3 The LEB follows a line to the east of Lincoln generally following the urban edge to the east of Bunkers Hill and Blackfriars Road before swinging to the east to cross between the edge of the city and the village of Cherry Willingham prior to crossing the two railway lines and the watercourses consisting of the River Witham and the North and South Delph. From there the road travels south passing under the Heighington Road before meeting the Lincoln Road at existing ground level. From the Lincoln Road the new road will travel south west towards the Sleaford Road which it meets to the south of Bracebridge Heath.
- 2.4 The Order Land is therefore located within the Parishes of Greetwell, Washingborough, Canwick, Branston and Mere and Bracebridge Heath and part falls within the Abbey Ward district of Lincoln.
- 2.5 The route seeks to follow the topography of the land where possible but given the fact that either side of the valley containing the River there are two plateaus some element of cutting into the landform along with some embankments are required. The extent of those cut slopes and the embanked area is identified on the plans showing the LEB.
- 2.6 The principal watercourses in the area of the LEB (from north to south) comprise the Reepham Beck, Wragby Road Ditch, Greetwell Fields Drain, North Delph, River Witham (Environment Agency designated 'Main River'),

South Delph (Environment Agency designated 'Main River'), Soak Dyke (also known as Canwick Fen Drain), Branston Brook Tributary and the Ashfield Beck. Additionally, there is a network of smaller streams, drains and ditches throughout and within close proximity to the corridor of the LEB. One notable flood plain and flood risk area has been identified in the area which is associated with the River Witham/ Delph System/ Canwick Fen drain corridor.

- 2.7 A single Site of Special Scientific Interest (SSSI), Greetwell Hollow Quarry, abuts the western edge of the proposed Greetwell Road roundabout and is designated for its geological interest; this is described in the designation as being in a favourable condition. There are five non statutory designated sites, but no statutory sites, for ecology and nature conservation within the area of the LEB. These include three Sites of Nature Conservation Interest (SNCIs) - Greetwell Wood, Washingborough Junction and Canwick Hall Woods - plus two Local Wildlife Sites (LWS) - Witham Corridor and Greetwell Junction Railway Embankment.
- 2.8 A single Scheduled Monument – Greetwell Medieval Village, Cultivation and Post Medieval Garden Remains – is to the east of the proposed Greetwell Road roundabout but is physically unaffected by the scheme. Archaeological remains have been found in the LEB area dating as far back as the Mesolithic period. Additionally, Lincoln was an important town in Roman Britain with areas of settlement and consequently potential artefacts and findspots are likely.
- 2.9 There are a number of Public Rights of Way that are within, cross or close to the LEB boundary.
- 2.10 The proposed LEB lies within an Air Quality Management Area (AQMA) declared for PM10 in 2008 where it crosses Lincoln City Council boundaries.

### **3. The Planning Position.**

- 3.1 As set out in the introduction the necessary planning permission has been granted to allow for the construction of the LEB. As such the LEB has been assessed against the relevant Planning Policy guidance and has been found to be consistent with that policy such that no legitimate reason exists for refusing planning permission. In addition the LEB is considered to accord with the National Planning Policy Framework, the “Framework”. There has been no alteration to the planning policy base since planning permission was granted. The Central Lincolnshire Core Strategy was submitted to the Secretary of State on 21 October 2013 for an independent examination but that process stalled with the Core Strategy being withdrawn. However at the time that the planning permission was given for LEB the contents of the Core Strategy were not taken into account as part of the process as it was at too early a stage in the development. Currently a new Local Plan for Central Lincolnshire is under preparation but given that it is at an early stage that has also not been relied upon in bringing forward the Scheme; greater detail about the Local Plan is set out in paragraph 3.5 below.
- 3.2 The planning policy as set out in the Development Plan and supported by the other material considerations as set out in the Framework is therefore supportive of the LEB.
- 3.3 The Statement of Reasons, which was produced to accompany the publication of the Orders, sets out the Planning Position in detail and draws specific attention to the Inspectors findings in respect of that planning policy position.
- 3.4 The planning position was an important consideration taken into account by the previous Inspector in respect of the earlier Orders. The Inspector concluded in the following terms in respect of the planning position:-

*“3.6. Planning permission, subject to conditions, was granted on the 10<sup>th</sup> June 2013. The decision reflected the strategic importance of the scheme, its positive impact on the transport network around Lincoln, the environmental benefits to the city’s heritage and air quality and the encouragement that would be given to investment and regeneration. The development plan provided clear support and policy justification for the bypass proposal in accordance with key principles of the National Planning Policy Framework. The existence of the planning permission is a reflection of the considerable support for the proposal.”*

- 3.5 The Planning Policy position has not changed to any significant extent since that conclusion was drawn and the policy support for the Scheme remains as strongly as the previous Inspector found. The previous Inspector was advised at the Inquiry that the Core Strategy had been withdrawn and reliance was placed on the existing Development Plan policy as supporting the Scheme. A New Local Plan for Central Lincolnshire is currently under preparation, with consultation dates set for October 2014 and then July 2015, and although at an early stage the contents are consistent with the current thrust of planning policy which has been found to be supportive of the Scheme.
- 3.6 The position can therefore be explained in the following way.
- 3.7 The NPPF highlights the Government’s commitment to securing economic growth through a supportive and encouraging planning system and that local authorities should plan proactively to meet the needs of business. The Framework states that ‘policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing’. LEB will address a long-term infrastructure deficiency.

- 3.8 While highlighting that the transport system needs to be balanced in favour of sustainable transport, the Government acknowledges that different areas will require different solutions and that ability to harness sustainable transport varies from one place to another. LEB is a key element of the Transport Strategy for Lincoln. By removing significant volumes of traffic from the city centre it will allow the introduction of measures to encourage sustainable transport including better facilities for pedestrians and cyclists and improvements to bus services. It is a requirement of the funding offer for the LEB from the Department for Transport that the Council should “lock in the benefits” of LEB in the form of encouraging sustainable transport. As stated above, the opportunities for providing sustainable transport to the new developments to be facilitated by LEB are considerable.
- 3.9 The Framework, which emphasises in a robust way the presumption in favour of development, highlights the planning systems role and indicates that there are three elements to sustainable development. There is an economic role, a social role and an environmental role and in granting planning permission the LEB was assessed against those elements.
- 3.10 Within the NPPF, 12 core planning principles are set out which underpin both plan-making and decision-taking. These principles include the reiteration that decisions should be made through the plan-led system, which should be supported by up-to date local and neighbourhood plans, which is being progressed in the Lincoln area. The principles state that planning should be a creative exercise and improve places, and also secure high quality design and a good standard of amenity. This principle would be achieved by improving the city centre and eastern suburbs through the removal of traffic. Moreover, high quality design is a fundamental tenet of the proposals. Of particular relevance is the principle of proactively driving and supporting sustainable economic development through the delivery of homes, business and industrial units and infrastructure. The need for LEB has long been identified due to proposed major development in the area, as is described

below, and the fact that such development could not progress in the absence of key infrastructure.

3.11 In respect of other key principles, the LEB:

- contributes to conserving and enhancing the natural environment by careful alignment of the route and judicious mitigation measures, and reducing pollution by reducing the number of slow journeys through the presently congested city;
- supports the move to a low carbon future and encourage the reuse of previously developed land. LEB is an integral element to the Lincoln Integrated Transport Strategy. That Strategy covers a wide range of transport issues and encourages sustainable low carbon transport in the city centre and enables development of sites which are currently difficult, due to transport issues.
- promotes mixed developments by facilitating allocations of mixed development on the city's eastern side that would otherwise be blighted, and, as stated above, being a key element to the Lincoln Integrated Transport Strategy's objective of city centre regeneration;
- protects and conserves heritage assets by avoiding features of interest in the route corridor and also paying heed to the setting of the historic city, especially its cathedral and castle.
- actively manages 'patterns of growth to make the fullest possible use of public transport, walking and cycling' through the removal of strategic and non-essential traffic from local roads through the centre of Lincoln, and thus potentially making public transport more rapid and reliable. Moreover, it is anticipated that LEB will provide a good route for public transport to access the proposed major sustainable urban extensions to the east of the city, the North East Quadrant and South East Quadrant; and
- contributes to improving health, social and cultural wellbeing for all, by enabling easier access into related facilities in the city, and encouraging good health by the provision of a cycleway/footway parallel to the road.

- 3.12 As indicated in the Statement of Reasons the Framework encourages appropriate infrastructure projects, seeks to ensure that the infrastructure provides for sustainable transport measures as well as other means and requires good design principles to be followed. The LEB meets those policy aims.
- 3.13 The local planning policy considerations arise from and are set out in the policy documents as indicated in the Statement of Reasons; namely as contained within the City of Lincoln, North Kesteven and West Lindsey District Council's Local Plans supported by the Lincoln Integrated Transport Strategy. The support for the provision of the LEB as contained in the relevant Development Plan is clear from the contents of the Local Plan policies.
- 3.14 The City of Lincoln Local Plan remains the adopted statutory development plan for the Lincoln area and as such will continue to be the main planning document for Lincoln. Policies that were 'deleted' as part of the September 2007 review are covered by national planning policy.
- 3.15 Within the section on transport in Chapter 3, the Plan specifically highlights the importance of the LEB above other projects stating that policies are designed to 'promote the construction of an eastern by-pass as soon as possible so that full environmental, social and economic benefits may be gained from complementary measures to enhance public transport, reduce the volume and speed of traffic passing through the built-up area and improve the accessibility of areas in need of regeneration.'
- 3.16 The Local Plan highlights that the City Council's policy is to support alternatives to the private car in parallel to restrictive traffic management. However, it is acknowledged in the Plan that it will take some time for this

policy to succeed and that, in the meantime, there are a limited number of highway schemes that are needed to resolve private and public transport issues and improve the local environment. However, the Local Plan states that the City Council's support for new roads will be limited to the following types of projects:

- (a) "Missing Links" - schemes which may involve the construction of new roads or more road space and which will reduce traffic congestion and pollution or take traffic away from more sensitive areas (e.g. residential areas, the historic core, the city centre). Where such schemes involve the construction of more road space they can only be justified if they will benefit public transport, cyclists and pedestrians, as well as motorists, and will not encourage more, or longer, journeys by car overall;
- (b) Diversion Schemes to improve the environmental quality of particular areas or to improve the overall efficiency of the road network without perpetuating dependence on private motor vehicles in the longer term;
- (c) Access Roads to serve new development or regeneration schemes'.

3.17 The Local Plan supports two 'missing link' schemes; the LEB and The Western Gateway. The Plan states that the LEB would enable:

- through-traffic (particularly heavy goods traffic) to be removed from the city centre and residential and mixed-use areas adjacent to radial routes; the reduction of environmental damage caused by excessive traffic, especially in historic streets and other sensitive areas;
- improved access to the commercial and industrial areas on the east side of the City, thus stimulating regeneration and economic development;
- the removal of through traffic from the upper High Street area, thereby strengthening retail and other links between the Historic Core, the Top-of-High Street and the Central Shopping Core.

- 3.18 The Local Plan acknowledges that only a small section of the proposed LEB will be within the city boundary but it supports the construction of the Bypass as soon as possible.
- 3.19 Policy 14 – Strategic and Major Road Proposals safeguards the land required for the LEB and states that ‘planning permission will not be granted for any development which would hinder the construction of that road.’
- 3.20 The Plan also acknowledges that the construction of the LEB will assist access to proposed Park & Ride schemes around Lincoln.
- 3.21 The Local Plan for North Kesteven was formally adopted in September 2007, but will be replaced by the Central Lincolnshire Joint Local Plan in due course. However, in the meantime, the North Kesteven Local Plan remains the statutory plan for the district. Its policies carry considerable weight in support of the LEB. The relevant policies contained within the Local Plan are summarised in Table 4. It will be noted that a number of policies (e.g. LW2) make particular reference to LEB being a justifiable exception to a normally restrictive policy.
- 3.22 While the Local Plan looks to promote the development and use of sustainable modes of transport, it also acknowledges that as a predominantly rural district there is a high reliance on the private car for travel. However, it does look to developments not to increase the reliance on the private car.
- 3.23 The Local Plan does not have a specific policy in relation to promoting major highway schemes. However, Policy T7 states that ‘planning permission will be granted for developments that would not prevent or hinder the planned provision or improvement of desirable transport infrastructure. In particular, land required in connection with the construction and operation of the proposed Lincoln Eastern Bypass...will be safeguarded from any

development that would prejudice the provision of that road'. Underlining this policy, the Plan goes on to state that the 'safeguarding of the proposed Lincoln Eastern By-pass merits specific reference as this road scheme is considered to be of crucial importance to the resolution of transport problems in the Lincoln area.'

3.24 The West Lindsey Local Plan First Review was adopted in June 2006 and similarly to those for City of Lincoln and North Kesteven will be replaced by the Central Lincolnshire Joint Core Strategy. The West Lindsey Local Plan First Review remains the statutory plan for the district, and carries weight in planning determinations.

3.25 The West Lindsey Local Plan also recognises and safeguards a route for a bypass and seeks to protect it from prejudicial development. Once again, while its policies to protect the open countryside and its assets, in particular, are very strong, the present proposals either accord with the plan or can be argued to be a justified exception to policy.

#### Lincoln Integrated Transport Strategy

3.26 In 2004, Lincolnshire County Council and its partners (City of Lincoln, North Kesteven and West Lindsey District Councils) commissioned the Lincoln Transport Strategy to build a framework for the prioritisation of transport improvements in and around the Lincoln Policy Area up to 2026. The development of the Strategy involved identifying the key transport issues affecting the Lincoln area, generating a number of strategic objectives, and identifying a range of transport interventions that would address the problems identified. The existing transport issues and forecast problems were formulated through a combination of extensive consultation and from technical outputs from the Lincoln Traffic Model. The process highlighted that

the majority of issues and problems identified, centred on congestion, lack of route choice, high volumes of through traffic and poor air quality.

3.27 The strategy identified 18 potential transport interventions. These were further refined through evaluating each against the strategic objectives, their ability to address the identified transport challenges, cost and public acceptability. This process resulted in a prioritised list of potential options. The results of this scoring analysis placed the LEB in primary position in terms of a score based on contribution towards attaining Strategy Objectives, solving problems and issues and national transport objectives. The high score related to the options' ability to solve identified problems regarding high traffic levels within Lincoln town centre and contribution towards national priorities. The ranking of options resulted in a list of prioritised options based on various sub categories of highways, public transport, parking and sustainable modes.

Table 3 – Lincoln Integrated Transport Strategy Objectives

Local Transport Strategy – Strategy Objectives	
SO1	To assist the sustainable economic growth of Lincolnshire through infrastructure improvements to the following: - The Strategic Road Network & Non-Strategic Road Network
SO2	To remove strategic road-based freight from Lincoln and other adversely affected communities through: - Encouraging the use of alternative modes - Improving links to the Primary / Trans-European Road Network
SO3	To ensure that the transport infrastructure meets the needs of existing and proposed developments especially: - In the regeneration priorities in the Lincoln Policy Area - Including minimising congestion through the promotion of walking, cycling and public transport - Managing parking
SO4	To reduce the number and severity of road traffic accidents by reducing the potential for conflict between different modes and improving the facilities

Local Transport Strategy – Strategy Objectives	
	for convenient and safe alternatives.
SO5	To maximize accessibility and reduce peripherality by improving the range of travel options especially for those without access to the private car.
SO6	To increase Public Transport usage by improving: - Reliability, frequency and journey time of bus services.
SO7	To improve overall air and noise quality within the study area, especially in the Air Quality Management Area in Lincoln by the removal of unnecessary traffic by: - Removing through traffic - Reducing local journeys in Community Travel Zones - Other traffic management measures
SO8	Protect and enhance the built environment by reducing the adverse impacts from traffic, through improvements to the transport infrastructure.
SO9	Improve the attractiveness and liveability of central Lincoln for residents, workers and visitors by creating a safe, attractive and accessible environment for pedestrians.
SO10	To support the effective implementation and delivery of both the emerging Sub-Regional Strategy and the new Growth Point agenda of the Lincoln Policy Area.

#### 4. Purpose of the Orders.

4.1 The CPO has been made to enable construction of the Scheme. The SRO has been made to enable construction and operation of the LEB by dealing with all necessary access points, rights of way and highways that interact with the LEB.

4.2 The only parts of the Order Land currently owned by the Council are limited to those areas forming part of existing highways. The extent of the freehold land and land over which rights are required to construct the LEB scheme is

shown on the Compulsory Purchase Order Map. 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. There have been attempts to discuss the acquisition of the land with the land owners and all have been written to by the Council. The Council is continuing discussions about the acquisition of the land with the land owners. The CPO is however the only way to guarantee that the land required for the scheme is available to the Council.

- 4.3 Accordingly the CPO is necessary to facilitate the LEB and it satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act. In order to implement the LEB the Council needs to acquire the outstanding interests in the land currently owned by the third parties.
- 4.4 The purpose of the CPO is therefore to ensure that the Council has all the land it requires and has acquired all the interests necessary to guarantee that the Scheme can proceed. Full details of the Order Land appear in the schedule to the Order.
- 4.5 As part of that acquisition there are parcels of land that the Council needs to acquire to enable the Scheme to proceed but which will not be needed permanently once the Scheme has been built and is operating. Those parcels are identified in the Statement of Reasons and consist of

<b>Plot Number</b>	<b>Purpose for which freehold title is required</b>
1/1A	Essential licence for the storage of topsoil
1/5C	Essential licence for the storage of topsoil
1/8A	Essential licence for the storage of topsoil
2/1A	Essential licence for the storage of topsoil
2/2A	Essential licence for the storage of topsoil
2/3B	Essential licence for site compound/ construction area
2/6A	Essential licence for site compound/ construction area
2/6B	Essential licence for the storage of topsoil
2/6C	Licence required to construct a private means of access to be used by the owner (and any lessee or tenant of the owner) and a right required for the construction

	and maintenance of the bypass
2/6D	Licence required to construct a private means of access to be used by the owner (and any lessee or tenant of the owner) and a right required for the construction and maintenance of the bypass
2/7A	Essential licence for site compound/ construction area
2/7B	Essential licence for the storage of topsoil
2/7C	Essential licence for site compound/ construction area
2/8A	Essential licence for site compound/ construction area
2/8B	Essential licence for site compound/ construction area
2/9C	Essential licence for site compound/ construction area
2/9D	Essential licence for site compound/ construction area
2/10A	Essential licence for site compound/ construction area
2/10B	Essential licence for site compound/ construction area
2/12C	Essential licence for site compound/ construction area
2/12D	Essential licence for site compound/ construction area
2/12F	Essential licence for site compound/ construction area
2/12H	Essential licence for site compound/ construction area
2/12J	Essential licence for site compound/ construction area
2/13B	Essential licence for site compound/ construction area
2/13C	Essential licence for site compound/ construction area
2/13E	Essential licence for site compound/ construction area
2/13G	Essential licence for site compound/ construction area
2/16A	Essential licence for site compound/ construction area
3/1A	Essential licence for the storage of topsoil
3/4A	Essential licence for site compound/ construction area
3/4B	Essential licence for the storage of topsoil
3/5	Essential licence for the storage of topsoil
3/6A	Essential licence for the storage of topsoil
3/7A	Essential licence for the storage of topsoil
3/8A	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
3/8B	Essential licence for working space in connection with the construction of the private means of access
4/2A	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
4/2B	Essential licence for working space in connection with the construction of the private means of access
4/2C	Essential licence for working space in connection with the construction of the private means of access
4/2D	Essential licence for working space in connection with the construction of the private means of access
4/3A	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
4/3B	Essential licence for working space in connection with the construction of the private means of access
4/3C	Essential licence for working space in connection with the construction of the private means of access
4/4A	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
4/4B	Essential licence for working space in connection with the construction of the private means of access
4/4C	Essential licence for working space in connection with the construction of the private means of access
4/5B	Essential licence for the storage of topsoil
4/5C	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
4/5D	Essential licence for working space in connection with the construction of the

	private means of access
4/5E	Essential licence for working space in connection with the construction of the private means of access
5/1A	Licence to construct a private means of access for use by the owner (and any lessee or tenant of the owner)
5/1B	Essential licence for working space in connection with the construction of the private means of access
5/3A	Essential licence for the storage of topsoil
5/5A	Essential licence for the storage of topsoil
5/5B	Essential licence for the storage of topsoil

The Council needs to ensure that those areas are acquired to enable the Scheme to be built but the land will, on completion of the LEB be offered back as has been made clear in the Statement of Reasons, subject to the highway authority retaining any necessary access rights to enable it to be able to maintain the highway. In addition negotiations continue regarding entering in to a licence to enter this land in lieu of acquiring it.

Table 2 – former BRB (Residuary) Ltd land

2/11C	Essential licence for site compound/construction area
2/11D	Essential licence for site compound/ construction area
2/11F	Essential licence for site compound/ construction area
2/11G	Essential licence for site compound/ construction area
2/11H	Essential licence for site compound/ construction area

4.6 The areas required for the site compounds/ construction areas and also for storage of topsoil, referred to in the two Tables above, are necessary to provide the essential means for the Scheme to be carried out as planned.

4.7 The Inspector in respect of the previous compulsory purchase order considered the question of whether the acquisition of the land specified in that compulsory purchase order before that Inquiry was justified and met the various tests set out in the relevant guidance. Concluding at paragraph 8.96 of the Inspectors Report the following view was reached:-

*“Examination of the Schedule and plans accompanying the Order produces no evidence of any proposal to purchase land or rights other than those*

*necessary to implement the Scheme. There have been no assertions to the contrary other than those that I have considered and reported on. I am satisfied that the Order addresses no more land than is necessary and that the acquiring authority, LCC, has a clear idea of how it intends to use the land”.*

- 4.8 The proposal for the LEB remains exactly the same, and no major change is therefore required to the planning permission which exists for the proposal although some small changes were required pursuant to the section 73 applications and the application for the revised NMU bridge (both granted consent on 6th October 2014), but for the alteration required to accommodate the revised NMU bridge and the additional access provision. Similarly the land required to allow it to proceed is unchanged. The same conclusion should therefore be reached.
- 4.9 The purpose of the Side Roads Order is to maintain access to all land and property directly affected by the LEB and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works the Council is promoting the Side Roads Order. The detailed provision to be made in respect of each of the access points affected is set out in the SRO.

## **5. Description of the LEB scheme.**

- 5.1 The LEB has had a long history of development, which is described in detail in the Statement of Reasons. The LEB originally was granted planning permission in April 2005. That permission was reviewed following the City

being granted growth status which meant that it would be expected to accommodate further growth. A second assessment investigated additional route alignments and ultimately the route furthest east from the City was selected as the best option necessary to accommodate the anticipated growth.

5.2 That route was selected following public consultation and it was developed as a dual carriageway option for which planning permission was granted in 2010. In 2010 the matter was reviewed following the spending review and it was indicated that the dual carriageway option would not be able to proceed. The need for the LEB remained and following the indication being given that funding would be available for a reduced option it was developed into a single carriageway but including aspects that would otherwise hinder any realistic upgrade to a dual carriageway at a later date should funds come forward.

5.3 The proposed LEB will provide a new 7.5km single carriageway relief road that will link the junction of the A15 and A158 Wragby Road East to the A15 Sleaford Road. The new route will have a design speed of 100kph (with the understanding that there will be a 60mph speed limit) and a separate 3m wide combined cycle, equestrian and pedestrian 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. The scheme will comprise the following elements (north to south: starting from the Wragby Road Roundabout):

Wragby Road East Roundabout to Greetwell Road:

1. 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.

2. 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. A new NMU bridge over the LEB will be provided to cross the bypass to the south of the line of the existing Hawthorn Road to provide access to the NMU and maintain the current NMU provision along Hawthorn Road.
3. The existing public footpath located to the north of Hawthorn Road will be stopped up where it crosses the LEB and access provided to the NMU on both sides of the LEB.
4. Greetwell Road Footbridge: A NMU bridge 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. Greetwell Road Roundabout: A new four arm roundabout will provide a link from the LEB to Greetwell Road.
2. 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.
3. Northbound overtaking lane provided between the River Witham Bridge and Greetwell Road Roundabout: This will address the lack of overtaking opportunities for northbound traffic over the length of the LEB.
4. 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.
5. Lincoln to Spalding Railway Bridge: To the south of the river, the bypass will cross under the Lincoln to Spalding railway line.

6. South Delph Footbridge: The NMU bridge 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 Lincoln Road Roundabout:

1. Washingborough Road Roundabout: The LEB joins the B1190 Washingborough Road at a new four arm roundabout.
2. A climbing lane has been provided on the southbound exit from Washingborough Road roundabout with an 8% gradient.
3. Heighington Road Overbridge: The LEB will pass under Heighington Road through a new bridge, with only NMU access to Heighington Road.
4. Lincoln Road Roundabout: A new four arm roundabout will be constructed where the LEB crosses the B1188 Lincoln Road.
5. Lincoln Road Subway: An underpass is proposed for non-motorised users to cross the LEB north of Lincoln Road.

#### Lincoln Road Roundabout to Sleaford Road Roundabout:

1. Bloxholm Lane Footbridge: A new NMU bridge will be provided over the LEB at Bloxholm Lane, adjacent to the original line of Bloxholm Lane. Bloxholm Lane will be diverted to tie in to the new roundabout. A field access will be provided on Bloxholm Lane to the west of LEB.
2. 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.

5.4 The LEB was assessed through the Environmental Assessment process and the full details of the findings of that assessment were published in the Environmental Statement. The non-motorised user bridge was not considered to constitute Environmental Impact Assessment development. The potential impacts arising from the bridge, and associated modifications to the LEB scheme in order to accommodate it, were all contained within the footprint of the LEB scheme and having taken into account the effects of the

development as whole, was not considered to give rise to other significant adverse effects over and above those that had previously been assessed through the Environmental Statement. Therefore the Council was satisfied that they had all the necessary environmental information required in order to determine the application.

## Development of the Scheme

5.5 The LEB has a long history, but the current proposals are the result of a staged process to develop the Lincoln Integrated Transport Strategy (LITS) for the Lincoln area, in addition to constraints on funding. The LITS resulted in the formulation and appraisal of a number of transport schemes of which the LEB was identified as a fundamental infrastructure improvement. It is important to note that to date and in line with best practice, the LEB has been through a thorough design, planning and DfT funding application process, which has included the following stages:

1. Policy and Strategy review
2. Initial Feasibility
3. Preparation of Objectives
4. Outline Design
5. Public Consultation
6. Design Review and Value Engineering
7. Best and Final Bid Stage
8. Application for Planning Permission (granted on 10 June 2013)
9. Subsequently the Scheme has been examined by an independent Inspector in the context of the publication of a CPO a SRO and a Scheme to cross the River Witham.
10. Additional planning applications as a result of objections to the Orders.

5.6 A summary of the pertinent design stages undertaken and subsequent design outcomes is provided below:-

- 5.6.1 The LEB was initially granted planning permission in April 2005 for a route between the A158 Wragby Road East and the A15 Sleaford Road. However this corridor was revisited in light of Lincoln being granted Growth Point status. Five potential broad corridors for the LEB were identified and there was a Stage 1 Scheme Assessment in December 2007 which highlighted that two corridors would provide the most robust economic case and were considered the most feasible/deliverable.
- 5.6.2 A second assessment investigated potential route options (X, Y, Z) within the preferred corridors. Each of the route options under investigation was consistent with the extant route (which had planning permission) between the A158 Wragby Road East and B1190 Washingborough Road, but varied in alignment from Washingborough Road southwards. The assessment concluded that the three route options under investigation were robust schemes and should be progressed to the public consultation stage of the scheme development process. Each route option offered High Value for Money and provided other significant benefits when appraised against the Government's 5 key National Transport Objectives.
- 5.6.3 In February 2008 public consultation was undertaken to engage elected members, selected stakeholders and the wider public to gauge opinion on the three routes for the LEB. Feedback from the public consultation was used to inform the decision on route selection. The public consultation results showed that Route Z had the greatest support. When considered against regional housing targets, Lincoln's new Growth Point status and LCC's aspirations for future growth as one of the Eastern Sub-areas Principal Urban Areas, the requirement for additional housing allocations needed to be considered as part of the

scheme development process. In this instance Route Z, which is the furthest option to the east, was viewed as the preferred route option. This was endorsed by the County Council's partners and the Environment Agency prior to a Preferred Route Announcement that was made in November 2008.

5.6.4 Between August 2009 and November 2009 the scheme taken forward to Major Scheme Business Case (MSBC)/ Planning stage utilised a 7.85km dual carriageway with a 70mph speed limit, linking the existing Northern Relief Road at the junction of the A15 and A158 Wragby Road East in the north to the A15 Sleaford Road in the south. A separate 3.0m wide combined cycle and pedestrian right of way was provided along the full length of the scheme to link up with existing public rights of way. The MSBC was submitted to central government in 2009 and the scheme was granted planning permission in 2010.

5.6.5 In February 2011, as a result of the government spending review in 2010 the dual carriageway LEB was not taken forward to the Programme Entry funding stage with the Department for Transport (DfT). DfT announced that funding would be available through the development pool process for schemes that looked to revise the total cost required from DfT and asked for Expressions of Interest (EoI) from scheme providers. As a result, the LEB design was revised to reduce the overall cost and a number of options were evaluated. A revised proposal in the form of the EoI was put forward that included reducing the LEB design to a single carriageway scheme. It was identified that this would offer significant cost savings without significantly affecting the ability of the scheme to deliver the overall scheme objectives. In addition, the EoI also identified a number of areas where the scheme had been further altered from the initial programme entry scheme design to further reduce the overall costs, these were:

- The treatment of side roads and radial routes which will cross the route were reconsidered with regard to the size and type of junctions and crossings provided along the route. The decision was also taken to keep the Wragby Road Roundabout at its existing diameter.
- The Greetwell Road improvement scheme was omitted from the scope of works and treated as a separate scheme.
- A reduction in design speed (i.e. stopping sight distance and horizontal radius) in order to reduce the earthworks costs associated with the dual carriageway scheme design.

5.6.6 In March 2011, following the submission of the EoI and approval from DfT to prepare a Best and Final Bid business case, an exercise was undertaken to assess all possible changes in scope and value engineering options in order to develop the most effective solution in relation to the overall scheme objectives, the wider aims of the LITS and the value for money objectives. The exercise considered:

- i) a partial dual carriageway,
- ii) removing the proposed NMU route;
- iii) reducing/removing lighting across the length of the route;
- iv) reducing the length of the route,
- v) single carriageway with future proofed structures for dualling in the future; and
- vi) single carriageway with single carriageway structures.

An assessment was undertaken for these options but all except vi) were discarded on the basis of feasibility, value for money, or contribution to scheme objectives. Option vi) was taken forward at that stage as the revised LEB scheme.

5.6.7 Between June and August 2011, as part of the Best and Final Bid process a consultation exercise was undertaken with the specific 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 EoI and Value Engineering stages for the Best and Final Bid Submission which was submitted in September 2011. At that stage the LEB scheme included the following changes to that proposed within the dual carriageway Major Scheme Business Case at Programme Entry:-

- (i) 7.5km single carriageway within extant redline planning boundary to reduced design speed (85kph).
- (i) Hawthorn Road junction to be reduced to a left in left out junction with auxiliary diverge lane and tapered merging lane (this removes the need for a bridge and associated earthworks).
- (iii) Single carriageway bridge over the Lincoln to Market Rasen railway line
- (iv) Single carriageway viaduct over the River Witham
- (v) Single carriageway bridge under the Lincoln to Spalding railway line
- (vi) Climbing lane introduced on southbound exit from Washingborough roundabout
- (vii) 8% gradient introduced within climbing lane on southbound exit from Washingborough roundabout to minimise depth of the cutting.
- (ix) Reduced width on Heighington Road Overbridge.

5.6.8 In November 2011- the BaFB scheme was successful and achieved Programme Entry status, 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 this is 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.

5.6.9 The following elements were incorporated into the single carriageway scheme design:

- Vertical Alignment revised to allow a revised design speed of 100kph (60mph speed limit) to be incorporated (at minimum increase to the scheme cost).
- Northbound overtaking lane introduced between River Witham Bridge and Greetwell Road Roundabout.
- NMU route moved to the main carriageway verge.
- Link to Viking Way revised to permit satisfactory safety fencing layout.
- Link to the South Delph Footbridge revised to permit satisfactory safety fencing layout.
- Heighington Road Bridge, Structure under Lincoln to Spalding railway line, Greetwell Road Footbridge, Bloxholm Lane Footbridge and Lincoln Road Subway expanded to accommodate future dual carriageway width.
- All new roundabouts constructed to the diameter required for the dual carriageway scheme
- Drainage designed for the dual carriageway scheme

5.6.10 As noted earlier, 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).

5.6.11 Although the Inspector for the previous 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 the planning application (reference PL/0194/14) granted planning consent at LCC's Planning and Regulation Committee on 6 October 2014 along with provision to cross Hawthorn Road further to the east.

## Assessment of the Scheme

5.7 An Environmental Impact Assessment describing the environmental effects of the Scheme has been prepared as part of the planning application submitted in December 2012. The following is a summary of the Environmental Statement.

### 5.8 Flooding and Drainage

Most of the scheme is located in an area at low risk of flooding. However, the new bridge and associated embankments over the Witham Valley, partially sit within the River Witham floodplain. To ensure there is no increased risk of flooding due to the presence of the new road, measures such as

compensatory flood storage will be introduced. The road will have a comprehensive drainage system to remove surface water from the carriageway. This will drain into holding ponds to ensure too much flow doesn't reach the local watercourses. Measures will also be put in place to ensure that any pollutants such as oil from the road surface do not affect the local water environment. With various protection measures in place the impacts on the water environment will either be neutral or slight adverse.

### 5.9 Geology and Soils

The historical maps indicate that apart from a disused landfill site near the Washingborough Road junction, the route chosen for the Proposed Scheme has generally been occupied by agricultural land and farms with no significant industrial uses being identified and therefore no other source of contamination is likely to be encountered. Once further studies of the disused landfill have been undertaken, measures will be agreed with LCC to ensure there will be no impact on the environment from construction close to this site. The route of the road requires construction across a small section of Greetwell Hollow Quarry, although now disused the rock layers exposed by the quarry workings contain important geological features so the area has been designated as a Geological Site of Special Scientific Interest (SSSI). About 18% of the rock outcrop will be covered by the road and its embankment. However, to help mitigate for this loss improved access to the remaining geological features will be provided making future scientific investigation easier and safer.

### 5.10 Landscape and Visual Impact

The road passes through a number of Local Landscape Character Areas from the Upland Plateau to the north, through the Valley Slopes of the Witham Gap to the Fenland to the south. The road will have an impact on the landscape but for much of it the use of measures such as earth bunds and landscape planting means that this impact will be minimal, with the exception

of the actual crossing of the Witham Valley. Here it will not be possible to mitigate the impact of the bridge on the wider landscape. An assessment was undertaken of the visual impact of the road on views from houses, local footpaths and the city of Lincoln. The impact on people's views will be most significant during the construction phase and the few years immediately after its completion. By the time of the Design Year (15 years after scheme opening) all impacts on receptors will be reduced to neutral or only slight adverse with the exception of 3 of those receptors and 6 footpaths which will experience a moderate or large adverse impact.

#### 5.11 Noise and Vibration

The impacts from noise and vibration will be felt both during the construction phase and operational phase once the road is open to traffic. The contractor will liaise with the council to agree working hours and working practices prior to construction. These measures will help to minimise noise impact at properties in the study area as a result of construction activities although some temporary disturbance will be experienced during this construction phase. A detailed assessment has revealed that there are likely to be noise impacts as a result of the traffic using the new road based on using a standard tarmac surface. In the short term, by 2017, after opening the road only 1% of the identified sensitive receptors, mainly residential houses, will experience a major adverse impact from noise (an increase of over 5d decibels (db)), while for 91% of receptors the impact will be negligible and in a high number of cases, beneficial as traffic volumes reduce on surrounding roads. In the long term, by 2032, it is expected that still only 1% would experience major adverse impacts.

To mitigate for the expected traffic noise, specialist Low Noise Surfacing was proposed on sections of the road which would reduce the noise level to the extent that most properties in the 1% will have the impact reduced to moderate (an increase of between 5 and 9.9 db) rather than major.

### 5.12 Air Quality

Similarly to noise, there will be an impact on air quality during both the construction and operational phases of the road. The construction phase of the scheme is likely to give rise to dust and to minimise this impact, the contractor will liaise with the Council to agree working practices and dust control measures prior to construction. During the operational phase dust will be less of an issue but smaller particles and pollutants such as Nitrogen Oxides may cause an impact. A detailed assessment has concluded that air quality impacts from traffic will be negligible for those receptors close to the road and beneficial for those close to surrounding roads, such as in Lincoln city centre, where congestion will be greatly reduced by the new road.

### 5.13 Archaeology and Cultural Heritage

Lincoln and the surrounding area are rich in archaeological features and important cultural heritage assets. Extensive studies have identified many of these but unknown archaeological features may be present under the ground.

To mitigate for those archaeological features that will be destroyed or damaged by the road construction, an extensive programme of investigation and recording will be undertaken. The impact of the new road on the historic landscape and setting of important heritage buildings will be mitigated with the use of landscape planting. However, despite this mitigation the road will still be visible within the landscape from some historic buildings both in adjacent villages and from some prominent features such as the Lincoln Castle tower.

### 5.14 Nature Conservation

The area through which the road will pass is largely arable farmland with little ecological value. However, a number of small areas of habitat such as woodland and hedgerows will be impacted by the new road and the River Witham will be crossed by a new bridge. There is only one statutory

designated site which is affected by the road and that is the Greetwell Hollow Quarry SSSI. Although this is designated for its geological features it is used by bats and there are great crested newts in a small pond within the quarry. Impacts on species and habitats during construction will be controlled and minimised through adherence to a Construction Environmental Management Plan. The residual impact of the road on the bats and designated sites will be negligible. Great Crested Newt surveys were carried out in April 2013 and Great Crested Newts were not found to be present within 500 metres of the LEB route. The results of the surveys, predominantly undertaken during optimal weather conditions and dates, would seem to indicate their likely absence. Where impacts on protected species (Bats and Badgers) have been assessed as likely, mitigation plans and the required consents will be agreed with Natural England to ensure the impact on these species is minimised. The potential mitigation will include the relocation of some species and the creation of additional habitats including bat boxes (Hibernacula) for the bats.

#### 5.15 Land use, Community and Private Assets

During construction there will be some temporary impact in the form of severance and disturbance to local communities. There will also be some loss of agricultural land to accommodate the road and the impact of this varies from negligible to major, depending on the percentage of the land holding lost. Overall the impact on land use, community and private assets is assessed to be negligible.

#### 5.16 Effects on all Travellers

The new road will have an impact on travellers using existing roads and public rights of way. During the construction phase this will result in some frustration and stress as congestion may increase as roads and paths are temporarily closed. This will be mitigated with the use of a Traffic Management Plan. Once operational, the road will still cause some delays to

user of local roads that will cross the new bypass, but users of the existing A15 and other city centre roads will greatly benefit from a reduction in congestion and therefore frustration and stress. The incorporation of the NMU route way into the scheme will provide benefits to pedestrians and cyclists.

#### 5.17 Interactions and Cumulative impacts

No significant cumulative impacts are anticipated for the scheme, provided that all the environmental commitments are followed.

#### Scheme Cost

5.18 The Scheme cost is £95.858m

#### Funding

5.19 A BaFB application was made to the Department for Transport for funding in September 2011. The BaFB scheme was successful and achieved Programme Entry status in November 2011, with central government contributing £49.950 m to the scheme. LCC will contribute £11.914m and there will be third party contributions of £33.994m

#### Additional Environmental Changes

5.20 In paragraph 5.11 reference is made to the use of low noise surfacing which was the intention at the time the environmental assessment was made. Subsequently the decision has been made that should the Scheme proceed then the same benefits can be achieved by using a different approach. The figures as set out in the environmental assessment therefore remain the same. This is the subject of the Section 73 application discussed in paragraph 1.22 which was granted consent on 6th October 2014.

### **6. Justification for the use of CPO**

- 6.1 The Highways Act 1980 empowers the Council to acquire land compulsorily which it requires to construct and improve the highway.
- 6.2 Section 239 of the 1980 Act enables the Council as the Highway Authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for the improvement of a highway.
- 6.3 Section 240 of the 1980 Act provides that the Council as Highway Authority may acquire land required for the use in connection with the construction or improvement of a highway.
- 6.4 Section 246 of the 1980 Act allows the Council to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.
- 6.5 Section 250 of the 1980 Act allows the Council as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 6.6 Section 260 of the 1980 Act allows the Council to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 6.7 Section 14 of the 1980 Act authorises the Council as the Highway Authority to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided
- 6.8 Section 125 of the 1980 Act empowers the Council to deal with any private means of access affected by the new road including the provision of a new means of access.

6.9 Section 106(3) of the 1980 Act provides for the Council to adopt a scheme to provide for a bridge over a navigable river as part of the provision of the new road. Section 106(3) of the 1980 Act provides for the Council to adopt a scheme to provide for a bridge over a navigable river as part of the provision of the new road. It was that provision which was used in respect of the River Witham Bridge scheme but is of no further relevance in respect of the SRO and the CPO.

6.10 The purpose of seeking to acquire land and new rights compulsorily is to enable the LEB to be constructed. These proposals would enable the Council to provide the LEB that would meet its statutory purposes.

6.11 Circular 06/2004 Compulsory Purchase and the Crichel Down Rules, states that Ministers believe that “compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change” and that they “can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life”.

6.12 Circular 06/2004 states that the factors which the Secretary of State can be expected to consider, in deciding whether or not to confirm a compulsory purchase order, include:

- Whether the purpose for which the land is being acquired fits in with the adopted planning framework;
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;

- The potential financial viability of the scheme for which the land is being acquired;
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

6.13 Circular 2/97 Department of Transport Circular provides guidance on the use of compulsory purchase powers. It states that the Secretary of State will not confirm a CPO until he is satisfied that planning permission for the LEB has been granted. The planning permission in respect of the LEB was granted in June 2013.

6.14 The Council considers that the tests described above are satisfied and that there is a compelling case in the public interest for the confirmation of the CPO. Details as to why the Council is of this view are set out below.

## **7. The Need for Compulsory Purchase.**

7.1 The underlying basis justifying the need for the LEB is set out in the Statement of Reasons. The LEB is part of the solution adopted by the Council, supported by its partner authorities the City of Lincoln, North Kesteven and West Lindsey District Council, as part of the Lincoln Integrated Transport Strategy to provide for the future growth of the City and to tackle well known transport problems. Potential solutions to the identified problems are limited by a number of natural and historic features and following an extensive period of study the preferred solution included the provision of the LEB as one of a number of interventions.

7.2 The Council recognises that a CPO for the LEB can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be

acquired. A compelling case exists here. A CPO is necessary and justifiable in the public interest.

7.3 The CPO is necessary to facilitate the LEB and satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act. The LEB scheme forms an intrinsic part of the LITS which is fundamental in facilitating Lincoln's continued economic development. The scheme will act as a catalyst for the further development and implementation of a number of wider initiatives and schemes (as detailed within the LITS) as well as providing the necessary infrastructure to help deal with the transport problems detailed above. The LEB has three clear objectives, they are as follows:

- Objective 1: To support the delivery of sustainable economic growth and the Growth Point agenda within the LPA 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).

The LEB will have an important impact on Lincoln and will achieve the objectives listed above by:

- Facilitating sustainable development by improving access to potential growth areas and underpinning the LITS, which will deliver more sustainable and reliable transport options in the area.

- The LEB is forecast to remove up to 26% of traffic from key routes in the city centre (including HGV traffic) and allow the Council and its partners to 'lock in' benefits for sustainable transport and the environment in the city.
- The LEB will remove up to 26% of traffic from city centre (including HGV traffic) and analysis concludes that there will be benefits to air quality within central Lincoln.

7.4 The CPO includes areas of land that have been referred to as being required as part of the future proofing of the proposals. The basis on which the acquisition of these areas of land is required is set out fully in the Statement of Reasons and will be described in the evidence in due course. The Council would confirm that all the land is required for the provision of the LEB.

7.5 The Council is firmly of the view that the need for the CPO is wholly justified and the use of compulsory purchase powers is required to guarantee that it can be brought forward.

## **8. Funding.**

8.1 The estimated cost of the LEB is £95.858. A BaFB application was made to the Department for Transport for funding in September 2011. The BaFB scheme was successful and achieved Programme Entry status in November 2011, with central government contributing £49.950 m to the scheme. The Council will contribute £11.914m and there will be third party contributions of £33.994m. There are no known impediments, including any funding difficulties, preventing the implementation of the proposals to build the LEB.

## **9. Land assembly – Current status**

- 9.1 The Council has not currently acquired any of the land needed for the LEB from owners and accordingly the land that is contained within the CPO is that land, including any outstanding interests in the land that still needs to be acquired to permit the LEB to proceed. Discussions and negotiations with landowners affected by the proposals have now commenced and these will continue in advance of the public inquiry. The approach of making the CPO and, in parallel conducting negotiations is in accordance with the guidance given in Circular 06/2004. Discussions are also ongoing regarding the acquisition of Crown Land identified previously.
- 9.2 The Council has given careful consideration to the need to include each parcel of land shown on the Order Map and the new rights identified in the Order Schedule. There is a compelling need in the public interest for the LEB to proceed and for the making and confirmation of the CPO.
- 9.3 The parts of the Order Land which are in the ownership of the Council are included in the Order Land to ensure that any third party interests or encumbrances existing in respect of such land are acquired pursuant to the Order ensuring that the LEB can be constructed and subsequently occupied.
- 9.4 The Council considers that the Order if confirmed would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account by the Council when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. In addition, having regard to the provisions of the guidance within Circular 06/2004, the Council considers that the acquisition of the Order Land will facilitate the carrying out of development, redevelopment and

improvement and will make a positive contribution to the promotion or achievement of the economic, social and environment well-being of its area for the reasons explained above.

9.5 The current status of the statutory objectors is as set out in the following table.

<b>Item objection</b>	<b>Objector</b>	<b>Comment – Current Position</b>
<b>1 SRO</b>	<b>National Grid</b>	<b>Discussions with National Grid regarding diversion of their plant are ongoing. Orders have been placed with them for additional feasibility work. A Protective Provisions Agreement is currently being discussed. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>
<b>2 SRO\CPO</b>	<b>Railway Paths Ltd</b>	<b>Discussions are ongoing in an attempt to remove their objections. A meeting has been arranged for early March. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>
<b>3 SRO/CPO</b>	<b>J A Ward</b>	<b>Discussions with Mr Ward regarding permanent regrading of Plot 2\3A are ongoing. Meetings took place to discuss requirements for accommodation works and these were agreed with Mr Ward. Discussions are ongoing regarding a number of other undertakings that may be required. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>
<b>4 SRO/CPO</b>	<b>Church Commissioners</b>	<b>Discussions with Church Commissioners are ongoing. Meetings have taken place to discuss</b>

	<b>for England</b>	<b>requirements for accommodation works and these have now been agreed. Discussions are ongoing regarding a number of other undertakings that may be required. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>
<b>5 SRO\CPO</b>	<b>Western Power Distribution</b>	<b>Discussions with Western Power Distribution regarding diversion of their plant are ongoing. Orders have been placed with them for additional feasibility work. A legal agreement is currently being discussed. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>
<b>6 SRO\CPO</b>	<b>Canal and River Trust</b>	<b>A meeting has taken place to discuss their objection. CRT are drawing up easement and temporary works documents which, subject to agreement will allow them to withdraw their objection. It is expected that this objection will be withdrawn prior to the Public Inquiry.</b>

## **10. Transport Implications of the LEB.**

10.1 Lincoln currently suffers from a number of longstanding 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.

10.2 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. The LEB scheme is an intrinsic part of the Lincoln Integrated Transport Strategy and is an integral part of the plan to help alleviate the high levels of congestion that currently affect the centre of Lincoln.

- 10.3 The transport problems and congestion within central Lincoln are exacerbated by a lack of route choice for north-south movements and lack of alternative river crossings. At present several key strategic north-south routes converge on the city centre and with few viable alternative routes, this results in significant levels of strategic traffic, including large numbers of long distance HGVs, being channelled through the centre of Lincoln.
- 10.4 The LEB scheme will provide an additional crossing of the River Witham and an appropriate route for strategic traffic removing the need for much of this traffic to travel through the centre of the city. The scheme is also fundamental in providing the necessary infrastructure improvements that will unlock the city's development potential, as significant housing and economic development is targeted for the Lincoln area. In July 2008, Lincoln was afforded Growth Point status by the Government. Regional and Local housing targets are for an additional 25,000 dwellings within the Lincoln area by 2026 of which the North East and South East Quadrant development sites, located to the east of Lincoln and to the north and south of the LEB 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 LEB and Transport Strategy will be necessary to facilitate and support their delivery.
- 10.5 A number of the transport problems and challenges already facing Lincoln are expected to increase over the mid to long term. This will place further stress on the highway network and have a significant impact on the local economy and Lincoln's development aspirations.

- 10.6 Traffic levels are forecast to continue to grow within the Lincoln area heightened by population growth and increased economic activity. 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.
- 10.7 The housing and development targeted for Lincoln is an important part of the city's continued economic development. The sustainable urban extensions including the North East and South East Quadrants have the potential to accommodate a significant level of development within the Lincoln area and the implementation of the Transport Strategy, especially the LEB will be necessary to facilitate and support their delivery in a safe and acceptable manner.
- 10.8 This additional development will place further pressure on the existing transport infrastructure and exacerbate the problems and challenges detailed earlier. An increase in travel demands, particularly at peak periods, will result in increased congestion on the network, longer peak periods, and further suppression of demand. The off-peak network currently has some spare capacity, but will become increasingly congested as traffic levels rise and the peaks spread.
- 10.9 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 tourist destination status. Any impact on this sector would have serious implications for the local and regional economy.

- 10.10 The LEB forms an intrinsic part of the LITS and is a fundamental infrastructure improvement that will help achieve the transport aims and objectives identified in the strategy as well as the development aspirations of LCC.
- 10.11 The LITS includes a large number of sustainable transport measures designed to improve traffic conditions in the city and to assist businesses with their economic growth strategies. The LEB will be fundamental in the successful delivery of these other measures outlined by the LITS by removing the extraneous traffic from the city centre and creating the conditions necessary for their implementation. Together these measures will help to mitigate the impact of the predicted increase in traffic flows and allow LCC and its partners to 'lock in the benefits' of the LEB. The delivery of the wider measures is a key requirement specified by DfT as part of the funding conditions for the scheme and as such LCC and its partners are committed to their implementation.
- 10.12 In order to facilitate the design of the Scheme and to enable a consistent assessment of the effects of it in traffic terms a Traffic Model has been built to cover the area which is of most relevance to LEB itself. That model was constructed in accordance with the requirements of Government and is capable of being used to forecast traffic flows on the LEB and in relation to other roads within Lincoln. That traffic model was used throughout the previous inquiry and enabled the Council to address various objections related to those proposals, although additional information was obtained prior to that inquiry to assist with that process. The model was validated and produced reliable results and it continues to do so. Following the receipt of the previous Inspector's report and the Secretary of State's decision letter, however the Council has reviewed the position in respect of the promotion of the Scheme.

10.13 As part of that review and in the light of the Objections raised at the previous inquiry and more recently the Council has looked to see if the Traffic Model can be improved further to provide a greater level of detail in relation to the LEB in order to assist with the issues now being raised by the various Objectors to the Scheme particularly in the context of the closure of Hawthorn Road. The Council has identified that the model itself remains suitable for its purpose but that it is capable of being enhanced further to meet current requirements and to provide a finer level of detail in respect of certain matters. Accordingly the Council is re examining the traffic information and will, if it is found to be necessary, review the model to confirm its continued suitability. As a result of this review the model will be better able to reflect traffic flows in the vicinity of Hawthorn Road and will also take into account the Department for Transport's recent advice in respect of changes to the value of time, and local accident rates that are material to the economic evaluation. The expectation is that the economic case in favour of the Scheme will remain positive and may actually improve.

10.14 In order to carry out the review, the Council has commissioned additional surveys on certain local roads to gather additional information which will confirm current traffic conditions including movements of cyclists and pedestrians. Once this work has been carried out the information will be evaluated and applied to the traffic model to ensure that it continues to perform well and so that confidence can be maintained in the Model outputs. All the information will be presented to the inquiry and the data will be made available when the Council is in a position to do so. This additional work is not only being undertaken to comply with current DfT requirements but also to enable the particular concerns raised by objectors to the closure of Hawthorn Road to be addressed in greater detail.

10.15 In addition, as part of the Best and Final Bid submission, forecasts from the model have been used to undertake a cost benefit analysis for the LEB and

this has shown that the benefits of the scheme will far exceed the costs resulting in a Benefit to Cost ratio (BCR) of 8.435. The Department of Transport considers this to represent High value for money. Although there is currently no formal need to update the BCR until a further funding submission is made to the Department, given the length of time that has passed the BCR will be reviewed using the latest government guidance.

## **11. Human Rights and Other Special Considerations**

11.1 The Council has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998 within section 14 of the Statement of Reasons published to accompany the Orders and the Council relies on the contents of that section as part of this Statement of Case.

11.2 The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

11.3 In resolving to make the Orders, the Council has carefully considered the rights of property owners under the Convention against the wider public interest.

### **Article 1 of the First Protocol to the Convention.**

11.4 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the interest and subject to the relevant national and international laws.

**Article 6.**

11.5 This entitles those affected by the LEB to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.

**Article 8.**

11.6 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

**Article 14.**

11.7 This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

11.8 In light of the significant public benefit which would arise from the implementation of the Scheme, the Council has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.

11.9 In addition to the publicity and consultation on the planning application for the LEB, all known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made

by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.

## **12 Other Special Considerations.**

12.1 Part of the Order Land is in the ownership of the Lincolnshire County Council, a statutory body charged with the provision of highway facilities in the area. Lincolnshire County Council supports the Scheme and its statutory obligations, rights and powers have been taken into account in the development proposals.

12.2 Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved as required by the LEB.

12.3 There are no ancient monuments or listed buildings affected by the LEB, although there is a scheduled ancient monument at Greetwell Medieval Village. There are no Conservation Areas affected by the LEB

## **13 Implementation of the LEB Scheme.**

13.1 The LEB will be implemented by the Council. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in early summer 2016. The works are currently programmed to take approximately two years from starting on site to completion.

13.2 The Council is of the view that early summer 2016 is the earliest possible start date allowing for an Inquiry into the Orders and that is the timescale that the Council has been using in discussions with land and business owners affected by the scheme.

13.3 The Council is satisfied that there are no foreseeable barriers to the implementation of the Scheme and that funds will be available to secure the LEB. All relevant considerations are in place to achieve an autumn start date subject to the successful outcome of the consideration of the Orders.

13.4 The Council has included three letters in the document list at documents 54, 55 and 56. These letters confirm the current position in respect of the funding arrangements in so far as it relates to central government funds and the Council controls the rest of the funding arrangements. The conclusion remains that there is no current impediment to funding the scheme. The letters also refer to potential future action in respect of additional carriageway provision but that is outside the Scheme which currently has planning permission and the Council will not comment on that further at this stage. The Council has ensured that the Scheme which has planning permission and which forms the basis for bringing forward the Orders before this Inquiry will not frustrate or prevent any future addition to the Scheme if that were to come forward.

#### **14 Response to Objectors.**

14.1 545 Objections have been received by the Department for Transport in respect of the Orders. The Council has considered the letters of objection and remains satisfied as to the justification of the Orders and the extent of the Order Land.

14.2 The points of objection which have been made are capable of being examined under specific headings. They fall in large measure under the headings of specific objections made by landowners as statutory objectors or in respect of specific concerns or considerations, even though the reason for raising the objection may arise for different reasons. Rather than seeking to

set out each particular objector together with the Council's summary response in respect of each the Council has identified broad areas of objection and presents in this Statement an indication of the Council's position in respect of it.

14.3 The Council will be presenting evidence at the Public Inquiry to substantiate its responses as indicated. The Council reserves the right to add to or alter the response given if additional information is brought forward in support of the objection.

14.4 The Council will address the Statutory Objectors first before turning to the other objections and if appropriate will seek to address as a single response a number of objections where the same issue is raised. Attached to this Statement of Case is a table of all objections received including a list of matters raised in support of the objection.

#### 14.5 **Statutory Objectors**

##### 14.5.1 **Objections by National Grid**

###### **Grounds Of Objection**

a) National Grid apparatus (low, medium or localised high pressure gas pipes) in the vicinity may be affected. Level of protection currently afforded to apparatus may be diminished.

###### **Council's Response**

a) The Council has sought to protect the existing rights within the Orders and believes that a full and proper provision has been made. The Council will,

however continue to discuss this with National Grid to identify the appropriate way forward. In addition the statutory process required through the New Roads and Street Works Act is also being followed.

#### **14.5.2 Objections by Western Power Distribution**

##### **Grounds Of Objection**

- a) Western Power Distribution apparatus (electricity cables, overhead lines and other apparatus) in the vicinity may be affected. Level of protection currently afforded to apparatus may be diminished.

##### **Council's Response**

- a) The Council has sought to protect the existing rights within the Orders and believes that a full and proper provision has been made. The Council will, however continue to discuss this with Western Power Distribution to identify the appropriate way forward. In addition the statutory process required through the New Roads and Street Works Act is also being followed.

#### **14.5.3 Objections by Escritt Barrell Golding on behalf of Mr J A Ward**

##### **Grounds Of Objection**

- (a) Title is potentially being acquired for land where only a licence is required.
- (b) The Council has failed to supply any detailed information to support the areas of land they require.
- (c) The regrading of plot 2/3A. No details have been supplied as to why this is necessary.
- (d) Plot 1\9A should be returned to the landowner.

- (e) Land classified as Higher Level Stewardship has not been covered in the Environmental Statement
- (f) No attempt to negotiate acquisition
- (g) Error on SRO Site Plan 2 Reference A
- (h) Need confirmation that previously agreed accommodation works are still included in the scheme

### **Council's Response**

- (a) The Council needs to acquire title to the land to ensure that there are no impediments to the construction of the proposals for the LEB. The Council has acknowledged that following the construction of the proposals it will not need to retain ownership of the land but that will only arise once all the activities have been completed. As has been indicated the Council would intend offering the land back once the construction is complete and the proposals are in place. Alternatively a licence to enter the Land could be agreed between the parties
- (b) The reasons for acquiring the land have been outlined in both the scheme granted planning consent and the subsequent Orders.
- (c) The full details will be given in evidence. The Council's case for acquisition of this land is to allow for the disposal of topsoil arising from the construction of the LEB in the most environmentally and cost efficient way.
- (d) Plot 1\9A was identified in the planning permission as a habitat creation site as part of the environmental mitigation identified in the Environmental Statement that was included with the planning application. As such it forms part of the planning consent granted in June 2013.
- (e) The comment in the Statement of Reasons about such matters was a general comment for the full length of the route although it is accepted that some areas the scheme runs through have more specific classifications. Discussions will take place with Natural England to establish the impact of HLS classification.
- (f) The Council have written offering to negotiate and will continue to do so.

- (g) The SRO Plan shows a connection to the highway boundary, a full connection to Greetwell Road will be provided
- (h) The Council fully intends to honour the agreed accommodation works

#### **14.5.4 Objections by Smiths Gore on behalf of Church Commissioners for England**

##### **Grounds Of Objection**

- (a) Plots 1/1A, 1/5C, 1/8A, 2/1A, 2/2A, 2/3B, 2/6A, 2/6B, 2/7A, 2/13B, 3/1A, 3/4A, 3/4B, 3/6A, 5/5A and 5/5B are to be used for temp soil storage or site compounds therefore only temporary right should be sought.
- (b) Require undertaking to resolve any drainage problems arising as a direct result of the scheme
- (c) Plot 2/3A has no explanation given for need to permanently re-grade land.
- (d) Stopping up of Bloxholm Lane will restrict future access arrangements to land that forms part of St Johns Farm.

##### **Council's Response**

- (a) The Council needs to ensure that the LEB can be built in accordance with the planning permission granted for it. This land is therefore required to allow that to happen and the land is needed to ensure that there is no known impediment to construction.
- (b) This is agreed to in principle but the exact wording of the undertaking will need to be agreed to limit the council's liabilities to a reasonable level
- (c) The full details will be given in evidence. The Council's case for acquisition of this land is to allow for the disposal of topsoil arising from the construction of the LEB in the most environmentally and cost efficient way. The undertaking previously provided has been carried forward to these Orders.

- (d) The existing access on Bloxholm Lane is being maintained. The undertaking previously provided to ensure that dialogue will continue during design development has been carried forward to these Orders.

#### **14.5.5 Objections by Canal and River Trust**

##### **Grounds Of Objection**

- a) No attempt to negotiate acquisition.
- b) No explanation for acquisition of Plots 2\10A and 2\10B
- c) Plots 2\10, 2\10A and 2\10B is inaccurately described as a watercourse
- d) Acquisition of Plot 2\10 should not be acquired but right to construct should be covered by Deed of Grant of Easement
- e) Council will need authority to close River Witham
- f) Strengthening of river banks may be required as a result of scheme. Council will need authority to do this.
- g) Plots 2\10, 2\10A and 2\10B are classed as open space as defined in the Acquisition of Land Act 1981. No exchange land has been provided.
- h) Acquisition of land will cause serious detriment to carrying on of CRT 's undertaking
- i) Special Parliamentary Procedure will be required

##### **Council's Response to a) to i) inclusive**

- a) It has been agreed at a meeting on 12 February to enter into a Deed of Grant of Easement and temporary licence to resolve all of the issues raised regarding permanently acquiring land. This will be subject to confirmation of the Orders.

#### **14.5.6 Objections by Railway Paths Ltd**

### **Grounds Of Objection**

- a) Proposed land acquisition is excessive
- b) Will sever ownership
- c) Lack of clarity over reasons for acquiring Plots 2\11 C-H
- d) Permanent acquisition of some plots is unnecessary and could be replaced by licence
- e) Propose alternative NMU solution to use existing bridge over Witham

### **Council's Response to a) to e) inclusive**

- a) The Council intends to enter into deed of grant of easement and temporary licences where possible, rather than permanently acquiring and handing back.
- b) Proposed alternative is flawed as it relies on use of a private means of access to provide NMU access. This is not within the current planning permission and would require a reworking of the design. In addition the condition of the existing railway bridge is uncertain and is likely to be more expensive than the current proposals.

## 14.6 **Non Statutory Objectors**

- 14.6.1 The vast majority of Objections which have been received relate to the closure of Hawthorn road as a through route. The full extent of the objections received can be identified by reference to the attached table. There are a number of concerns raised repeatedly by those objections and the Council will respond to those various concerns rather than seeking to respond to all of the objections individually. The objections cover the following matters in respect of the Stopping up of Hawthorn Road:-
- (a) The Closure of Hawthorn Road.
  - (b) NMU severance as a result of Hawthorn Road being stopped up and a lack of NMU cycle and pedestrian facilities across LEB.

- (c) Stopping up of Hawthorn Road and impact on traffic flows along Wragby Road, Fiskerton Road, Kennel Lane and in the villages.
- (d) Stopping up of Hawthorn Road and impact on access to Reepham Primary School and Cherry Willingham Primary and Secondary Schools.
- (e) Stopping up of Hawthorn Road and the impact on access to the Carlton Centre, Bunkers Hill and Nettleham Fields.
- (f) Stopping up of Hawthorn Road and lack of NMU access between Bunkers Hill / Wragby Rd and the A158 east of proposed LEB and a lack of crossing facilities at the Wragby Road / LEB Roundabout.
- (g) Stopping up of Hawthorn Road and impact on access to surrounding villages including Cherry Willingham, Reepham and Fiskerton.
- (h) Impact on the Hospice for those travelling from surrounding villages.
- (i) Congestion at Wragby Road Roundabout.
- (j) Emergency Services Response Times.
- (k) Housing Growth not considered.
- (l) Safety of LILO Junction / Speed of vehicles leaving LEB and trying to get onto LEB
- (m) Cost Differential of NMU and Road Bridge Schemes has reduced
- (n) Public Transport will be less attractive or non effective.
- (o) Historic nature of Hawthorn Road.

If any additional matters are raised during evidence the Council will seek to address those at the Inquiry.

### **Grounds of Objection**

- (a) The Closure of Hawthorn Road

### **Council's Response**

- (a) The proposed Hawthorn Road junction design includes a left in left out junction which will allow vehicles travelling from areas east of the

scheme to continue west into Lincoln via the LEB. For journeys towards Cherry Willingham, Reepham and Fiskerton vehicles will instead be able to travel along the A15 Bunkers Hill and join the LEB at its northern most junction before leaving at the Hawthorn Road Junction to continue their journey along Hawthorn Road. In addition the alternative routes of Greetwell Road and Kennel Lane also exist. The current NMU route is maintained by the provision of the bridge over the LEB. As a result, the overall impact on journeys either by pedestrians, cyclists or vehicles will be minimal.

The scheme has been designed to ensure that the impact of stopping up Hawthorn Road is minimised. Provision was made in the LEB to cater for NMU's and the provision of the NMU bridge will accommodate all NMU movements across Hawthorn Road.

The previous Inspector concluded on this question at paragraph 8.63 of the report which was accepted by the Secretary of State. The Inspector concluded in respect of the legal test which has to be met that *“On balance I conclude that for people travelling by motor vehicle reasonably convenient routes will be available or will be provided to compensate for the proposed stopping up of Hawthorn Road.”* Nothing has changed which would lead to a different conclusion being drawn now.

In reaching that conclusion the Inspector took into account all the evidence presented to her during the Inquiry including those claims that the alternative routes were not safe or were subject to adverse weather conditions, the views of the emergency services, the length of journeys and journey times as well as housing growth and the respective costs involved.

## **Grounds of Objection**

- (a) NMU severance as a result of Hawthorn Road being stopped up and a lack of NMU cycle and pedestrian facilities across LEB.

## **Council's Response**

- (b) The scheme has been designed to ensure that any severance caused by the LEB is minimised and mitigated against. As such the scheme design includes a number of bridges and crossing points located along each section of the LEB that will enable cyclists and pedestrians to cross the scheme safely. Specifically it includes:

- The Hawthorn Road Bridge will maintain the NMU access along Hawthorn Road. This will allow pedestrians and cyclists travelling towards Cherry Willingham, Reepham or Lincoln to cross the scheme unhindered and continue to utilise the cycle and pedestrian route that runs alongside Hawthorn Road;
- The Greetwell Road Footbridge which will provide a safe crossing of the LEB at the junction with Greetwell Road;
- The Lincoln Road subway which will provide a safe route under the LEB for those travelling along Lincoln Road.
- The Bloxholm Lane bridge which will link into Bloxholm Lane and provide a safe crossing of the LEB and negate the need to cross at the junction of the LEB and A15.
- In addition although the scheme will not include a direct NMU crossing at its junction with Washingborough Road it will provide access from the NMU route to the Sustrans route which runs in parallel to Washingborough Road. This provides a safe east west route for those travelling into Lincoln from Washingborough. The scheme also includes an NMU route that runs in parallel to the single carriageway road. This will provide a new north south route

within this area of Lincoln that will link into the Sustrans route which runs in parallel to Washingborough Road. Uncontrolled crossing points are provided at all junctions.

### **Grounds of Objection**

- (c) Stopping up of Hawthorn Road and impact on traffic flows along Wragby Road, Fiskerton Road, Kennel Lane and in the villages.

### **Council's Response**

- (c) The change in traffic flows on the existing network with and without the scheme has been assessed and this has included assessing the potential changes on Wragby Road, Kennel Lane, Fiskerton Road and the surrounding villages.

The data identifies that there is expected to be an increase in traffic flows along Wragby Road and Fiskerton Road resulting from traffic routing changes associated with the scheme. However, it is not anticipated that these changes will have any significant detrimental effects. The data also identifies that traffic flows along Kennel Lane are forecast to decrease as a result of traffic using alternative routes including the LEB.

It is important to note that the scheme design includes a left in left out junction at Hawthorn Road that will allow vehicles from villages located to the east of the scheme to continue their journeys into Lincoln via the LEB. For vehicles travelling towards Cherry Willingham and Reepham from Lincoln, they will be able to travel along the A15 Bunkers Hill, join the LEB at its northern most junction and use the left in left out junction to continue their journey along Hawthorn Road. Although there will be

an impact on access along Hawthorn Road the overall effect on access to and from the villages located to the east of Lincoln will be minimal.

Overall, following the introduction of the LEB some average traffic flows on local roads are forecast to increase while others will decrease. However, the net impact will be significant overall benefits with many more benefiting than having a negative impact.

### **Grounds of Objection**

- (d) Stopping up of Hawthorn Road and impact on access to Reepham Primary School and Cherry Willingham Primary and Secondary Schools.

### **Council's Response**

- (d) In relation to vehicular access the scheme design includes a left in left out junction at Hawthorn Road that will allow vehicles from villages located to the east of the scheme to continue their journeys into Lincoln via the LEB. For vehicles travelling towards Cherry Willingham and Reepham, they will be able to travel along the A15 Bunkers Hill, join the LEB at its northern most junction and use the left in left out junction to continue their journey along Hawthorn Road. Alternatively, they could use Kennel Lane and Wragby Road. This means that the overall impact of stopping up Hawthorn Road on access to the schools located in Reepham and Cherry Willingham is expected to be minimal. In addition, the Lincoln Carlton Academy (Primary School) on Carlton Boulevard opened in 2014 and as a consequence, in the future, the need for primary age school children living in the north-east part of Lincoln to use Reepham and Cherry Willingham Primary Schools (and hence to cross the line of LEB) will be reduced.

As part of the design the Council has included a bridge crossing at Hawthorn Road that will allow pedestrians and cyclists travelling toward the schools in Cherry Willingham and Reepham to cross the scheme and continue to utilise the cycle and pedestrian route that runs alongside Hawthorn Road. This will ensure that there is no pedestrian or cyclist severance as result from stopping up Hawthorn Road on the western side of the LEB.

### **Grounds Of Objection**

- (e) Stopping up of Hawthorn Road and the impact on access to the Carlton Centre, Bunkers Hill and Nettleham Fields.

### **Council's Response**

- (e) The scheme design includes a left in left out junction at Hawthorn Road that will allow vehicles from villages located to the east of the scheme to continue their journeys into Lincoln via the LEB. For vehicles travelling towards Cherry Willingham and Reepham, they will be able to travel along the A15 Bunkers Hill or the existing Bypass, join the LEB at its northern most junction and use the left in left out junction to continue their journey along Hawthorn Road.

The resulting impact on vehicular access to Carlton Centre, Bunkers Hill or Nettleham Fields will be minimal. There will be no disruption to traffic travelling eastwards from Lincoln as the primary access point to the centre is from the B1308 (Outer Circle Road) and this will be unaffected by the stopping up of Hawthorn Road. Traffic travelling from the villages located to the east can currently use Hawthorn Road to join the A15 and then the B1308 or travel through the residential estate via St

Augustine Road. The stopping up of Hawthorn Road will mean that vehicles will be able to join the LEB at the Hawthorn Road junction and travel to the centre via Greetwell Road and the B1308. Alternatively, they could use Kennel Lane, Wragby Road and Bunkers Hill to access the B1308, or travel down to Greetwell Road and then return northwards via the LEB. The likely impact on journey times has been assessed and, although some journeys will take longer than they would without the proposals, others will be shorter.

### **Grounds of Objection**

- (f) Stopping up of Hawthorn Road and lack of NMU access between Bunkers Hill / Wragby Rd and the A158 east of proposed LEB and a lack of crossing facilities at the Wragby Road / LEB Roundabout.

### **Councils Response**

- (f) Provision was made in the LEB to cater for NMU's including the bridge at Hawthorn Road. That provision will allow pedestrians and cyclists travelling towards Cherry Willingham, Reepham or Lincoln to cross the scheme and continue to utilise the cycle and pedestrian route that runs alongside Hawthorn Road. This will provide a safe and convenient crossing and negate the need for pedestrians to cross at the Wragby Road Roundabout. Pedestrians and cyclists will be able to use the NMU route located on either side of the scheme between Wragby Road and Hawthorn Road (this provides a link to Wragby Road) and cross the LEB at the Hawthorn Road Bridge instead of attempting to cross the scheme at the junction with Wragby Road. Users of Public Footpath 140 (severed by the scheme) will be able to use a similar route via the new NMU bridge as a connection is provided to the NMU route on both sides of the LEB.

### **Grounds of Objection**

- (g) Stopping up of Hawthorn Road and impact on access to surrounding villages including Cherry Willingham, Reepham and Fiskerton.

### **Council's Response**

- (g) The scheme has been designed to ensure that the impact of stopping up Hawthorn Road on vehicles, pedestrians and cyclists is minimised. The scheme design includes a left in left out junction at Hawthorn Road that will allow vehicles from villages located to the east of the scheme to continue their journeys into Lincoln via the LEB. For vehicles travelling towards Cherry Willingham and Reepham they will be able to travel along the A15 Bunkers Hill, join the LEB at its northern most junction and use left in left out junction to continue their journey along Hawthorn Road. This means that the impact (including the environmental impact) of stopping up Hawthorn Road on journeys towards Cherry Willingham, Reepham, Fiskerton and Lincoln either by pedestrians, cyclists or vehicles will be minimal. Provision is made in the LEB to cater for NMU's that will allow pedestrians and cyclists travelling towards Cherry Willingham, Reepham or Lincoln to cross the scheme safely and continue to utilise the cycle and pedestrian route that runs alongside Hawthorn Road.

### **Grounds Of Objection**

- (h) Impact on the Hospice for those travelling from surrounding villages.

### **Council's Response**

- (h) Although Hawthorn Road will be closed to through traffic, the Hospice will still be accessible via a number of other routes including Greetwell Road, Kennel Lane and Wragby Road. For those travelling from the hospice towards the surrounding villages, they will be able to join the LEB at its northern most junction and use the left in left out junction to continue their journey along Hawthorn Road. The likely impact on journey times has been assessed and, although some journeys will take longer than they would without the proposals, others will be shorter. Those travelling to and from the hospice further to the south of Lincoln will benefit from being able to use the LEB as opposed to traveling through the city centre.

### **Grounds of Objection**

- (i) Likely congestion caused by the location of Hawthorn Road junction in relation to Wragby Road Roundabout.

### **Council's Response**

- (i) The Hawthorn Road Junction design includes a diverge lane from the LEB which will ensure that the impact of the vehicles slowing to turn left onto Hawthorn Road is minimised. The diverge lane provides the necessary additional capacity at the junction to allow vehicles travelling straight ahead not to be delayed by those turning left.

### **Grounds of Objection**

- (j) Emergency Services Response Times to Cherry Willingham, Fiskerton and Reepham will be increased by the closure of Hawthorn Road

### **Council's Response**

- (j) This is not the Council's understanding. All three emergency services are currently supportive of the scheme and the benefits it creates.

### **Grounds of Objection**

- (k) Housing Growth not considered.

### **Council's Response**

- (k) Future housing demands have been included in the traffic modelling based on the growth promoted in the development plan.

### **Grounds of Objection**

- (l) Safety of LILO Junction / Speed of vehicles leaving LEB and trying to get onto LEB

### **Council's Response**

- (l) The junction is designed to national standards.

### **Grounds of Objection**

- (m) Cost Differential of NMU and Road Bridge Schemes has reduced.

### **Council's Response**

(m) There remains a substantial cost difference between the NMU bridge and the road bridge. Although the cost differential between the two structures is an important consideration, there are other factors to consider. These include:

- costs arising as a result of the delay to the scheme, particularly the delay introduced by seeking a new planning permission to reintroduce a road bridge
- Construction cost increases following changes in the economy and the construction market
- Any other consequential impacts of introducing a road bridge.

### **Grounds of Objection**

(n) Public Transport will be less attractive or non effective.

### **Council's Response**

(n) There are currently no scheduled regular bus services on Hawthorn Road between The Carlton estate area and Cherry Willingham and so the proposals for Hawthorn Road will not directly impact on any scheduled regular local bus services. The main bus operator in Lincoln, Stagecoach, provided a letter of support for the Business Case for the scheme to DfT in 2011. This was on the basis of the improvements in service reliability, journey times and efficiency that LEB would help deliver. Stagecoach expects the proposals for the Hawthorn Road junction to result in only minor impacts on routing of school bus services.

## **Grounds of Objection**

- (o) The historic nature of Hawthorn Road is compromised by stopping it up.

## **Council's Response**

- (o) Certain objectors have raised the existence of the Hawthorn Road as an historic route as a matter that would support the view that it should be retained in its current state. That suggestion was not raised as a material factor at any time during the consideration of the earlier Orders nor did it appear as part of the environmental assessment despite the fact that a full Environmental Impact Assessment was carried out in accordance with the appropriate requirements. At the previous inquiry the Council did not need to adduce evidence in respect of it as part of the case presented to that Inquiry as that point was not mentioned. In any event given that the route of the replacement NMU bridge will follow a very similar alignment to that which is being removed that general corridor, if it is an historic route is being maintained for all permitted users. In fact the removal of vehicular traffic might more properly be said to reflect any historic use of the road. In addition the Council is not aware of any particular designation or status which that road enjoys when compared with many similar roads in the County and is not aware of the need for any additional provision to be made on that basis. The Council is, however willing to consider that matter further and will produce evidence as to the historic status and interest of the road if that is demonstrated and proves to be necessary.

### **14.6.2 There are a number of other Objections raised to the Scheme**

#### **(1) Grounds of Objection**

- (a) Downgrading of LEB to a single carriageway.

**(1) Council's Response**

- (a) The LEB was downgraded from a dual carriageway to a single carriageway scheme as a result of the reduced level of funding available from central government. As a result of the financial constraints placed on the scheme the Council had to look at what measures could be implemented to reduce the total scheme costs. The significant nature of the savings that were required meant that downgrading the scheme to a single carriageway was the only option that would reduce the total costs to a point that would enable the scheme to be taken forward. The single carriageway will continue to provide the same benefits as the dual carriageway in the short to medium term. In addition a number of items were retained to reduce the impact of dualling the scheme at some point in the future.

**(2) Grounds Of Objection**

- (a) Radial routes (Hawthorn Rd & Greetwell Fields) from eastern villages and Lincoln will be lost resulting in longer journeys and inhibiting cyclists.

**(2) Council's Response**

- (a) Provision was made in the LEB to cater for NMU's and the crossing at Hawthorn Road will remove the NMU severance resulting from stopping up Hawthorn Road and maintain the existing east-west cycling and pedestrian route. In addition the scheme will include an NMU route that runs in parallel to the LEB that can be accessed from Hawthorn Road adjacent to the current access point with Greetwell Fields. The NMU route will run south to Greetwell Road where a footbridge will provide

access over the LEB to a point adjacent to the existing Greetwell Road Greetwell Fields junction. In addition the current Greetwell Fields route will be replaced by a new bridleway along the eastern side of the LEB to connect Hawthorn Road to Greetwell Road. Therefore the impact on existing journeys along Greetwell Fields will be minimal.

### **(3) Grounds Of Objection**

- (a) Impact on congestion at Wragby Road, and Greetwell Road and Wragby Road roundabouts.

### **(3) Council's Response**

- (a) The change in traffic flows on the existing network with and without the scheme has been assessed and this has included assessing the potential changes on Wragby Road. The data identifies that there is expected to be an increase in traffic flows along Wragby Road resulting from traffic routing changes associated with the scheme. The impact of the increased traffic flows on the Wragby Road / LEB junction and Greetwell Roundabouts have also been assessed and the analysis demonstrates that the junctions are forecast to operate within absolute capacity within the assessment period.

Overall, following the introduction of the LEB some average traffic flows on local roads are forecast to increase while others will decrease. However, the net impact will be significant overall benefits with many more benefiting than experiencing a negative impact.

### **(4) Grounds of Objection**

- (a) Proximity of LEB to Children's play area and existing houses.

#### **(4) Council's Response**

- (a) Fencing will be provided as part of the scheme to restrict access from the children's play area to LEB. The provision of noise mitigation in the form of bunds and acoustic fencing) will also limit access. Access to the NMU route will be maintained.

#### **(5) Grounds Of Objection – Cycling Objections**

- (a) Radial routes (Hawthorn Rd & Greetwell Fields) from eastern villages and Lincoln will be lost resulting in longer journeys and inhibiting cyclists.
- (b) NMUs from N / NE Lincoln will not be able to access Hawthorn Road footpath to travel towards Cherry Willingham / Reepham.
- (c) No NMU access from Bunkers Hill / A158 Wragby Rd to A158 eastwards without crossing LEB;
- (d) No access between NMU route and Washingborough without crossing LEB;
- (e) No access from NMU route onto Heighington Road;
- (f) At Sleaford Rd Roundabout there is no NMU access west without crossing A15 or east without crossing LEB;
- (g) NMUs will not be able to use Greetwell Fields Rd southeast towards Greetwell Rd;
- (h) NMU travel along Greetwell Rd is hazardous, NMUs will be forced to travel along Greetwell Rd as a consequence of stopping up Hawthorn Rd.

## **(5) Council's Response**

- a) In addition the scheme will include an NMU route that runs in parallel to the LEB that can be accessed from Hawthorn Road adjacent to the current access point with Greetwell Fields. The NMU route will run south to Greetwell Road where a footbridge will provide access over the LEB to a point adjacent to the existing junction between Greetwell Road and Greetwell Fields. Therefore the impact on existing NMU journeys along Greetwell Fields is expected to be minimal as an alternative route will be provided. Provision is made in the LEB to cater for NMU'S which will remove NMU severance resulting from stopping up Hawthorn Road and maintain the existing cycling and pedestrian route.
  
- (b) As described in a) the Council is committed to providing the bridge crossing at Hawthorn Road that will maintain the existing cycling and pedestrian route along Hawthorn Road.
  
- (c) As described in a) and b) the Council is providing the bridge crossing at Hawthorn Road that will maintain the existing cycling and pedestrian route along Hawthorn Road. This will allow those travelling from Bunkers Hill to cross the LEB and join the footpath that provides a link to the A158 to the east of the scheme.
  
- (d) Although the scheme design does not include a direct NMU crossing of the LEB at its junction with Washingborough Road it does enable access from the NMU route to the Sustrans route which runs in parallel to Washingborough Road. This provides a safe east west route into Lincoln from Washingborough for NMUs and will negate the need to use Washingborough Road and the need to cross LEB at this point. Uncontrolled crossing points around the roundabout are provided for those users wishing to join the footway along Washingborough Road.

- (e) The scheme design includes a link from the LEB NMU route to Heighington Road, in addition a footway/cycleway is included as part of the Heighington Road Overbridge design. This will allow NMUs to continue to use Heighington Road without the need to cross the LEB at grade.
- (f) The scheme design includes a footbridge over the LEB that links into Bloxholm Lane and the existing footway at alongside the A15 at Bracebridge Heath. This provides a safe crossing across the LEB and around the junction with the A15. It is important to note that there is currently no footway southeast of the junction with Bloxholm Lane and therefore a crossing at this point would not be appropriate.
- (g) As described in a) NMUs will be able to access the LEB NMU route from Hawthorn Road at a point adjacent to the existing junction with St Augustine Road / Greetwell Fields. The route runs south to Greetwell Road where a footbridge provides access over the LEB to a point adjacent to the existing junction between Greetwell Road and Greetwell Fields. Therefore the impact on NMU existing journeys along Greetwell Fields will be minimal as an alternative route is provided.
- (h) As described in a) and b) the Council is committed to providing an additional bridge crossing at Hawthorn Road that will maintain the existing cycling and pedestrian route along Hawthorn Road. This will enable NMUs to continue to use Hawthorn Road.

## **15 List of Documents**

- (1) Inspectors report to the Secretary of State for Transport dated 30<sup>th</sup> April 2014
- (2) Secretary of State decision letter dated 8<sup>th</sup> July 2014

- (3) Undertakings to Public Inquiry held in February 2014

#### Policy Documents

- (4) Highways Act 1980
- (5) Acquisition of Land Act 1981
- (6) National Planning Policy Framework
- (7) East Midlands Regional Plan March 2009 \*
- (8) Central Lincolnshire Core Strategy Issues and Options 2010 \*
- (9) Central Lincolnshire Local Plan Core Strategy Partial Draft Plan for Consultation June 2012 \*
- (10) Central Lincolnshire Local Plan Core Strategy Partial Draft Plan for Consultation: Area Policies for Lincoln, Gainsborough and Sleaford dated January 2013 \*
- (11) City of Lincoln Local Plan (adopted August 1998)
- (12) North Kesteven District Council Local Plan (adopted 2007)
- (13) West Lindsey Local Plan First Review (adopted June 2006)
- (14) First Local Transport Plan \*
- (15) Second Local Transport Plan 2006/7 to 2010/11 dated March 2006 \*
- (16) Third Local Transport Plan 2011/12 to 2012/13 dated April 2011 \*
- (17) Fourth Lincolnshire Local Transport Plan 2013/14 – 2022/23 dated April 2013
- (18) A Transport Strategy for the Lincoln Area (Rev 1) dated February 2008
- (19) Lincolnshire County Council's Business Plan 2012-15 updated February 2013
- (20) Highways and Traffic Guidance Note HAT 34 (Design Standards and Departures for Highway Schemes)
- (21) Road Classification Policy for Lincolnshire
- (22) Provisional A15 Lincoln Eastern Bypass Classification of Main Line
- (23) Greater Lincoln Growth Delivery Plan 2006-2026
- (24) Linking Lincoln (known as the City Centre Masterplan) 2007

#### Planning Application Documents

- (25) Report to Lincolnshire County Council's Planning and Regulation Committee on 18 March 2005
- (26) Report to Lincolnshire County Council's Planning and Regulation Committee dated 18 April 2005
- (27) Minutes of Lincolnshire County Council's Planning and Regulation Committee dated 18 April 2005
- (28) Report to Lincolnshire County Council's Planning and Regulation Committee dated 4 October 2010
- (29) Minutes of Lincolnshire County Council's Planning and Regulation Committee dated 4 October 2010
- (30) Planning Permission reference L/0170/10 dated 14 October 2010
- (31) Planning Application L/0110/13 comprising the application form and supporting documents
- (32) Report to Lincolnshire County Council's Planning and Regulation Committee on 10 June 2013
- (33) Minutes of Lincolnshire County Council's Planning and Regulation Committee on 10 June 2013
- (34) Planning Permission reference L/0110/13 dated 10 June 2013
- (35) Planning Application PL/0194/14 for relocated Hawthorn Road NMU bridge comprising the application form and supporting documents
- (36) Planning Permission reference PL/0245/13 for the original Hawthorn Road NMU bridge dated 15 January 2014
- (37) Planning Application PL/0132/14 for Section 73 application comprising the covering letters and supporting documents
- (38) Central Lincolnshire Local Plan 2011-2036 Preliminary Draft for Consultation October 2014
- (39) A Growth Strategy for Lincoln 2014-2034 published by Lincoln City Council in 2014
- (40) Report to Lincolnshire County Council's Planning and Regulation Committee on 6 October 2014

- (41) Minutes of Lincolnshire County Council's Planning and Regulation Committee on 6 October 2014
- (42) Planning permission PL/0194/14 (L/0643/14)
- (43) Planning Permission PL/0245/13 (W42/131879/14)

#### Funding Documents

- (44) Lincolnshire County Council Major Scheme Business Case Programme Entry November 2009
- (45) Local Authority Major Schemes – Pre Qualification Pool: Expression of Interest
- (46) Best and Final Bid September 2011
- (47) Letter from DfT dated 30 November 2011 confirming Programme Entry Status
- (48) Email from DfT dated 14 December 2011
- (49) Memorandum of Understanding as signed by the Council and the three partner authorities

#### Other documents

- (50) Report to Lincolnshire County Council's Executive 7 October 2014
- (51) Minutes of Lincolnshire County Council's Executive on 7 October 2014
- (52) Resolution of the Executive 7 October 2014
- (53) Clarification of Non Motorised Users and bridleway
- (54) Letter from Secretary of State for Transport
- (55) Letter from Minister of State for Roads
- (56) Letter from Baroness Kramer
- (57) HM Treasury Autumn Statement 2014
- (58) Letters from Emergency Services (Lincolnshire Police 11<sup>th</sup> February 2015, Lincolnshire Fire and Rescue 17<sup>th</sup> February 2015 and East Midlands Ambulance Service 20<sup>th</sup> February 2015)

NOTE \* Indicates a superseded document

Hard copies of these documents are available to view at the offices of Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YS during normal office hours and on Lincolnshire County Council's website.