

LINCOLNSHIRE COUNTY COUNCIL

A46 DUNHOLME AND WELTON JUNCTION IMPROVEMENT

STATEMENT OF REASONS

**LINCOLNSHIRE COUNTY COUNCIL - (A46 DUNHOLME AND WELTON
JUNCTION) COMPULSORY PURCHASE ORDER 2019**

**LINCOLNSHIRE COUNTY COUNCIL - (A46 DUNHOLME AND WELTON
JUNCTION) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2019**

Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YS

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1. Introduction.

- 1.1. This Statement introduces Lincolnshire County Council's ("LCC") published proposals for the provision of the A46 Dunholme and Welton Junction Improvement hereafter referred to as "the Scheme".
- 1.2. LCC propose to construct a new roundabout adjacent to the existing A46 Welton Road at Dunholme to replace the existing T-junction arrangements where the Lincoln Road and Welton Road meet adjacent to the commercial premises at Centurion Garage. The roundabout will be offset to the west of the A46 and will require the diversion of the access roads from the A46 and the Lincoln Road from their current routes to connect with it. As part of the proposals the current access arrangements into the commercial premises will need to be altered for safety reasons. The Scheme is located to the south of the village of Welton and south west of the village of Dunholme. Both villages have been identified in the Central Lincolnshire Local Plan ("CLLP") as being able to accommodate substantial residential growth, which is dealt with in more detail below.
- 1.3. The A46 at this location provides the most direct route into Lincoln from those villages using the most appropriate roads. The T-junction is the means by which the road from Welton connects with the A46 to enable traffic to travel towards the City itself. The commercial premises located in the land between the A46 and the Lincoln Road consists of a variety of buildings in different uses, which are held under different legal arrangements. LCC has found it difficult to ascertain the precise nature of those legal arrangements and so the need arises to ensure that all interests are addressed. There is a repair garage, a car wash and a car sales area along with a storage area and a permitted telecoms tower, although that does not appear to have been constructed. Each of those holdings enjoys rights of occupation and there are different access arrangements to them. There are two access points directly off the A46 Welton Road and two additional access points from Lincoln Road. All access points are within 67 metres of the current T-junction. The two access points on Lincoln Road are 25m and 45m from the junction and the two access points on the A46 are 20m and 64m from the junction. The measurements are taken from the

nose of the splitter island on Lincoln Road to the centre of the private means of access.

- 1.4. This Statement sets out the reasons for building the Scheme for which planning permission has been granted, it justifies and explains the need for the Compulsory Purchase Order to enable land and any other interest in the land that is not within the ownership or control of LCC to be acquired to permit the works to be carried out. The Order made is the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019, ("CPO").
- 1.5. In addition to promoting a CPO, LCC has made the Lincolnshire County Council (A46 Dunhome and Welton Junction)(Classified Road)(Side Roads) Order 2019 ("SRO") in order to carry out works to existing highways as well as private means of access which are necessary to enable the Scheme to be built.
- 1.6. In that respect LCC has identified that in order to deal appropriately with all of the separate rights of access to the various commercial activities within the commercial area it is necessary to provide for private means of access from the public highway to the specific locations within the commercial area where those interests are located. That has necessitated an additional planning application being made to ensure consent exists for that in addition to that required for the original design of the proposals themselves. The proposal in its entirety will be referred to as the Scheme throughout this Statement of Reasons.
- 1.7. Planning permission for the Scheme has been granted in respect of the whole of the Scheme consistent with the description as set out above. The initial planning permission for the roundabout and the diverted access roads (PL/0113/17) was applied for by LCC on the 19th September 2017 and that was granted on the 5th February 2018. Planning permission to cater for the access required to the various interests within the commercial area was applied for on the 17th July 2018 and was granted on the 1st October 2018. LCC identified that it will be necessary to apply for a non- material amendment ("NMA") to the original planning permission. This is in order to allow for certain minor alterations and corrections. The position in relation to the NMA will be updated in the Statement of Case, it should be noted that it has been discussed with the

landowners. The necessary planning permissions required to permit the Scheme to be built are therefore in existence. Those planning permissions did contain conditions but there is no condition in either of the two planning permissions which is likely to impede the delivery of the Scheme as intended. The two planning consents which are all attached as documents to this Statement of Reasons, can be referred to as follows;

- (i). Planning Permission to construct a 60m diameter roundabout along with associated realignment and improvement works to the existing A46 Dunholme - Welton junction including new landscaping, drainage and lighting proposals and the stopping up of part of Lincoln Road and diversion of a public right of way at land at the junction of the A46 Lincoln Road Dunholme Lincoln. Planning reference PL/0113/17 (Document number 16).
- (ii). Planning Permission for the construction of a northern and southern access into a commercial site at the junction of A46 Lincoln Road Dunholme Lincoln. Planning reference PL/0080/18 (Document number 19).

1.8. LCC intends, subject to the decision on the Orders to implement the Scheme at the earliest opportunity and the current programme expects construction to commence during summer 2020.

1.9. This Statement describes the land to be acquired under the CPO and sets out LCC's purpose in seeking acquisition and the justification for the use of compulsory purchase powers. The Statement describes the Scheme and explains the planning position and policy context within which the planning decisions were taken. Other matters are also considered including the Human Rights implications and other special considerations.

1.10. The Statement also describes the SRO and the requirements that arise in order for LCC to construct the Scheme. As indicated above that position is complicated by the need to ensure that access is maintained to the relevant interests within the commercial area following the closure, on safety grounds of the current access arrangements from the A46 Welton Road.

- 1.11. LCC has published this Statement of Reasons to accompany the CPO and the SRO and copies of it will be served directly on all owners and occupiers directly affected by the Scheme as well as various statutory bodies. Copies will be placed on deposit at Lincolnshire County Council, County Offices, Newland Lincoln LN1 1YL and will be placed on the LCC website and at the offices of West Lindsey District Council, The Guildhall, Marshall's Yard, Gainsborough Lincolnshire DN21 2NA.
- 1.12. The purpose underlying the publication of this Statement of Reasons is to explain LCC's proposals and to provide sufficient detail about the extent and nature of the land required for the proposals as well as the effects of the works on side roads, including those that are to be stopped up, to inform those affected as well as others of the effect of the Scheme.
- 1.13. LCC would draw attention to one final matter by way of introduction. In drawing up the detail of the planning application and in producing the Orders in respect of the Scheme LCC has identified one consideration which it is addressing as part of the consideration of the construction of the Scheme itself. LCC has identified that there is a covenant on part of the land required for the Scheme restricting its use and that would need to be removed prior to the Scheme being constructed. The effect of the covenant was to limit the use of the land as an airfield and limit any physical works. The covenant has been formally released in writing by the Ministry of Defence and is therefore no longer of any effect. The beneficiary of the covenant would not therefore be able to enforce it against the Council. There remains an administrative process to follow to have the covenant formally removed from the documentary register and the Land Registry has been approached to carry that out. As presently advised that is still on-going but that administrative process does not affect the ability of LCC to proceed with the promotion of the Scheme.

2. Description of the Land, its Location, Topographical Features and Use.

- 2.1. The location for the proposed new roundabout is approximately 4.5 miles to the north east of Lincoln near to the villages of Welton and Dunholme. The surrounding area is principally in agricultural use through which the current A46 Welton Road and Lincoln Road run. The only non-agricultural activity in the

vicinity is the commercial area in use for a variety of purposes. These consist of the AMS Hand Car Wash and Motor Wise, a used car dealer, both of which front onto Welton Road with Centurion Garage behind fronting onto Lincoln Road. The closest residential properties are to the west at Horncastle Lane and south of Heath Lane, which are approximately 300 metres away measured from Lincoln Road junction to Horncastle Lane junction Dunholme Lodge, which is comprised of a farm and its related outbuildings is approximately 660 metres to the north west measured as a straight line over land from Lincoln Road junction to the centre of the farm complex. The overall impression of the locality is that it is a primarily a rural area with occasional and sporadic development.

- 2.2. The Scheme requires the acquisition of land and interests in respect of which LCC has made the relevant CPO. The land and new rights proposed to be acquired (“the Order Land”) have an area of 7.2 hectares, the extent of which is shown on the plan to the CPO which is comprised of 1 sheet. The Order Land is in three separate freeholds and within the commercial area there are three leasehold ownerships. The agricultural land is owned to the west of the Lincoln Road by Messrs. Wykes and the rest of the agricultural land by the Bourn family. There is one agricultural tenant, trading as Harry Willows, involved with the land needed for the Scheme. LCC is the relevant body in respect of the highways including the verges.
- 2.3. The Order Land for the Scheme is well contained given the nature of the proposal itself. Most of the land needed for the Scheme is located within the field to the west of the Lincoln Road, on which the roundabout will be built. The diversion routes for the access roads to link into that roundabout will also require land acquisition to the south and north of the Lincoln Road. To provide the necessary access to the commercial area land will also be required to provide a new link from the existing but to be diverted Lincoln Road to the west of the commercial site. All the land required is located within the parishes of Dunholme and Scothern within the district of West Lindsey.
- 2.4. The existing A46 Welton Road is fairly level as it runs past the T-junction with Lincoln Road but it rises and falls to create a perceivable hump in the road as it passes east of the commercial area. That hump limits the forward visibility

towards and from the T-junction for traffic on that road. The Lincoln Road as it runs towards the villages has several bends which also limit the visibility for road users. Access from the commercial area into and out of that site is currently available onto both roads with some of the access points in very close proximity to the T-junction itself.

- 2.5. The Scheme will be located within arable fields either side of Lincoln Road and to the west of the current A46. The field east of Lincoln Road rises up the hill to the existing crest on the A46 whereas the field to the west rises up towards the farm and related buildings at Dunholme Lodge. All that land is currently in arable use.
- 2.6. Land use in the immediate vicinity of the Scheme is in two distinct uses. The majority of land is in agricultural use but there is the block of commercial activities centred on Centurion Garage. That area is about 4,210 square metres in size with the uses described above being carried out therein. All the uses on that land are vehicle related namely a garage, a car wash and sales and there is a significant movement of vehicles in and out of the access points. Some of those access points require vehicles wishing to access the commercial site to indicate and slow prior to the T-Junction thereby leading to potentially confusing information being given. Access from the east would require vehicles to stop or pause in the carriageway prior to turning, and a similar effect would be experienced by any vehicle wishing to turn into Lincoln Road from this direction. The area contains a significant number of hedgerows and trees and there is a line of trees marking the boundary of the commercial area.
- 2.7. The principal watercourses in the area of the Scheme comprise a series of existing riparian open ditches in the vicinity which act to drain the land. Those ditches are shallow, and some appear to be in use to drain the car washing facility via a piped drain under the A46. The two main watercourses in the immediate area run to the east and discharge into the Internal Drainage Board ("IDB") Southern North – Fen Drain located approximately 2 km to the south east of the T-junction.
- 2.8. LCC has undertaken a full cultural heritage assessment of the proposal. That assessment is reported in the documents supporting the first planning

application and can be found within Document 14. That assessment demonstrated that there are no scheduled ancient monuments ("SAM's") within the vicinity, no World Heritage Sites, no registered battlefields, no conservation areas or registered parks or gardens and no other matters of interest. That study did identify the existence of one Grade II listed building approximately 346 metres to the south of the Scheme measured in straight line from the nose of the island at Lincoln Road to centre of the barn. That listed building is a detached barn located at South Cliff Farmhouse which will not actually be physically touched by the Scheme. However, given its existence it was assessed within the assessment. It was rated as having an impact of slight significance given the distance from the Scheme, the nature of the intervisibility and current situation. The provision of landscape planting within the Scheme will moderate that impact over time.

- 2.9. There are a number of Public Rights of Way that are within, cross or are close to the Scheme boundary. There is a shared use cycleway located adjacent to the A46, running from the west, which crosses at Horncastle Lane. That cycleway continues into Lincoln Road and will be accommodated within the Scheme. The Scheme has a direct effect on two further rights of way, namely a footpath starting at the current T-Junction and a bridleway to the west running along Horncastle Lane. Only the footpath will be diverted as part of the proposals.

3. The Enabling Powers

- 3.1. The Highways Act 1980, "the 1980 Act", empowers LCC to acquire land compulsorily which it requires to construct and improve the highway.
- 3.2. Section 239 of the 1980 Act enables LCC 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.
- 3.3. Section 240 of the 1980 Act provides that LCC as Highway Authority may acquire land required for the use in connection with construction or improvement of a highway.

- 3.4. Section 246 of the 1980 Act allows LCC to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.
- 3.5. Section 250 of the 1980 Act allows LCC as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 3.6. Section 260 of the 1980 Act allows LCC to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.7. Section 14 of the 1980 Act authorises LCC 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.
- 3.8. Section 125 of the 1980 Act empowers LCC to deal with any private means of access affected by the new road including the provision of a new means of access.
- 3.9. The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable LCC to provide the Scheme that would meet its statutory purposes.

4. A Brief Description of Existing Land Ownership

- 4.1. The Order Land being the land and interests and new rights over land proposed to be acquired compulsorily pursuant to the CPO constitutes approximately 7.2 hectares of land. Other than for land within the existing highway boundaries LCC has not yet acquired any of the land it requires for the Scheme to be built; although LCC has been in discussion with the owners and occupiers of the land affected.
- 4.2. The Order Land is in three ownerships with the majority being in arable use or commercial use, although there is some highway land. Full details of the Order Land appear in the Schedule to the Order. Details of known interests and new rights to be acquired are recorded in the Schedule. The Order Land is in three separate freehold ownerships with three separate leasehold interests within the

commercial area. All land ownership information has been obtained from an inspection of Land Registry title documents and information provided by owners and occupiers following service of requests by LCC under the relevant powers.

4.3. Details of the interest to be acquired and land over which rights are to be acquired are more particularly described in the Schedule annexed to the Order. These include licence areas where land is required to enable construction to take place but where the land is capable of being offered back to the owners on the completion of the works. The areas are set out Table 1 below. The table identifies each plot number in turn and the purpose for which the land is required.

4.4. Table 1

Plot Number	Purpose for which freehold title is required	Description	Areas Sq metres
03	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls including alterations to the water course, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works;	2,735
06	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls including alterations to the water course, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works;	1,406
07	Rights (Coloured Blue)	Essential licence for site construction for the highway, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	525
08	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls including alterations to the water course, a temporary right of	428

Plot Number	Purpose for which freehold title is required	Description	Areas Sq metres
		way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	
10	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls including alterations to the water course, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	438
12	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	1,675
13	Rights (Coloured Blue)	Essential licence for site construction and the construction of a ditch and headwalls, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	557
19	Rights (Coloured Blue)	Essential licence for site construction, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	3,319
20	Rights (Coloured Blue)	Essential licence for site construction and the construction of a sustainable drainage system, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair, maintain and renew the works.	4,239

Plot Number	Purpose for which freehold title is required	Description	Areas Sq metres
21	Rights (Coloured Blue)	Essential licence for site construction, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works, the right to remove the existing pipe, the right to install a pipe up to the depth of 1 metre including the right to drain into the existing riparian ditch, the right to reinstate the land above the pipe;	5,783
22	Rights (Coloured Blue)	Essential licence for site construction , the construction of a ditch, headwalls and including alterations of the existing riparian drain, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works , the right to reinstate the land;	1,455
23	Rights (Coloured Blue)	Essential licence for site construction , the construction of a ditch, headwalls and including alterations of the existing riparian drain, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works;	1,699
24	Rights (Coloured Blue)	Essential licence for site construction, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works , the right to reinstate the land;	379
25	Rights (Coloured Blue)	Essential licence for site construction , the construction of a ditch, headwalls and including alterations of the existing riparian drain, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works;	1,830

Plot Number	Purpose for which freehold title is required	Description	Areas Sq metres
26	Rights (Coloured Blue)	Essential licence for site construction , the construction of a ditch, headwalls and including alterations of the existing riparian drain, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works;	370
27	Rights (Coloured Blue)	Essential licence for site construction , the construction of a ditch, headwalls and including alterations of the existing riparian drain, a temporary right of way to use the land and to enter and remain upon the land for the duration of the works for the purposes of undertaking works, a right to use the land for the temporary storage of arisings from the works, the right to go onto the land to inspect, repair , maintain and renew the works;	945

4.5. The areas required for site compounds and also construction areas as well as for top soil referred to in Table 1 are necessary to provide the essential means for the Scheme to be carried out as planned.

4.6. Throughout the development of the proposals contained within the Scheme LCC has taken steps to contact and speak with those likely to be affected by the land acquisition necessary for the Scheme to be built. It has undertaken the usual requests to identify all such interests and it is in the light of that it became clear that it was necessary to seek the additional planning permission to provide for the necessary access arrangements. As a result of that LCC has spoken with the owners of the land, namely Messrs H D and B D Wykes, Premier Housing and Messrs and Mrs Bourn as well as the individual tenants either directly or through their agents. LCC remains willing to continue to deal with all those affected persons during the consideration of the Orders following publication.

5. The Need for the Scheme.

- 5.1. The purpose of this section of the Statement of Reasons is to demonstrate the overall need for the Scheme and consequently the need to use compulsory purchase powers. As part of the documentation supporting the applications for planning permission in respect of the provision of the new roundabout and its diverted approach roads planning statements were prepared to explain the basis of the applications being made. Within those statements the key reasons for promoting the Scheme are set out. Those reasons were to enhance the safety of the junction, including the improvement of the visibility for those using it and reducing the effects of congestion and also to manage existing and future planned growth. The grant of planning permission recognises the public benefit which would arise under those headings.
- 5.2. The need for the Scheme can, therefore, be analysed under the following headings: -
- (i). The Transport Problems and Issues:
 - (ii). The growth expectations for Welton and Dunholme:
 - (iii). The resultant need for the Scheme.

The Transport Problems and Issues.

- 5.3. The current arrangements at the T-junction permit traffic on the Lincoln Road to join with and leave from the A46 Welton Road. Both roads are busy in traffic terms, particularly at peak times and whereas the A46 is part of the strategic road network Lincoln Road is a road intended to provide access to the villages. Visibility along the A46 at the point of the T-junction is constrained by the nature of the carriageway and the changes in the alignment of the road as it travels past the junction itself. Those variations limit the ability for any driver to see traffic approaching the junction thereby limiting the ability to use it safely. At peak times that is made more difficult with the increased flows of traffic.
- 5.4. Immediately adjacent to the T-Junction there is the commercial site providing for a variety of road related uses which attract traffic. The access to the commercial site sits adjacent to the T-junction and anyone signalling to turn into

the commercial site can cause confusion to drivers waiting to leave the junction thinking the movement is to be made from the A46 onto Lincoln Road rather than into the commercial site itself. Access from the A46 east into Lincoln Road would require vehicles to stop or pause in the carriageway to give way to the oncoming traffic prior to turning, and a similar confusion with access would be experienced by any vehicle making this manoeuvre.

- 5.5. In addition to those two problems the junction itself is operating beyond the capacity anticipated for a junction of this nature in this location. That is manifested by significant queuing at peak times within Lincoln Road as the traffic tries to exit that road to turn onto the A46.
- 5.6. The problems with the visibility along the A46, the relationship of the access to the commercial site and the T-junction access and the weight of traffic all combine to create hazardous driving conditions. The accident record for the junction, although not determinative in itself, is indicative of a serious problem that requires a remedy. There have been 29 accidents in the vicinity of the junction for the five year period ending on the 31st August 2018 (27 slight and 2 serious). This indicates a high accident record that requires remedying.
- 5.7. The accident data indicates that 27 of the accidents were slight and 2 were serious with the majority occurring in dry weather.

The Growth Expectations for the Vicinity.

- 5.8. The Central Lincolnshire Local Plan, which was adopted in April 2017, allocates a number of sites in and around the villages of Welton and Dunholme for residential development. A total of around 850 additional units will be forthcoming over the plan period, namely;-

Planning permission ref no	Land description	No of dwellings
131087	Land north of Honeyholes Lane, Dunholme	49
131492	Land off Cliff Road/Heath Lane, Welton	63
131681	Land off Prebend Lane, Welton	350

Planning permission ref no	Land description	No of dwellings
131882	Land at Lincoln Road/Honeyholes Road, Dunholme	275
130150	Land east of Hackthorn Road Welton	63
130995	Land adjacent to Halfpenny Close	50
Total dwellings		850

5.9. Given the location of these named sites it is probable that a significant proportion of any traffic being generated by those sites will use the A46 Lincoln Road junction for part of its journey. A Ratio of Flow to Capacity ("RFC") analysis has been undertaken to model and examine the situation should that junction be used as anticipated with the additional development in place. The results show that with the junction as it currently exists the A46 Welton Road would continue to operate but that the Lincoln Road would cease to be effective. RFC values of 1.55 for left turners onto A46 and 1.72 for right turners have been shown with consequential queuing lengths of 6 vehicles (1720 second delay) and 152 vehicles (1409 second delay) respectively.

5.10. The growth ambitions cannot be met without improving this junction in order to allow for the additional movements. The National Product Investment Fund ("NPIF") bid draws specific attention to the fact that the proposal will support the delivery of five key housing projects delivering a significant number of dwellings over a large area of land. The developers of some of those areas have written letters of support for the provision being made.

The Need for the Scheme.

5.11. The overall need for the Scheme arises therefore from a combination of wishing to deal with an existing traffic problem which is resulting in unsafe driving conditions and the ability to allow for future growth to occur which will provide additional dwellings.

5.12. The need for the Scheme can be summarised under the following headings:-

- (i). Safety: The Scheme makes improvements to visibility at the junction through changes to both the horizontal and vertical alignment, including the removal of the crest of the hill on the A46. In addition, the closure of the direct access points from the A46 into the commercial site will remove any driver confusion at this point by removing driver conflict;
- (ii). Visibility: The highway alignment has been designed in accordance with vertical and horizontal standards set out within the standards for the Design Manual for Road and Bridges ("DMRB") for a 60 mph carriageway for both the approach roads and on the roundabout;
- (iii). Congestion: The highway capacity has been increased through the provision of the proposed junction that has been designed for 15 years growth in accordance with guidance;
- (iv). Managing future growth: The Scheme makes provision for the proposed residential development through an increase in highway capacity by adopting the enhanced design approach;

5.13. In addition, current existing provision for Non-Motorised Users ("NMU") has been maintained in an appropriate way, including the diversion of the public Footpath so that the splitter island can be used to cross the carriageway.

6. Description of the Scheme.

6.1 The Scheme is for a roundabout adjacent to the west of the current junction along with the partial realignment of the A46 to the south west and realignment of the Lincoln Road to the south to connect into the new roundabout. Access to the commercial site would be via an access onto the existing Lincoln Road with no direct access being provided from the A46 for safety reasons. Private means of access would be provided to all locations to replace any lost by the proposals, and that would include those contained within the second planning permission via a new access from the west.

6.2. The Scheme will also change the vertical alignment of the A46 to the east of the T-junction in order to remove the crest of the hill and thereby improve forward visibility to and from the roundabout. The public right of way affected will be closed as required before being diverted and reopened to follow a

different route. The footpath from the south will be diverted to the roundabout to allow for pedestrians to cross via the splitter island to make the position safer.

6.3 Some hedgerow will be lost to the Scheme proposals but as much as possible will be re-provided to maintain the current feel to the area. Appropriate landscape mitigation proposals are an integral part of the Scheme and they will be provided as part of the proposals. A modern sustainable drainage system will be put in place and modern efficient LED street lights with controlled light distribution optics will be used to minimise night time glare.

6.4. Funding is in place for the Scheme. The estimated costs of the scheme are approximately £5 million. Of this £2 million will be provided from the NPIF and £1.1 million from S106 agreement contribution funding which will be forwarded funded by LCC, with the remaining sums being funded by LCC.

7. The Need for and Justification of the Compulsory Purchase.

7.1. The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable LCC to meet its statutory purposes within the shortest realistic timescale in the most appropriate way.

7.2. LCC recognises that a CPO for the Scheme 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. LCC has made the Order to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve LCC's objectives for the area. Given the history of the development of the Scheme proposals discussions have taken place with landowners affected by the Scheme and LCC intends to continue to discuss matters with the owners of relevant interests in an attempt to reach agreement. In the absence of such agreement the CPO remains necessary to ensure that the Scheme can proceed. Initial contact and discussions with landowners affected by the Order started in summer 2016. The negotiations are being carried out by VINCI/Kier

on behalf of LCC and efforts will continue to acquire land by voluntary means until such a time as the Order may be confirmed. Initial contact and discussions with landowners affected by the Order started in the summer of 2016 and were undertaken by VINCI/Kier on behalf of LCC to try to acquire the land by agreement. Those discussions were undertaken with Messrs H D and B D Wykes, the Bourn Family and Premier Housing. In addition discussions have been undertaken with Centurion Garage, AMS Hand Car Wash and Motorwise as tenants within the premises.

7.4. LCC has given careful consideration to the reasons as to why it is necessary to include the land and new rights described in the Order and shown on the Order Map. All known or reputed freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with the LCC with a view to agreeing appropriate terms for acquisition of the land and new rights required.

7.5. The CPO is necessary to facilitate the Scheme and satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act. The Scheme will meet the objectives underlying its promotion.

7.6. The above explains why it is necessary to acquire land as shown in the CPO to allow the Scheme to proceed and without it the Scheme cannot be built. On confirmation of the Order, LCC intends to either serve a Notice (or Notices) to treat or execute one or more General Vesting Declarations, in order to secure the unencumbered title to the Order Land.

8. The Need for and Justification of the Side Roads Order.

8.1. The purpose of the SRO is to maintain access to all land and property directly affected by the Scheme 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 LCC is promoting the SRO.

8.2. In the context of the Scheme the SRO is intended to stop up three private means of access to the commercial area adjacent to the Welton Road (identified on the plan with the numbering 3,5,6) and to re-provide that access by different means (identified on the plan with the lettering b,c,d) . Maintenance of the current arrangements would not be safe and cannot therefore be permitted as part of the Scheme and accordingly some alternative arrangement is required. The SRO enables that to be provided as shown within the planning permissions.

8.3. In addition, there are further matters contained within the SRO, namely;-

- Diversion of Public Footpath 1035 Dunholme to create a safer crossing point across from the splitter islands on A46 Welton Road (identified on the plan with the letter B).
- Stopping up of private means of access on both Lincoln Road (northern side) (identified on the plan with number 1) Welton Road (southern side) (identified on the plan with number 4) that access agricultural land with no new means of access being provided as none are necessary.
- Stopping up of a private means of access on Lincoln Road (southern side)(identified on the plan with number 2) that access agricultural land with a new means of access being provided off the old Lincoln Road (identified on the plan with the letter a).
- The stopping up of the southern section of Lincoln Road so as to prevent access into the new road layout.
- The stopping up of the northern section of Lincoln Road as the highway will be no longer required as public highway.
- The stopping up of part of the Welton Road to allow for the construction of the roundabout

9. The Planning Position.

9.1. Planning permission has been sought and obtained for the Scheme. It is in the form for the reason explained above. Those planning permissions reflect the planning guidance relevant at the time of the consideration of the applications and that remains the same today, subject to one matter. At the time the application was made for the roundabout element the national planning policy

was comprised within the 2012 version of the National Planning Policy Framework ("NPPF"). The application was accordingly made under that guidance and it was granted. Since that time the advice has been replaced with the 2018 version and more recently by the 2019 version of the NPPF. The revised versions have not altered the national advice in so far as it relates to the Scheme other than strengthening the need to provide for housing development.

9.2. The NPPF sets out the Government's planning policies and how these are expected to be applied. It is supported by technical guidance related to flood risk and minerals, as well as planning practice guidance online. The main aim of the NPPF is to achieve sustainable development, indeed it indicates that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

9.3. The Development Plan for West Lindsey District Council is currently made up of the Central Lincolnshire Local Plan, adopted in April 2017 (Document 4), as well as a number of Neighbourhood Plans. Applicable to the proposed scheme are the Dunholme Parish Neighbourhood Development Plan, adopted January 2017 (Document 5), and the Welton-by-Lincoln Neighbourhood Plan, adopted September 2016 (Document 6).

9.3. 1. The *Central Lincolnshire Local Plan ("CLLP")* was adopted in April 2017 and it provides the planning framework for several districts within the county of Lincolnshire, including West Lindsey. The CLLP is underpinned by an aspiration for sustainable growth in homes, jobs and services and facilities and policies to ensure that infrastructure is provided at the same time as new homes.

9.3.2. *The Dunholme Neighbourhood Development Plan ("DNNDP") establishes a vision for the future of Dunholme, setting out how that vision will be realised through planning and controlling land use and development change.*

Policy 16- "Road upgrades and improvements" of the DNDP states that:

"Proposals that seek to upgrade and enhance the three junctions onto the A46 at Scothern Lane, Lincoln Road and Market Rasen Road will be supported."

The proposed scheme provides an upgrade and enhancement to the A46/Lincoln Road junction therefore complies with the intentions of the DNDP.

9.3.3. *The Welton-by-Lincoln Neighbourhood Plan ("WNP") establishes a vision for the future of Welton and covers the period 2015-2035. In relation to the A46/ Lincoln Road junction, the WNP states that:*

"Residents have continuously expressed a strong view in not just the consultations for WNP, but in previous consultations, about this junction. Lincolnshire County Council, in response, has made known their intention to upgrade the junction at the earliest opportunity."

The proposed scheme provides an upgrade and enhancement to the A46/Lincoln Road junction therefore complies with the intentions of the WNP.

9.4. The 4th Lincolnshire Local Transport Plan ("LLTP"), adopted in April 2013, sets out the policies and strategies for the improvement of transport infrastructure in the county, reflecting national and local initiatives. Within the LLTP, the A46 is identified as a principal A-road within the network. The proposed scheme meets several objectives of the LLTP including the requirements to:

- *"assist the sustainable economic growth of Lincolnshire, and the wider region, through improvements to the transport network"*

The proposed scheme represents an improvement to the existing transport network.

- *"make travel for all modes safer and, in particular, reduce the number and severity of road casualties"*

The proposed scheme addresses the high accident rate at the junction by improving visibility and reducing driver confusion, as well as providing a junction that has been designed for 15 years growth in accordance with the DMRB.

- *"maintain the transport system to standards which allow safe and efficient movement of people and goods"*

The proposed scheme has been designed to LCC highway design standards and has been accepted by the Lincolnshire Road Safety Partnership.

- *"protect and enhance the built and natural environment of the county by reducing the adverse impacts of traffic, including HGVs."*

The proposed scheme minimises any impact on the natural environment and in instances where this has been identified through assessment, effective mitigation is proposed. For instance, the landscape scheme and drainage strategy seek to increase biodiversity through the introduction of a balancing pond that forms part of the sustainable drainage system ("SuDS") whilst also incorporating ecological features. Furthermore, Stage 3, 4 and 5 safety audits will be undertaken post construction.

10. Draft Orders and Programme

10.1. The Scheme will be implemented by LCC. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in the summer of 2020. The works are currently programmed to take approximately 9-12 months years from starting on site to completion.

10.2. LCC is of the view that summer 2020 is the earliest possible start date allowing for the successful completion of the Orders and that is the timescale that LCC has been using in discussions with land and business owners affected by the scheme.

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

11. The Human Rights Act 1998.

11.1. LCC has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998. 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.

11.2. In resolving to make the Orders, LCC 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.

11.3. 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.

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

Article 8.

11.5. 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.

- 11.6. 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.
- 11.7. 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”. Both public and private interests are to be considered in the exercise of the LCC’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, LCC 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 Scheme, 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. LCC supports the Scheme and its statutory obligations, rights and powers have been taken into account in the development proposals.
- 12.2. Funding is in place for the Scheme. The estimated costs of the scheme are approximately £5 million. Of this £2 million will be provided from the National Product Investment Fund ("NPIF") and £1.1 million from S106 agreement contribution funding which will be forward funded by LCC, with the remaining sums being funded by LCC.

12.3. Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme. The affected Statutory Undertakers consist of the following bodies. The current position in respect of each of those bodies is as follows: -

Anglian Water – detailed design in progress but no order for the works has been made – diversion works to be carried out during the build

Western Power Distribution- detailed design in progress but no order for the works has been made. The raising of the overhead lines will be carried prior to the start of the works and the electricity supply for the street lighting during the works

British Telecom - detailed design in progress but no order for the works has been made - diversion works to be carried out during the build

12.4. There are no ancient monuments affected by the Scheme and there is no Conservation Areas affected by the Scheme. The only listed building in the vicinity is as described above.

12.5. Discussions have taken place with relevant local authorities in the vicinity. West Lindsey District Council are supportive of the proposals alongside Welton and Dunholme Parish Councils. The proposal will include alterations at the western end of the existing highway at Horncastle Lane; Scothern Parish Council will be consulted about these proposals.

13. Contacts and Additional information.

13.1 Owners and Tenants of properties affected by the Orders who require information about the Council's intentions or the process itself can contact Lincolnshire County Council, County Offices, Newlands, Lincoln LN1 1YL, or telephone 01522 782070.

13.2. Copies of the Orders, the Order Maps, Schedule to the Orders and this Statement of Reasons for making the Orders can be inspected during normal office hours at LCC's offices at County Offices, Newland, Lincoln LN1 1YL. Details will also be made available on LCC's website www.lincolnshire.gov.uk.

13.3. Copies will also be available for inspection at the following location, although questions should be directed to LCC for response:-

- (i). West Lindsey District Council, The Guildhall, Marshall's Yard, Gainsborough Lincolnshire DN21 2DH.

14. Documents, Maps or Plans Relied on.

14.1 If relevant and applicable objections are received to the various Orders and a public local inquiry is held, LCC may refer to some or all of the documents set out below. Copies of these documents (or relevant extracts) will be available for inspection by members of the public and can be inspected during normal office hours at LCC'S offices at County Offices, Newland, Lincoln LN1 1YL and also at West Lindsey District Council. LCC reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Orders and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such inquiry. Further LCC may update this list of documents at the time that any Statement of Case is produced.

DOCUMENTS, MAPS OR PLANS BEING RELIED UPON

Legislation

- (1) Highways Act 1980
- (2) Acquisition of Land Act 1981

Planning and Strategy

- (3) National Planning Policy Framework
- (4) Central Lincolnshire Local Plan (CLLP)
- (5) Dunholme Parish Neighbourhood Development Plan (DNDP)
- (6) Welton-by-Lincoln Neighbourhood Plan (WNP)

Transport

- (7) Fourth Lincolnshire Local Transport Plan 2013/14 – 2022/23 dated April 2013
- (8) Road Classification Policy for Lincolnshire
- (9) Highways and Transportation Guidance Notes- Design Standards and Departures for Highway Schemes (Improvements, Maintenance and Developments) (HAT 34)
- (10) LCC Technical Services Partnership Design and Supervision Guide
- (11) Department of Transport Design Manual for Roads and Bridges

Funding documents

- (12) Confirmation letter from the Department of Transport dated 25 October 2017
- (13) Confirmation letter confirming S106 contributions dated 21 March 2019

Other Documents

- (14) Planning Application PL/0013/17
- (15) Officer Report for Planning and Regulatory Committee 5 February 2018 in relation to Planning Application PL/0013/17
- (16) Planning permission PL/0113/17 (Decision Notice)
- (17) Planning Application PL/0080/018

- (18) Officer Report for Planning and Regulatory Committee 1 October 2018 in relation to Planning Application PL/0080/018
- (19) Planning permission PL/0080/018 (Decision Notice)
- (20) Circular 02/97
- (21) Guidance on compulsory purchase process and the Critchel Down Rules : Guidance –dated February 2018
- (22) Highways Transport Scrutiny Report dated 21 January 2019 and Minutes of the meeting
- (23) Lincolnshire County Council Report to the Executive dated 5 March 2019 and Decision Notice of the meeting

Drawings

- (24) Compulsory Purchase Order plan – D/HCAPR0024/01/CPO/100
- (25) Side Roads Order – B/HCAPR0024/01/SRO/004