

Scheme Name:

North Hykeham Relief Road

Promoting Authority:

Lincolnshire County Council

Orders:

The Lincolnshire County Council (A1461 North Hykeham Relief Road) Compulsory Purchase Order 2024; and The Lincolnshire County Council (A1461 North Hykeham Relief Road) (Classified Road) (Side Roads) Order 2024.

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Author:

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NORTH HYKEHAM RELIEF ROAD

PLANNING - PROOF OF EVIDENCE

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1. INTRODUCTION

- 1.1.1 My name is Ian Jeffrey Grimshaw and I am presenting expert planning evidence in relation to the North Hykeham Relief Road (NHRR). I am appointed by Lincolnshire County Council Highways to give evidence to the public inquiry into the Compulsory Purchase Order (CPO) **[CD1.1]** and Side Roads Order (SRO) **[CD1.2]**.
- 1.1.2 I have a Bachelor's degree in English from Lancaster University, a Master's degree in Landscape Management from Victoria University of Manchester and a Master of Science Degree with Distinction in Environmental Planning from John Moores University Liverpool. I am a Chartered Town Planner and a Chartered Landscape Architect.
- 1.1.3 I am a Technical Director at The Environment Partnership (TEP) Limited which I co-founded in 1997 after earlier experience in an environmental planning and design consultancy.
- 1.1.4 I have over thirty years of experience in infrastructure planning including highways, energy, housing and leisure projects. I have presented expert evidence at public inquiries and hearings for planning appeals, compulsory purchase, wayleaves and compulsory land rights, and development consent orders.
- 1.1.5 Prior to commencing work on the NHRR I was the planning witness at the called-in public inquiry into the Parkside Link Road, St Helens which was approved and is now constructed. I have worked with Ramboll on a number of highway schemes including NHRR and the Parkside Link Road.

- 1.1.6 My evidence relates to the planning application process and the compliance of the NHRR Scheme with planning policy. I commenced work on the NHRR in May 2022 and have overseen the preparation and submission of the planning applications.
- 1.1.7 In my evidence I refer to Lincolnshire County Council (LCC) Highways as the applicant and LCC Planning as the planning authority.
- 1.1.8 I provided advice on the development of the NHRR Scheme through its design progression to ensure compliance with planning policy. I liaised with planning officers as the application developed and attended public consultation events and meetings with some of the statutory consultees. I continued to lead the application as conditions are discharged.
- 1.1.9 The evidence provided in this proof of evidence has been prepared and is given in accordance with the guidance of my professional institute The Royal Town Planning Institute and I confirm that the opinions expressed are my true and professional opinions.
- 1.1.10 I refer in my evidence to the Core Documents compiled by LCC Highways identified by the reference in brackets in each case.

2. THE PLANNING APPLICATIONS

- 2.1.1 I explain in this section of my evidence that two planning permissions have been granted for the NHRR development. The second permission is identical to the first except for exclusion of one area of land from the requirement to undertake pre-commencement surveys for the bird species quail.

2.2 Introduction to the Planning Applications

- 2.2.1 The proposed development is described in the evidence of Mr Williams and the Decision Notice **[CD7.1]** sets out the following description of development:

'Construction of the North Hykeham Relief Road (NHRR) between the A46 Hykeham Roundabout and the A15 Sleaford Road Roundabout at the end of the Lincoln Eastern Bypass, with junctions at South Hykeham Road, Brant Road and Grantham Road. The Proposed Scheme will comprise 8km of dual all-purpose carriageway with a 70mph speed limit (120kph design speed) and associated structures, earthworks, drainage, street lighting, traffic signals, utility diversions and installations, pipeline diversion, temporary materials processing, landscaping, and highway features at land between the A46 Hykeham Roundabout and A15 Sleaford Road Roundabout'.

- 2.2.2 The NHRR forms the 'last quarter' of a ring road around the City of Lincoln and has been a long-standing aspiration of the County Council. The Open Report on behalf of the Executive Director for Place to the Planning and Regulation Committee **[CD5.8]** notes that in its introduction that the road and has been the subject of public consultation since 2005 to determine an acceptable route and was previously known as the Lincoln Southern Bypass.

2.2.3 CD7.1 includes the NHRR Public Engagement Report submitted with the planning applications and it sets out the consultation and main decisions prior to my involvement in the Scheme. I summarise these in Table 2.1 below:

Table 2.1: Outline NHRR Scheme History

Date	Activity
Oct 2005	First 'preferred route' consultation
April 2006	Route 2c selected as basis for an Emerging Preferred Route
October 2006	Second 'preferred route' consultation
December 2006	Route 2c endorsed as the relief road's preferred route
July 2017	Funding secured for preparation of an outline business case
June–Sept 2018	Scheme engagement carried out and report published
February 2019	Outline business case complete
February 2019	Funding bid submitted to Midlands Connect
Summer 2029	Midlands Connect sends prioritised list of schemes to Department for Transport (DfT)
November 2020	DfT funding allocation received
April 2022	Balfour Beatty appointed to design and build the new road

2.2.4 The above summarises the long gestation of the proposed NHRR and I note particularly that its approximate route has been fixed since late 2006 albeit in an indicative form with much detail being absent such as the location and nature of the various junctions incorporated into the Scheme or the crossing points of them.

2.2.5 The Lincoln Transport Strategy 2020 to 2036 **[CD4.3]** identifies the construction of the NHRR as a dual carriageway between the A46 Pennell's (Hykeham) roundabout and the A15 at the Lincoln Eastern Bypass as being a top priority to reduce congestion, facilitate new development and provide better connections to Lincolnshire's coast. An indicative route of the proposed NHRR was safeguarded in the Central Lincolnshire Local Plan adopted in 2017 **[CD4.1]** under Policy LP36

and more recently in the updated Central Lincolnshire Local Plan adopted in 2023 under Policy S46.

2.3 Decision-Making Body

2.3.1 Due to LCC Highways being the applicant, this application was determined by LCC Planning under Regulation 3 (Town and Country Planning General Regulations 1992) **[2.22]**.

2.3.2 Regulation 3 states: 'Subject to regulation 4, an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned, unless the application is referred to the Secretary of State under section 77 of the 1990 Act for determination by him.'

2.3.3 Regulation 4 states: '*(1) Regulation 3 does not apply in the case of an application for planning permission to develop land of an interested planning authority where—*

(a) the authority do not intend to develop the land themselves or jointly with any person, and (b) if it were not such land the application would fall to be determined by another body.'

2.3.4 LCC Highways intends to develop the land themselves and the application therefore meets the requirements of Regulation 3 and the exceptions in regulation 4 do not apply. The applications were therefore determined properly by LCC Planning.

2.4 Pre-Application Consultation

2.4.1 Extensive pre-application consultation was carried out prior to submission of the first planning application including:

- meetings with landowners and other key stakeholders;
- launch event for local councillors, local authority staff and Parish Councils;
- letters issued to residents;
- online information, questionnaires and opportunities to make representations;
- nine public consultation events held at venues close to the proposed route in three stages at intervals through the development of the project's design with extensive information and attendance of persons engaged in the project to interact with visitors.

2.4.2 The NHRR Public Engagement Report submitted with the planning application **[CD7.1]** provides a comprehensive overview of consultation carried out, feedback received and how the design was influenced by consultation.

2.5 The First Planning Application

2.5.1 The first planning application for the NHRR was validated on 31st October 2023 (Application Number 23/1447/CCC).

2.5.2 Having reviewed the application information, and after receiving representations on the first application from consultees, LCC requested further information to supplement that submitted with the original ES in accordance with Regulation 25 of the EIA Regulations **[CD6.44]**. The further information was submitted on 21 March 2024 and comprised two documents:

- Part A providing the further information requested; and
- Part B providing responses to queries raised in consultation responses.

2.5.3 In summary the information comprised:

- A draft Construction Environmental Management Plan (CEMP) [**CD8.82**];
- Assessment of non-designated heritage assets and confirmation that a pre-demolition record would be made of a house to be cleared;
- Confirmation of lighting proposals at junctions;
- Clarification of values of trees surveyed;
- Confirmation of mitigation proposed and an updated Biodiversity Net Gain report;
- An Agricultural Land Classification survey report and updated assessment;
- Confirmation that no peat resource was identified in ground surveys;
- Confirmation of acoustic barrier design performance near proposed residential development;
- Correction of typing errors in the Climate Change assessment and in the Cumulative Assessments; and
- Provision of some information previously referenced that had not been provided.

2.5.4 It was demonstrated in each case that the further information provided did not materially change the assessment of anticipated environmental effects reported in the ES [**CD7.1**].

2.5.5 The request for further information addressed matters that in my experience are commonly experienced in applications for large developments requiring EIA. It is common to have requests made under Regulation 25. Indeed that Regulation exists in acknowledgement of the probability that such requests will arise.

2.5.6 The Open Report on behalf of the Executive Director for Place to the Planning and Regulation Committee is [**CD5.8**] and runs to 108 pages, including recommended

planning conditions. It confirms that the Committee had a site visit prior to the meeting at which the application was determined. The Officer's Report sets out the following in its Overall Conclusions:

- 2.5.7 '216. The proposed NHRR would deliver a new dual carriageway which would reduce congestion, facilitate new housing and employment development, including the allocated SUEs to the south of Lincoln identified in the CLLP [CD4.1], and would provide better east-west connections to the south of Lincoln. In addition to this, the proposed development would enhance the PRow network and deliver significant biodiversity net gains. The overall social, economic and environmental benefits of the development would therefore be substantial.*
- 217. The route of the proposed development has been the subject of extensive consideration and consultation over a prolonged period of time. The applicant has sought to achieve a route which minimises impacts on local residents, businesses and the natural and historic environment. As a result, refinements have been made to the proposals throughout the process, including minor amendments during the processing of this application in response to representations received.*
- 218. Whilst there would be some residual adverse impacts which would result from the proposed development, as discussed under the various topic headings above, given the scale, nature and complexity of this development and the substantial benefits it would deliver, it is concluded that those benefits significantly outweigh the harm caused. Overall, subject to the recommended conditions, the proposed development is in accordance with the development plan and the NPPF.'*

2.5.8 The application was determined at the Planning Committee meeting of 13th May 2024 and the Minutes of the Meeting are in **[CD5.9]** The discussion points included:

- Confirmation that the whole Scheme would comprise dual carriageway;
- The programme for progressing the Scheme if planning permission was granted;
- Road surfacing near residential areas to minimise noise (reference made to Condition 24).
- Processing and disposal of surplus limestone extracted;
- Positive effects on villages where traffic was reduced and some concern if traffic increased in other locations;
- Construction phase mitigation measures to be applied;
- Loss of Best and Most Versatile (BMV) land and cumulative effects with other schemes in the County;
- Risk of statutory noise attenuation being required;
- Flood Risk Assessment (FRA) **[CD8.99]** considering recent local weather and flood storage capacity in Greater Lincoln; and
- Climate change mitigation

2.5.9 Following discussion, the planning application was granted conditional planning permission as recommended by a unanimous vote of the eligible Committee members and the planning permission notice was issued later that day.

2.5.10 The planning process was followed robustly and correctly by the Applicant and the determining authority. As far as I am aware, no party has suggested that this is not the case.

2.6 The Second (s73) Planning Application [CD7.2]

- 2.6.1 The planning permission was granted with Condition 16 requiring a pre-commencement survey for quail and, in the event that quail are identified in the area of the works, the development of a method statement based on the survey's findings to prevent disturbance to nesting quail. LCC Highways as applicant had agreed this pre-commencement condition with LCC Planning, as required by Section 100ZA of the Town and Country Planning Act 1990 (inserted by The Neighbourhood Planning Act 2017) **[CD2.4]**.
- 2.6.2 Quail is a bird species which migrates to the UK each year to breed and typically arrives in early May each year. During refinement of the intended programme of the works after the grant of planning permission, it became apparent that vegetation clearance works for the diversion of the Exolum pipeline, necessary for start of earthworks, would be needed in early 2025. That meant it would not be possible to undertake a survey for quail consistent with good practice guidance prior to undertaking vegetation clearance (as quail would not be present until May). The clearance of vegetation and subsequent pipeline diversion would be an activity comprising the commencement of development and so unlawful.
- 2.6.3 An application was made under Section 73 of The Town and Country Planning Act **[CD2.4]** requesting to vary the condition regarding quail to exclude its application to the area in which the clearance and commencement of works on the pipeline was required.
- 2.6.4 The s73 application **[CD7.2]** comprised all of the information submitted for the first application with the only variance being the explanation of the change sought and the reasoning. This included that removal of vegetation solely from the relatively small area of the Exolum pipeline diversion prior to the arrival of quail

would not cause harm to that species. However it would allow the pipeline diversion which is necessary for commencement of other works subsequent to the programmed quail survey of the remainder of the works area.

- 2.6.5 The s73 application was validated on 8th October 2024 and consented on 10th January 2025 (Application Number 24/1260/CCC). The description of development on the Decision Notice is:

To vary condition 16 of planning permission 23/1447/CCC - to retain the need for a pre-commencement quail survey, except in relation to the commencement of development of the Exolum pipeline diversion at Land between the A46 Hykeham roundabout and A15 Sleaford Road roundabout.

- 2.6.6 When I refer to 'the planning permission' or 'the planning consent' for the NHRR below, I refer to the s73 permission reference 24/1260/CCC.
- 2.6.7 As for the first application and grant of permission, the planning application process was followed robustly and correctly by the Applicant and the determining authority. As far as I am aware, no party has suggested that this is not the case.
- 2.6.8 The development of the NHRR was supported by local transport and planning policy when consented and remains strongly supported by policy. I provide further information on policy compliance in Chapter 3 of my evidence.

3. COMPLIANCE WITH PLANNING POLICY

3.1.1 Planning permission was granted for the Scheme in May 2024 with a second, almost identical permission issued in January 2025. In each case LCC Planning determined that the application complied with planning policy. This Public Inquiry is into the Compulsory Purchase Order **[CD1.1]** and Side Roads Order **[CD1.2]** rather than the planning application and not the planning application or the subsequent planning permission granted. There is therefore no requirement for the planning application to be reassessed or the decision revisited. Compliance of the Scheme with planning policy was explored in detail in the Planning Statement (NHRR-TEP-GEN-HYKE-RP-TP-00001 P3.1) 'Supporting Statement') **[CD8.91]** and by LCC Planning in the Open Report on behalf of the Executive Director for Place to the Planning and Regulation Committee **[CD5.8]** so I do not revisit it in great detail here.

3.1.2 However, understanding of the Scheme in the context of transport and planning policy assists in understanding the case in the public interest for the Scheme and the justification of the use of CPO powers or the need to produce the SRO. This section sets out how the Scheme complies with policy. I set out this out below grouping policy by themes consistent with the Report to the Planning Committee before drawing a conclusion. I have summarised compliance with relevant development plan policies in Table 3.2 at the end of this Chapter.

3.2 Principle of the Scheme

3.2.1 I set out in Chapter 2 that the NHRR comprising the 'last quarter' of the ring road around Lincoln has been an aspiration for many years. Under the former title Lincoln Southern Bypass, its indicative route was protected in the 2017 Central

Lincolnshire Local Plan **[CD4.1]** by Policy LP36: *Access and Movement within the Lincoln Area* which I set out below (emphasis added):

In line with the latest Lincoln Integrated Transport Strategy, development proposals which contribute toward the delivery of a sustainable transport approach for the Lincoln area will be supported. All developments should demonstrate, where appropriate, that they have contributed toward the following transport measures:

- 3.2.2 *Supporting sustainable growth in the Lincoln area through making best use of the existing transport infrastructure and contributing toward it where additional needs are created as a result of development;*
- 3.2.3 *Supporting the Lincoln Eastern Bypass, East West Link and Lincoln Southern Bypass which will reduce congestion, improve air quality and encourage regeneration of the City;*
- 3.2.4 *Encouraging and supporting development proposals that contribute positively toward the centre of Lincoln and reduce the need to travel especially by car and encourage the use of public transport in line with emerging plans such as those for the Lincoln Transport Hub;*
- 3.2.5 *Supporting the promotion of an integrated public transport system through facilitating provision and encouraging use of the local bus network and rail network and by developing Park & Ride/Park and Rail;*
- 3.2.6 *Promoting Sustainable Transport Initiatives through supporting schemes such as Access Lincoln which maximises opportunities for people to make more sustainable journeys by walking, cycling, public transport, car sharing and development of travel plans;*

3.2.7 Helping to achieve the aims and objectives contained within the Lincoln Parking Strategy which seeks to delivers reduction in carbon emissions whilst supporting the growth ambitions of the City; and

3.2.8 Improving accessibility where possible for those who do not have readily available access to a car.

In order to enable delivery of both the Lincoln Eastern Bypass (current status: with planning consent) and the Lincoln Southern Bypass (current status: preferred route), the two routes are identified on the Policies Map and safeguarded for such purposes. Any development proposal on or near either route, which would prejudice the efficient and effective delivery of either of the bypasses or their future dualling will be refused.

3.2.9 The preamble to this Policy notes at paragraph 7.3.10 that 'The authorities see this as part of the solution to the city's transportation challenges and the proposal features in the Lincoln Integrated Transport Strategy' **[CD4.11]**.

3.2.10 The section of this road between Meadow Land and Brant Road also was identified as required to serve the first part of the South West Quadrant (SWQ) Sustainable Urban Extension (SUE) **[CD4.10]** under Policy LP30. The SWQ was envisaged to provide up to 2,000 homes with 1,600 in the 2017 Plan period.

3.2.11 The Central Lincolnshire Local Plan Adopted April 2023 **[CD4.1]** protects the route of the NHRR by Policy S46: Safeguarded Land for Future Key Infrastructure which states:

3.2.12 'Development proposals on or near to the preferred route of the North Hykeham Relief Road, as indicated on the Policies Map, which will prejudice the efficient and effective delivery of the project will be refused.'

3.2.13 The important role of the NHRR in supporting delivery of the SWQ is stated in the text and the preamble to Policy S69: Lincoln Sustainable Urban Extensions.

3.2.14 This was emphasised by North Kesteven District Council in its Report to Committee on its consultation response to the first planning application **[CD7.1]** which states at paragraph 2.5:

'The pressure from the continued growth of the Lincoln Urban Area is a recognised component of traffic growth in general and it is fair to say that in making the allocations in the CLLP, the Central Lincolnshire Authorities have been and are cognisant of the need and role for new strategic infrastructure, not least the NHRR. To this end within the context of the CLLP, the NHRR is, and has always been, part of the solution in terms of seeking to mitigate the impacts of growth by providing capacity to relieve traffic volumes on the A46 Western Relief Road and those on the local road network in/around the south of Lincoln/Lincoln Urban Area by providing a suitable east-west route that can link up with the other existing relief roads thereby creating a full ring road around Lincoln. This has been reflected in the modelling assumptions and testing of the growth scenarios and allocations that underpin the adoption of the CLLP in 2017 and again in 2023.'

3.2.15 The principle of the NHRR is clearly long-established in planning policy and appears in the contemporary Central Lincolnshire Local Plan 2023 **[CD4.1]**.

3.2.16 The safeguarded preceded detailed design and investigation of 'micro-siting' options supported by, for example, detailed site investigation. Mr Williams' evidence explains the variations of the approved route from the safeguarded preferred route shown in the adopted Local Plan. Policy S46 notes that the route is 'indicated' on the Policies Map, rather than fixed or prescribed. The Policy refers to development proposals 'on or near the preferred route' which signal that some

flexibility is envisaged. Further the Policy refers to the safeguarding being to avoid prejudicing 'the efficient and effective delivery of the project' (emphasis added), rather than the preferred route exactly as drawn on the Proposals Map.

3.2.17 This was expressly considered in the determination of the planning applications (see Open Report on behalf of the Executive Director for Place to the Planning and Regulation Committee **[CD5.8]** paragraphs 59 – 64).

3.3 Traffic Impacts

3.3.1 The Transport Assessment (TA) submitted with the planning applications included appendices containing a Walking, Cycling and Horse Riding Assessment and Review (WCHAR) **[CD8.85]**, a Stage 1 Safety Audit **[CD8.103]** and a Safety Risk Assessment. The TA uses the Greater Lincoln Traffic Model (GLTM) strategic model **[CD8.106]** to assess the traffic impacts of the proposed development.

3.3.2 The TA confirms that the existing inadequate capacity on the highway network has the potential to be a barrier for growth in Lincoln and that there are a number of suburbs and villages which are currently suffering severance due to high traffic volumes. The NHRR will relieve pressure on the Strategic Road Network by reassigning traffic away from the A46 Western Relief Road in 2041 and will provide significant traffic relief on routes in central Lincoln and to the south of the city, including the A1434 Newark Road, the A607 Grantham Road and the A15.

3.3.3 The TA states that the proposed development should restore local roads in the south of Lincoln to appropriate volumes of traffic, in turn reducing severance in multiple locations and making roads safer for pedestrian and cyclists. Junction capacity assessments have been undertaken for the proposed new junctions which show that these would all operate within capacity in the opening year (2028) up to the design year 2043.

- 3.3.4 The A46 Hykeham roundabout forms part of the Trunk Road Network and Strategic Road Network (SRN) and is managed by National Highways and proposals have been discussed at length with National Highways which confirmed its approval subject to conditions which have been attached to the permissions.
- 3.3.5 The proposals include routes for Non-Motorised Users (NMU) and Active Travel England has confirmed its agreement to those proposals.

Changes since the permissions were granted

- 3.3.6 There has been no material change to the planning policy position since the grant of planning permission. Although the original consent was issued at the time of the 2023 version **[CD7.1]** of the NPPF **[CD3.5]** was in place, the section 73 application **[CD7.2]** was considered in light of the replacement December version of the NPPF. No issue was raised in respect of that as the essential policy position remained the same.
- 3.3.7 One matter that has changed is the further development of the traffic modelling that has taken place. As is usual, especially given the essential need for a final business case to be prepared for future use, traffic modelling work has continued in an entirely normal way. This work has been under preparation and for the purposes of the planning evidence all that needs to be noted is that the new information, which is identified by Mr Turvey does not give rise to any material difference in respect of the planning case either in terms of the outcome of the TA or in respect of the need for the NHRR or the benefits arising therefrom.

3.4 Flood Risk and the Water Environment

- 3.4.1 A Flood Risk Assessment (FRA) was undertaken and presented as part of the ES **[CD7.1]**. Most of the application site is in Flood Zone 1 although there are areas of Flood Zones 2 and 3 close the River Witham. The flood storage area 'the

Witham Washland' is adjacent part of the southern boundary of the application site and is important in Lincoln's flood defences.

- 3.4.2 The FRA addressed the sequential test and exception test required because the NHRR comprises essential infrastructure that crosses Zones 2 and 3. The FRA demonstrates that the proposal is suitable and acceptable and would not result in flood risk elsewhere. The Environment Agency and LCC as Lead Flood Local Authority have confirmed satisfaction with the FRA and that the proposed development is acceptable.
- 3.4.3 There has not been any change in circumstances or material considerations relating to flood risk and the water environment since the permissions were granted.

3.5 Historic Environment

- 3.5.1 The ES reported in detail on the historic environment including the results of trial trenching investigating anomalies discovered during geophysical study. The application included a Written Scheme for Investigation (WSI) developed in liaison with the County Archaeologist. The Regulation 25 information provided further information on non-designated heritage assets and proposals for recording of one of the buildings to be demolished on Station Road.
- 3.5.2 The NHRR would not result in the loss of any listed buildings and would not be in any conservation areas. It would have residual effects on the settings of the conservation areas, equivalent to the low end of less than substantial harm. The NHRR would improve the current highway network and would facilitate the necessary growth required in accordance with the CLLP **[CD4.1]** allocations which are very significant public benefits that outweigh the less than substantial harm caused to designated heritage assets.

- 3.5.3 Historic England confirmed that advice taken from the County Council’s Heritage Team has addressed concerns it had regarding archaeology. Subject to the implementation of the mitigation proposed, including the submitted Written Scheme of Investigation, it is concluded that the proposed development does not conflict with policies S57 or S58 of the CLLP or the provisions of the NPPF and that the public benefits of the proposal outweigh any residual harm to designated and non-designated heritage assets.
- 3.5.4 There has not been any change in circumstances or material considerations relating to flood risk and the water environment since the permissions were granted.

3.6 Nature Conservation

- 3.6.1 Policy S60 of the CLLP **[CD4.1]** seeks to protect, manage, enhance and deliver net gains in biodiversity. Policy S61 requires development proposals to deliver at least 10% measurable biodiversity net gains, with a preference for this to be delivered on-site where possible. Policy 3 of the Thorpe on the Hill Neighbourhood Plan **[CD4.6]** seeks to minimise impacts on biodiversity and provide net gains where possible.
- 3.6.2 The ES and Regulation 25 Further Information **[CD7.1]** contain reports on ecological surveys including of habitats, amphibians, bats, badgers, water voles and otters, breeding and wintering birds, hedgerows and trees. There will be inevitable adverse effects on biodiversity although mitigation and compensation measures are proposed to address these matters. With specific reference to bats, the Scheme includes proposals for a bat bridge, to be planted with a double hedgerow (with pedestrian maintenance access) with hedgerow and tree guidance planting on both sides; a bat culvert, with hedgerow and tree guidance

planting either side; and heavy standard trees to provide hop-over features across the road for bats. Overall, the development proposes a biodiversity net gain of 42.26% for habitat units, 16.9% for linear habitats and hedgerow units and 17.94% for river units. This biodiversity net gain will be achieved through methods including the provision of wildflower enriched grassland, native trees, woodland, native hedgerow, ditches and ponds.

- 3.6.3 The ES **[CD7.1]** confirms that minor bat roosts have been confirmed at Station Road and a bat licence will be required. It is very likely that Natural England would grant the required licence given the roosts are of low nature conservation importance and can be readily compensated. There is no other satisfactory solution that will cause less harm to the species and the development does not harm the long-term conservation or survival of any population of the licensed species.
- 3.6.4 Further specific surveys will be undertaken and, where appropriate, precautionary method statements implemented in relation to badger and quail and before vegetation clearance, groundworks or site preparation for other species, to prevent harm to species which might otherwise be potentially adversely impacted.
- 3.6.5 Natural England has confirmed that the proposals would not have likely significant effects on designated sites. There is potential for adverse effects on some Local Wildlife Sites during construction but mitigation secured through implementation of a Construction Environmental Management Plan, secured by condition, would prevent significant adverse effects occurring.
- 3.6.6 Details of the proposed planting, biodiversity net gain and on-going management are to be secured through a Biodiversity Gain Plan **[CD8.84]** and a Landscape

and Ecological Management Plan (LEMP) **[CD8.83]** (a draft LEMP was submitted with the applications).

3.6.7 The Defence Infrastructure Organisation (DIO) raised concerns relating to biodiversity matters and potential for bird species which could pose risk to operation of RAF Waddington to be attracted to the development during construction or its operation. These are to be addressed by a Bird Hazard Management Plan **[CD8.87]** and Sustainable Drainage Systems Management Plan **[CD8.73]** secured by conditions.

3.6.8 Overall, whilst the proposed development inevitably would result in the loss of some existing trees, hedgerows and habitats, it would not result in significant adverse effects on statutory and non-statutory nature conservation sites. Taking account of proposed mitigation and compensation measures would not result in unacceptable adverse effects to protected species and would deliver significant biodiversity net gain across the site. It therefore accords with policies S60 and S61 of the CLLP and policy 3 of the Thorpe on the Hill Neighbourhood Plan **[CD4.5]**.

3.6.9 There has not been any change in circumstances or material considerations relating to nature conservation since the permissions were granted.

3.7 Landscape and Visual Impact

3.7.1 There is no nationally designated landscape in the vicinity of the Scheme. Policy S62 of the CLLP **[CD4.1]** provides a high level of protection to Areas of Great Landscape value (AGLV), a local designation, recognised for their intrinsic character and beauty and their natural, historic and cultural importance. The policy sets criteria to be met for development to be acceptable and states that proposals which result in adverse impacts may be exceptionally supported if the

overriding benefits demonstrably outweigh the harm caused. In such circumstances, harm should be minimised and mitigated through design and landscaping.

- 3.7.2 Policy S63 of the CLLP seeks to protect Green Wedges identified on the Policies Map. Criteria are set out against development proposals are to be assessed.
- 3.7.3 The Landscape and Visual Impact Assessment (LVIA) presented in the ES notes that the NHRR will pass through the Lincoln Cliff AGLV which has high sensitivity to the proposed development. The significance of effect would be large adverse during construction and at year 1 of operation. The effects would reduce to moderate adverse by year 15. The route also passes through two Green Wedges.
- 3.7.4 The proposed NHRR inevitably would result in some adverse landscape and visual impacts, to varying degrees. The proposals include substantial planting to mitigate impacts and the design includes a cutting through the Lincoln Cliff.
- 3.7.5 It is relevant to both the Area of Great Landscape Value and Green Wedge designations that the CLLP safeguards land for the delivery of the NHRR in full knowledge of the route traversing these designations and inevitably introducing development not consistent with the designations.
- 3.7.6 Subject to the implementation and management of suitable landscaping, and the recreational benefits of the footpath and cycleway relating to the Green Wedges, the proposed development would deliver significant public benefits which outweigh the landscape and visual harm caused.
- 3.7.7 There has not been any change in circumstances or material considerations relating to nature conservation since the permissions were granted.

3.8 Amenity and Health

- 3.8.1 Policy S53 of the CLLP **[CD4.1]** requires all development to be of a high standard and to not result in adverse impacts on amenities. Policy S54 of the CLLP promotes health and wellbeing and requires developments over 5 hectares in size to be accompanied by a Health Impact Assessment and one was submitted with the applications.
- 3.8.2 Assessments have been provided on potential impacts on air quality, dust, noise, vibration, lighting and demolition in relation to amenity and health.

3.9 Air Quality

- 3.9.1 The application site is not in an Air Quality Management Area. The assessment of air quality in the ES considered dust and particulate matter during construction and changes to vehicle emission rates during operation of the road as a result of traffic re-routeing and changes to vehicle fleet and mix.
- 3.9.2 Impacts from dust will be mitigated through measures to be included in the CEMP **[CD8.82]** controlled by condition. These measures will include regular road sweeping, maintaining site plant in accordance with best practice, implementing construction traffic management measures and community liaison and communication regarding construction works and are anticipated to result in effects of negligible significance.
- 3.9.3 With respect to air quality during the operational phase of the development, the ES **[CD7.1]** considers potential impacts on human health and on designated habitats. The forecast impacts on air quality from operation are concluded to be not significant and no mitigation is considered to be necessary during the operational phase of the development.

3.9.4 Since the applications were made, the traffic modelling has been updated as set out by Mr Turvey. Ms McClean considers these changes in her evidence on air quality and concludes that there is no material change in the assessments as a result of the modelling updates.

3.10 Noise and Vibration

3.10.1 Noise and vibration effects are assessed in the application documents and relate to construction and to operation. Siting of potentially noise generating construction activities remote from houses is construction mitigation, for example, the materials processing area will be further than 260 metres from nearest dwelling. During construction, measures secured under the CEMP **[CD8.82]** to be required as including good practice measures for the use of plant and equipment, specified working hours, monitoring, and temporary acoustic screening.

3.10.2 During operation, taking account of acoustic barriers and low noise surfacing, the ES concludes that there would be some beneficial effects and some adverse as follows:

- significant beneficial residual effects at 252 dwellings and 4 non-residential sensitive receptors, primarily in Bracebridge Heath;
- significant adverse residual effects due to redistributed traffic at 226 dwellings and 1 non-residential sensitive receptor, primarily in Thorpe on the Hill, North Hykeham and at dwellings close to parts of the B-roads connecting the A15 at Waddington to the A158 at Horncastle; and

- significant adverse residual effects due to road traffic noise from the proposed Scheme itself at 50 dwellings although no properties are expected to be adversely impacted to the extent that they would be eligible for statutory noise insulation measures. and the use of a low noise road surface.

3.10.3 The beneficial impacts in relation to noise on sensitive receptors are very similar in the number of receptors affected to the number of receptors negatively impacted and as noted the ES **[CD7.1]** reports that no properties are expected to be eligible for statutory noise insulation measures. The overall benefits of the proposal with respect to benefits regarding road traffic noise and the wider benefits of facilitating the delivery of housing and employment development, alleviating existing problems of travelling east-west to the south of Lincoln, and reducing severance due to existing congestion, are considerable and outweigh the harm caused.

3.10.4 Since the applications were made, the traffic modelling has been updated as set out by Mr Turvey. Mr Doherty considers these changes in his evidence on noise and vibration and concludes that there is no material change in the assessments because of the modelling updates.

Lighting

3.10.5 The applications included details for lighting which will be provided on the proposed junctions and seeks to strike a balance between meeting legal requirements, energy consumption and reducing impacts on fauna, notably bats, and the night sky. No adverse impacts are anticipated on amenity from lighting

3.10.6 A condition requires the provision of a lighting risk assessment and detailed scheme of lighting to be submitted and approved, prior to the installation of any

lighting. This is to ensure that the final detailed scheme meets the requirements of National Highways in relation to the junction with the A46.

3.10.7 There has not been any change in circumstances or material considerations relating to lighting since the permissions were granted.

3.10.8 Overall, in relation to amenity and health impacts, mitigation measures required under planning conditions would minimise adverse impacts. Where some significant adverse impacts remain, as is the case in relation to noise, the benefits of the proposed development outweigh the residual harm caused

3.11 Best and Most Valuable Agricultural Land

3.11.1 Policy S67 of the CLLP **[CD4.1]** seeks protection of the best and most versatile agricultural land (BMVAL). An agricultural land classification report was submitted with the application and reported that 11.9 hectares of the overall site constitutes Grade 2 agricultural land, 45.9 hectares is Grade 3a, 110.1 hectares is Grade 3b, 10.1 hectares is Grade 4 and 22.1 hectares is non-agricultural land. Permanent losses will comprise 8.4 hectares of Grade 2 and 35.2 hectares of Grade 3a agricultural land: a loss of 43.6 hectares of BMVAL deemed an effect of moderate adverse significance.

3.11.2 The route of the NHRR is safeguarded but not allocated. Policy S67 requires that four criteria are met for proposals resulting in the loss of BMVAL on unallocated land to be supported.

3.11.3 Criterion a) requires an established need for the development and that there is insufficient lower grade land available. The need for the NHRR is set out in the CLLP **[CD4.1]** and its predecessor and its safeguarded route, identified in

assessment of options, cannot avoid similar extents of BMVAL, satisfying this criterion.

- 3.11.4 Criterion b) of the policy requires development proposals to have benefits and/or sustainability considerations which outweigh the need to protect such land, taking into account the economic and other benefits of BMVAL. The benefits of the proposed development are set out in the CCLP **[CD4.1]** and would outweigh the loss of BMVAL, satisfying criterion b).
- 3.11.5 Criterion c) requires that the impacts of the proposal on ongoing agricultural operations have been minimised through the use of appropriate design solutions. This criterion is addressed in a number of ways. The application site area incorporates all the land needed for the Scheme including that required for temporary storage and similar short term uses. Land not physically built upon or used for essential mitigation is capable of being offered back to the previous owners should the owners want to take it as such land currently in agricultural use will not be needed for the operation and maintenance of the NHRR and could potentially be reinstated to agricultural use. The Soil Management and Land Reinstatement Plan **[CD8.86]** specifies how soils will be handled and stored to allow reinstatement of BMVAL.
- 3.11.6 The development has been carefully designed to minimise impacts on existing agricultural businesses where possible. Mitigation such as an accommodation bridge is proposed at Wath Lane to provide continued access to agricultural land for the existing business. In other places access tracks are proposed to be provided to retain access to existing businesses. The impacts on ongoing agricultural operations have been minimised, consistent with criterion c).

- 3.11.7 Criterion d) of the policy requires that, where feasible, once development has ceased its useful life, the land be restored to its former use. This criterion is not applicable to the NHRR which is envisaged as an enduring presence but as for criterion c), it is proposed to reinstate all existing agricultural land which is not required for the permanent footprint if accepted by the current owner.
- 3.11.8 Natural England was consulted regarding BMVAL and, subject to the condition to secure implementation of a Soil Management Plan **[CD8.86]**, the development would be acceptable and no objection is raised. Although the NHRR would result in the loss of a significant amount of BMVAL, it meets the requirements of Policy S67 and the harm caused by the loss of the BMVAL is outweighed by the overall benefits of the proposal.
- 3.11.9 There has not been any change in circumstances or material considerations relating to BMVAL since the permissions were granted.

3.12 Contaminated Land

- 3.12.1 Policy S56 of the CLLP **[CD4.1]** requires that there are no significant impacts from development on contaminated land. The ES identifies some potentially contaminative existing land uses across the application site, including farms and farmyards, fuel pipeline, RAF Waddington, biodigester plant and waste management facilities. There are historic land uses resulting in potentially contaminative land within 250 metres of the site, such as tramway sidings, brickworks and a petrol filling station.
- 3.12.2 Following site investigations the ES **[CD7.1]** concludes that the contamination issues are limited to discrete areas and risks can be managed and mitigated such that construction effects would not be significant and no additional risks are likely during operation.

- 3.12.3 The ES proposes mitigation including the implementation of the CEMP **[CD8.82]**, use of personal protective equipment, completion of risk assessments and method statements, and a watching brief in an area of potential risk to ensure any Asbestos Containing Materials are removed from the soils in this area and using best practice design and construction methods.
- 3.12.4 The Environment Agency considers that through the submission, approval and implementation of a remediation strategy, the proposed development would be acceptable. Subject to this provision secured by condition, the proposal accords with Policy S56.
- 3.12.5 There has not been any change in circumstances or material considerations relating to contaminated land since the permissions were granted.

3.13 Minerals

- 3.13.1 The application site is in Minerals Safeguarding Areas for Sand and Gravel (western side of the proposals) and Limestone (eastern side of the proposals) as identified in Policy M11 of the Minerals and Waste Local Plan - Core Strategy and Development Management Policies (CSDMP) which seeks to safeguard mineral resources. The ES reports that approximately 37.5% of the proposed route intersections with a Minerals Safeguarding Area for Limestone and approximately 17% of the proposed route intersects with a Minerals Safeguarding Area for Sand and Gravel. Limestone from the Lincoln Cliff would be processed at a material processing area on the site, involving the crushing, screening and grading of the material, to be used in the proposed development. The prior extraction of limestone and re-use in the development presents no conflict with policy M11.
- 3.13.2 No reserves of sand and gravel would be excavated. However, there is a need for the proposed development in order to address transport challenges and facilitate

required new growth in and around Lincoln, together with a wider aim of improving connections to Lincolnshire's coast. This therefore satisfies the criterion in policy M11 requiring demonstration of an overriding need for the development. As previously, the development could not be reasonably sited elsewhere further meeting the requirements of policy M11.

3.13.3 Overall, the location of the application site within Minerals Safeguarding Areas is not a constraint on the proposed development in this case.

3.13.4 There has not been any change in circumstances or material considerations relating to lighting since the permissions were granted.

3.14 Waste

3.14.1 CLLP **[CD4.1]** Policy S10 supports proposals that demonstrate their compatibility with a strong circular economy. The ES confirms that construction could result in significant volumes of surplus materials and waste, predominantly from excavations and demolition of existing structures and from materials brought to the site that may be damaged, off-cuts or surplus to requirements. The proposed construction works would generate earthworks material, including cut and fill. The development has a target of 70% recycling and re-use on site and intends to produce a near neutral balance of cut and fill implemented as part of a Materials Management Plan. This approach does not conflict with policy S10.

3.14.2 There has not been any change in circumstances or material considerations relating to waste since the permissions were granted.

3.15 Climate

3.15.1 The ES **[CD7.1]** Chapter 15: Climate sets out the potential impacts of the proposed development with respect to greenhouse gas emissions, vulnerability to

climate change and in-combination climate change impacts during construction and operation. It states that the site of the proposed development is projected to have increases in winter and summer temperatures, with the largest increase in the summer. Precipitation is projected to decrease in the summer and increase in the winter. In general, climate changes are projected to result in increasingly wetter and warmer winters and drier and warmer summers.

3.15.2 The assessment reports that there will be greenhouse gas emissions due to construction materials and activities during construction, maintenance and use of the road by vehicles during operation. The primary source of greenhouse gas emissions at operation would be from vehicles using the road. Overall, the expected change in greenhouse gas emissions would be very small in comparison to national carbon budgets, would not have a material impact on the ability of the UK government to meet its carbon reduction targets and is not considered to be significant.

3.15.3 Since the applications were made, the traffic modelling has been updated as set out by Mr Turvey. Ms Jones considers these changes in her evidence on Climate Change and concludes that there is no material change in the assessments because of the modelling updates.

3.16 Conclusion

3.16.1 The applications for the NHRR complied with relevant planning policy. The only substantive change since the applications were determined are that the Lincolnshire Traffic Modelling has been subject to its programmed regular update as explained by Mr Turvey. The updates do not alter the case for the NHRR as Mr Turvey explains.

- 3.16.2 Changes in traffic forecasts have little potential to influence the forecast effects of the Scheme as assessed in the ES **[CD7.1]** and accompanying information. The construction of the NHRR, its design and the footprint occupied are strong influences on environmental effects and are unaffected by any changes in traffic forecasts.
- 3.16.3 Changes in traffic forecasts can influence forecast effects on air quality, noise and climate change insofar as the latter may be affected by vehicle emissions. These have been considered by Ms McClean, Mr Doherty and Ms Jones respectively and no material changes are anticipated when considering the updated traffic modelling.
- 3.16.4 The NHRR as consented remains consistent with planning policy.

Table 3.2: Policy Compliance When Consented and Change Since

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
Central Lincolnshire Local Plan			
Spatial Strategy and Settlement Hierarchy	S1	The Scheme will contribute towards the sustainable growth of Lincolnshire by providing an additional east-west route for traffic. It will provide access to land allocated for the South Western Quadrant and increase network capacity to accommodate growth.	None
Flood Risk and Water Resources	S21	The Scheme is mostly in Flood Zone 1. The Scheme crosses Flood Zones 2 and 3, both associated with the River Witham, which is flanked by raised embankments. The Scheme Flood Risk Assessment concludes that any flood risk is appropriately managed over the lifetime of the Scheme.	None
Safeguarded Land for Future Key Infrastructure	S46	Development largely follows the safeguarded route; deviations follow the most optimal route to limit potential environmental impacts, reduce impacts on businesses and overcome technical difficulties.	None
Accessibility and Transport	S47	The Scheme offers transport choices for vehicle and non-motorised users. It will contribute to an efficient and safe network, providing an additional east-west route to reduce traffic and congestion and reducing 'rat running' through southern Lincoln and North Hykeham.	None

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
Walking and Cycling Infrastructure	S48	The Viking Way will be re-routed along the top of the cutting, to connect to the proposed bridge adjacent Grantham Road. Additional amenity footpaths will be created to the north of the Scheme, east of Station Road. A combined footway/cycleway will run the length of the Scheme. An accommodation bridge will be provided at Wath Lane to allow landowner access and enable continuity of the bridleway.	None
Design and Amenity	S53	The Scheme has been designed in accordance with the Design Manual for Roads and Bridges (DMRB). Technical assessments have been undertaken to inform the design and layout of the Proposed Scheme as well as the proposed landscape strategy. The Proposed Scheme provides access for all with provision for both motorised and non-motorised users with the provision of a footpath and cycleway along the length of the route.	None
Health and Wellbeing	S54	The Health Impact Assessment for the Scheme shows a positive impact on active travel and connectivity, access to services and social infrastructure and employment. Adverse impacts will be reduced through the implementation of the CEMP.	None
Development on Land Affected by Contamination	S56	The ground contamination data available from the ground investigation indicates that the Scheme is unlikely to encounter widespread or high concentrations of contamination in soils or groundwater which would impact receptors during construction or operation.	None

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
The Historic Environment	S57	There are 57 designated heritage assets within the 2km Study Area comprising 1 Scheduled Monument, 3 Conservation Areas and 53 Listed Buildings. Once the proposed mitigation and design measures are adopted the residual magnitude of effect is predicted to be negligible (adverse) resulting in a residual significance of effect that is negligible (adverse). The Proposed Scheme has been designed to avoid and preserve archaeological remains where possible.	None
Protecting Lincoln, Gainsborough and Sleaford's Setting and Character	S58	Views towards the Proposed Scheme from the Cathedral and City Centre Conservation Area would not be affected due to the presence of existing highway infrastructure and modern development in its wider setting. This would be appropriate context for views to the south of the conservation area and from the taller structures such as Lincoln Castle and Lincoln Cathedral, where high rise carpark and modern industrial development are visible. There will be an adverse impact on an important view of the Cathedral from Blackmoor Road and Low Road.	None
Green and Blue Infrastructure Network	S59	The landscape strategy for the Proposed Scheme reflects the character of the surrounding landscape area and embed it into the surrounding landscape, whilst mitigating its impacts particularly in relation to the existing landscape, views, ecology and cultural heritage.	None
Protecting Biodiversity and Geodiversity	S60	Temporary construction and ongoing operational effects were identified in the ES, the majority of which are avoided through a combination of Scheme design which avoids or reduces ecological effects and additional mitigation.	None

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
Biodiversity Opportunity and Delivering Measurable Net Gains	S61	A Biodiversity Net Gain Assessment has been undertaken which shows a gain of 42.26% which equates to 216.97 Biodiversity Units (BU) for area-based habitats, a net gain of 32.61 BU (16.90%) for linear habitats/hedgerows, and a net gain of 8.40 BU (17.94%) for river units.	None
Areas of Outstanding Natural Beauty and Areas of Great Landscape Value	S62	The significance of effect on landscape character during construction ranges between temporary slight adverse to temporary large adverse. During operation the significance of effect on landscape character ranges between slight adverse to large adverse. The Lincoln Cliff, part of the safeguarded route, is designated an Area of Great Landscape Value; the significance of effect on this area is moderate adverse. After 15 years, it is anticipated that the planting proposed as part of the embedded mitigation would be established to provide a 'green' edge' to the Proposed Scheme integrating it into its surroundings.	None
Green Wedges	S63	The Scheme passes through two areas of Green Wedge consistent with the safeguarded route in the adopted Local Plan. The provision of recreation routes through these areas will support this aspect of Green Wedge provision.	None

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
Trees, Woodland and Hedgerows	S66	The tree population predominantly comprises field boundary hedgerows and tree groups, and emergent hedgerow and roadside trees. A small section of the site includes trees in private front gardens along Station Road. As part of the Proposed Scheme approximately 4.5ha of canopy cover, recorded as 71 individual trees and 74 tree groups, and 6.5km of hedgerow would be removed to facilitate the proposals. New planting is proposed which includes provision for: 1,638 new trees (1,067 standard or above, 571 feathered); 8.23ha of new woodland planting; 2.06ha of woodland edge planting; and 20.1km of native hedgerow. The development would have the potential to result in a net gain of tree cover by the time new trees are mature.	None
Best and Most Versatile Agricultural Land	S67	There will be loss of some BMVAL which occurs along the safeguarded route. This is outweighed by the benefits of the Scheme	None
Sustainable Urban Extensions	S68	The Scheme will assist in unlocking land for the South West Quadrant which is allocated for approximately 2,000 homes and 5ha of employment land. The Proposed Scheme will not prejudice the delivery of this SUE.	None
Thorpe on the Hill Neighbourhood Plan			
Biodiversity	3	Temporary construction and ongoing operational effects were identified in the ES, the majority of which are avoided through a Scheme design which avoids or reduces ecological effects and additional mitigation.	None
Green Spaces and Green Infrastructure	4	The landscape strategy for the Proposed Scheme has been agreed with LCC and aims to reflect the character of the surrounding	None

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
		landscape area and embed it into the surrounding landscape, whilst mitigating its impacts particularly in relation to the existing landscape, views, ecology and cultural heritage.	
Hykeham Neighbourhood Plan			
Design of New Development	HNP1	The Scheme has been designed in accordance with the Design Manual for Roads and Bridges (DMRB). Technical assessments have been undertaken to inform the design and layout of the Proposed Scheme as well as the proposed landscape strategy. The Proposed Scheme provides access for all with provision for both motorised and non-motorised users with the provision of a footpath and cycleway along the length of the route.	None
Transport Plans	HNP5	The Viking Way will be re-routed along the top of the cutting, to connect to the proposed bridge adjacent Grantham Road. Additional amenity footpaths will be created to the north of the Scheme, east of Station Road. A combined footway/cycleway will run the length of the Scheme. An accommodation bridge will be provided at Wath Lane to allow landowner access and enable continuity of the bridleway.	None
Pedestrians and Cyclists	HNP6	The Viking Way will be re-routed along the top of the cutting, to connect to the proposed bridge adjacent Grantham Road. Additional amenity footpaths will be created to the north of the Scheme, east of Station Road. A combined footway/cycleway will run the length of the Scheme. An accommodation bridge will be provided at Wath Lane to allow landowner access and enable continuity of the bridleway.	None
Bracebridge Heath Neighbourhood Plan			

Policy Subject	Policy	Compliance in May 2024 (Original Permission)	Change since May 2024
Protecting the Historic Environment	6	There are 57 designated heritage assets within the 2km Study Area comprising 1 Scheduled Monument, 3 Conservation Areas and 53 Listed Buildings. Once the proposed mitigation and design measures are adopted the residual magnitude of effect is predicted to be negligible (adverse) resulting in a residual significance of effect that is negligible (adverse). The Proposed Scheme has been designed to avoid and preserve archaeological remains where possible.	None
Locally important views	16	The significance of effect on landscape character during construction ranges between temporary slight adverse to temporary large adverse. During operation the significance of effect on landscape character ranges between slight adverse to large adverse. The Lincoln Cliff is designated as an Area of Great Landscape Value, the significance of effect on this area is moderate adverse. After 15 years, it is anticipated that the planting proposed as part of the embedded mitigation would be established to provide a 'green' edge to the Proposed Scheme integrating it into its surroundings.	None
Protecting existing and establishing new non-vehicular routes for pedestrians and cyclists	17	The Viking Way will be re-routed along the top of the cutting, to connect to the proposed bridge adjacent Grantham Road. Additional amenity footpaths will be created to the north of the Scheme, east of Station Road. A combined footway/cycleway will run the length of the Scheme. An accommodation bridge will be provided at Wath Lane to allow landowner access and enable continuity of the bridleway.	None

4. PLANNING CONDITIONS

- 4.1.1 In the period between the granting of the first permission and the submission and subsequent grant of the s73 permission **[CD7.2]**, applications for discharge of some of the pre-commencement conditions attached to the first permission. The pre-commencement conditions typically comprise two parts: the first is submission for approval of a method of working and the second is subsequent compliance with the approved method of working when undertaking the works. Securing the approval to the proposed method of working allows commencement of development.
- 4.1.2 Making applications to discharge pre-commencement conditions for the first planning permission whilst the s73 permission was being determined introduced risk that a bespoke second application for conditions discharge would be required to discharge the equivalent pre-commencement conditions attached to the s73 permission, assuming that was granted.
- 4.1.3 In discussion with LCC Planning, this was addressed in two ways. The first was that documents approved to discharge the first part of pre-commencement conditions (typically proposed working methods) became approved documents for the s73 permission.
- 4.1.4 The second was that the applicant requested that all applications for discharge of conditions of the first permission which were outstanding at the time of the s73 permission were to apply to that permission.
- 4.1.5 Applied together, these actions allow the number reference of each planning permission to 'read across' from the first to the second. For example, Condition 8 of the first planning permission (23/1447/CCC) requires that '*Prior to the*

commencement of development, a Soil Management Plan in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.'

- 4.1.6 The Soil Management Plan **[CD8.86]** was submitted on 8th October 2024 to partially discharge this condition of permission 23/1447/CCC and was approved on 3rd December 2024 (along with Condition 7). This was before determination of the s73 application.
- 4.1.7 In the s73 permission (4/1260/CCC) Condition 8 states: *'The development hereby permitted shall only be carried out in strict accordance with the Soil Management Plan (received 8 October 2024) which shall be implemented in full.'*
- 4.1.8 This approach was taken where submission of information had been approved prior to determination of the s73 application.
- 4.1.9 The s73 planning permission requires development to commence within 3 years of the date of permission, so works must commence by 10th January 2028. The consent has 34 conditions attached, of which 9 must be discharged at least in part prior to commencement of development. The status of the pre-commencement planning conditions is provided in Table 4.1 of my evidence. Three have been discharged, five are subject to determination and only one (the quail survey) requires discharge and relates to only part of the development site. This demonstrates that all conditions are on programme to be discharged prior to the programmed construction commencement date.
- 4.1.10 As I set out in Chapter 2 of my evidence, the sole difference between the original permission and the s73 permission is that the Exolum pipeline works area is

excluded from the requirements of Condition 16 to undertake a pre-commencement survey for quail. That is because the programme for the Exolum works at the time the s73 application was made meant that they were intended to be completed prior to that migratory bird species arriving in the UK for its breeding season.

4.1.11 Vegetation management was undertaken on the Exolum works site works site to minimise its attractiveness to nesting birds including quail. However, as not all of the pre-commencement conditions have been discharged, it has not been possible to commence the Exolum works as previously intended.

4.1.12 The outstanding pre-commencement conditions other than Quail are:

- 3 – Construction Environmental Management Plan; **[CD8.82]**
- 6 – Drainage Strategy; **[CD8.79]**
- 14 – Biodiversity Gain Plan and Landscape and Ecological Management Plan; **[CD8.84]**
- 17 – Bird Hazard Management Plan; **[CD8.87]** and
- 18 – SuDS Management plan **[CD8.73]**.

4.1.13 At the time of writing Defence Infrastructure Organisation had confirmed its agreement to details submitted to LCC Planning and these outstanding pre-commencement conditions are anticipated to be discharged by the end of June 2025. Discharge of these conditions would allow the Exolum works to take place, subject to an ecologist confirming that there are no nesting birds present in the Exolum works site, which is anticipated to be the case given that some management of the vegetation has already taken place. That should have rendered the Exolum works site unsuited to use by Quail, if any have used the site previously. Confidence

is increased by that as quail are most unlikely to be disturbed if the habitat is not suitable meaning they are most unlikely to be present.

4.1.14 If quail were discovered, the programme for discharge of the condition would entail the preparation of a full report on what was discovered on site along with a method statement explaining how the transient population of quail would be addressed as part of the application for discharge.

4.1.15 Table 4.1 below sets out the status of planning conditions for the s73 application **[CD7.2]** at the time of writing, noting whether each condition is 'pre-commencement' and whether the proposals for discharge have been approved at the time of writing.

Table 4.1: Status of Planning Conditions as at 05/06/25 (s73 Application 24/1260/CCC)

Condition and Brief Summary		Pre-Commence-ment?	Proposals Approved?	Present Status
1	Commence before 13 May 2027.	No	N/A	On programme.
2	Develop in accordance with approved plans and documents.	No	Yes	Compliance required during development.
3	Construction Environmental Management Plan required.	Yes	No	Discharge awaits agreement of Defence Infrastructure Organisation, just confirmed at the time of writing.
4	Submit details of bridges, structures, underpasses, bridge wing walls, abutments, crossing and associated earthworks.	Yes	Yes	Compliance required with details submitted and approved 06/02/25.
5	Implement the Written Scheme of Investigation (WSI) and submit findings.	No	Yes	On programme; partly completed.
6	Drainage Strategy required.	Yes	No	Discharge awaits agreement of Defence Infrastructure Organisation, just confirmed at the time of writing.
7	Restoration and reinstatement of the land used during construction.	No	Yes	Compliance required with details submitted and approved 03/12/24.
8	Development to be carried out in accordance with Soil Management Plan.	No	Yes	Compliance required with details submitted and approved 03/12/24.
9	Hedgerow Assessment Technical Report (September 2023) shall inform condition 10.	No	Yes	Compliance required with details submitted and approved 05/11/24.
10	Arboricultural Method Statement and Scheme of Protection for Hedgerows required.	Yes	Yes	Compliance required with details submitted and approved 11/02/25.
11	Submission of a remediation strategy to deal with the risks associated with site contamination.	Yes	Yes	Compliance required with details submitted and approved 25/05/25.
12	Prior to first use, submission of verification report demonstrating completion of works set out in approved remediation strategy.	No	No	Submission and approval required before first use of the new road.

Condition and Brief Summary		Pre-Commence-ment?	Proposals Approved?	Present Status
13	If, during construction, further contamination is found, no further development shall be carried out until a remediation strategy is submitted and approved.	No	No	Not currently required, may be required during construction.
14	Biodiversity Gain Plan and Landscape and Ecological Management Plan to be submitted.	Yes	No	Discharge awaits agreement of Defence Infrastructure Organisation, just confirmed at the time of writing.
15	Site to be surveyed to ascertain nature of use by badger in accordance with approved survey approach.	Yes	Yes	Compliance required with details submitted and approved 06/02/25.
16	Prior to commencement of development other than the Exolum pipeline diversion, a quail survey to be carried out. If quail found, no works until detailed method statement submitted and approved.	Yes	No	Quail survey commenced May 2025.
17	Bird Hazard Management Plan to be submitted.	Yes	No	Discharge awaits agreement of Defence Infrastructure Organisation, just confirmed at the time of writing.
18	Sustainable Drainage System (SuDS) Management Plan to be submitted.	Yes	No	Discharge awaits agreement of Defence Infrastructure Organisation, just confirmed at the time of writing.
19	Development to be carried out in accordance with Precautionary Working Measures set out in North Hykeham Relief Road Condition 19 Amphibian Survey.	No	Yes	Compliance required with details submitted and approved 06/12/24.
20	Development to be carried out in accordance with Precautionary Working Measures set out in North Hykeham Relief Road Condition 20 Reptile Survey Report.	No	Yes	Compliance required with details submitted and approved 06/12/24.
21	Development to be carried out in accordance with the Water Vole Method Statement and Otter Method Statement.	No	Yes	Compliance required with details submitted and approved 06/12/24.

Condition and Brief Summary		Pre-Commence-ment?	Proposals Approved?	Present Status
22	Development to be carried out in accordance with the General Precautionary Working Measures, Hedgehog Precautionary Working Methods, Brown Hare Precautionary Working Methods and Harvest Mouse Precautionary Working Methods set out in "North Hykeham Relief Road Condition 22 Species PWMS".	No	Yes	Compliance required with details submitted and approved 06/12/24.
23	No vegetation clearance or soil stripping between March and September unless otherwise approved. If works are required in this time, the area should be checked by an ecologist.	No	N/A	Compliance required.
24	Low noise surfacing shall be used.	No	Yes	Compliance required.
25	No works within 50m of the A46 Hykeham roundabout shall commence until the detailed design of the Scheme, including its interaction with the A46, has been submitted and approved.	No	No	Detailed Scheme design in progress.
26	No development within 50 metres of the highway boundary of the A46 shall commence until a scheme providing details of the boundary treatment adjacent to the A46 trunk road boundary has been submitted and approved.	No	No	Boundary treatment details in progress.
27	Historic building recording to be carried out prior to demolition works at 46 Station Road.	No	Yes	Will be addressed prior to demolition works at 46 Station Road.
28	Removal of the trees identified as having bat roost potential and the demolition of 46 Station Road shall	No	N/A	Will be addressed prior to demolition works at 46 Station Road.

Condition and Brief Summary		Pre-Commence-ment?	Proposals Approved?	Present Status
	only be undertaken under the supervision of a suitably qualified ecologist.			
29	Prior to first use, bat bridge and bat culvert shall be implemented in full.	No	Yes	Required before first use of the new road.
30	Prior to first use, scheme for installation of bat and bird boxes on site shall be submitted and implemented.	No	Yes	Required before first use of the new road.
31	Prior to first use, all noise mitigation measures shall be implemented in full.	No	Yes	Required before first use of the new road.
32	Prior to first use, non-motorised user route, the footpaths and footways, the access tracks, public rights of way, bridleways, maintenance tracks and private means of access routes shall be installed and made operational.	No	Yes	Required before first use of the new road.
33	Lighting risk assessment and detailed scheme of lighting to be submitted.	No	No	Details submitted to LPA on 25/09/24. Updated details to be submitted.
34	Details of the size, specification and materials of landscape fencing and gates to be submitted.	No	No	Details submitted to LPA on 25/10/24. Additional information to be submitted on locations of fencing and gates.

5. SUMMARY AND CONCLUSION

- 5.1.1 The Scheme comprising the North Hykeham Relief Road (NHRR) forms the 'last quarter' of a ring road around the City of Lincoln and has been a long-standing aspiration of the County Council. As I summarise in Table 2.1, it has been subject of public consultation and Scheme development since 2005 to determine an acceptable route
- 5.1.2 Balfour Beatty was appointed to develop the Scheme including submission for planning permission. Extensive pre-application consultation was carried out prior to submission of the first planning application including:
- meetings with landowners and other key stakeholders;
 - launch event for local councillors, local authority staff and Parish Councils;
 - letters issued to residents;
 - online information, questionnaires and opportunities to make representations;
 - nine public consultation events held at venues close to the proposed route in three stages at intervals through the development of the project's design with extensive information and attendance of persons engaged in the project to interact with visitors.
- 5.1.3 The first planning application for the NHRR was validated on 31st October 2023 (Application Number 23/1447/CCC) **[CD7.1]**. The local planning authority (LPA) was Lincolnshire County Council and as the County Council's Highways is the applicant rule 3 applied. The Scheme comprises Environmental Impact Assessment (EIA) development and an Environmental Statement (ES) **[CD7.1]** was submitted with the application.

- 5.1.4 The LPA requested additional information which was duly supplied and planning permission was granted following the recommendation presented to the Lincolnshire County Council Planning and Regulation Committee on 13th May 2024 (the 'original permission').
- 5.1.5 The original planning permission was granted with Condition 16 requiring a pre-commencement survey for quail and, in the event that quail are identified in the area of the works, the development of a method statement based on the survey's findings to prevent disturbance to nesting quail. Quail is a bird species which migrates to the UK each year to breed and typically arrives in early May each year.
- 5.1.6 During refinement of the intended programme of the works after the grant of planning permission, it was identified that vegetation clearance works for the diversion of the Exolum pipeline would be needed in early 2025. An application was made under Section 73 of The Town and Country Planning Act **[CD7.2]** requesting to vary the condition regarding quail to exclude its application to the area in which the clearance and commencement of works on the pipeline was required.
- 5.1.7 The s73 application was consented on 10th January 2025 (Application Number 24/1260/CCC). As for the first application and grant of permission, the planning application process was followed robustly and correctly by the Applicant and the determining authority. As far as I am aware, no party has suggested that this is not the case.
- 5.1.8 The development of the NHRR was supported by local transport and planning policy when consented and remains strongly supported by policy.

5.1.9 The principle of the NHRR is clearly long-established in planning policy and appears in the contemporary Central Lincolnshire Local Plan 2023 **[CD4.1]**.

5.1.10 I consider policy compliance in Chapter 3 of my Proof of Evidence under the broad headings:

- Traffic Impact;
- Flood Risk and the Water Environment;
- Historic Environment;
- Nature Conservation;
- Landscape and Visual Impact;
- Amenity and Health;
- Air Quality;
- Noise and Vibration;
- Lighting;
- Best and Most Versatile Agricultural Land;
- Contaminated Land;
- Minerals; and
- Climate.

5.1.11 There has been an update to traffic modelling since the application was made which is addressed in the evidence of Mr Turvey. It does not give rise to any material difference to the planning case in terms of the outcome of the Traffic Assessment, the need for the Scheme or the benefits arising.

5.1.12 There are no material changes in the assessments made due to the update in traffic modelling.

- 5.1.13 The assessment relating to Air Quality is addressed in the evidence of Ms McLean which is appended to my proof of evidence.
- 5.1.14 The assessment relating to Noise is addressed in the evidence of Mr Doherty which is appended to my proof of evidence.
- 5.1.15 The assessment relating to the Historic Environment is addressed in the evidence of Mr Clarke which is appended to my proof of evidence.
- 5.1.16 As I set out in Table 3.2 of my evidence, the Scheme complies with relevant planning policy and there has been no material change since the grant of planning permission.
- 5.1.17 There are planning conditions attached to each permission with an equivalence in the 'read-across' between the two permissions: that is there are the same number of conditions and each condition number addresses the same subject in each permission.
- 5.1.18 In the period between the granting of the first permission and the submission and subsequent grant of the s73 permission **[CD7.2]**, applications for discharge of some of the pre-commencement conditions attached to the first permission. The pre-commencement conditions typically comprise two parts: the first is submission for approval of a method of working and the second is subsequent compliance with the approved method of working when undertaking the works. Securing the approval to the proposed method of working allows commencement of development.
- 5.1.19 The sole difference between the original permission and the s73 permission is that the Exolum pipeline works area is excluded from the requirements of Condition 16 to undertake a pre-commencement survey for quail. That is because

the programme for the Exolum works at the time the s73 application was made meant that they were intended to be completed prior to that migratory bird species arriving in the UK for its breeding season.

5.1.20 Vegetation management was undertaken on the Exolum works site works site to minimise its attractiveness to nesting birds including quail. However, as not all of the pre-commencement conditions have been discharged, it has not been possible to commence the Exolum works as previously intended.

5.1.21 At the time of writing the outstanding pre-commencement conditions other than Condition 16 relating to Quail are:

- 3 – Construction Environmental Management Plan; **[CD8.82]**
- 6 – Drainage Strategy; **[CD8.79]**
- 14 – Biodiversity Gain Plan and Landscape and Ecological Management Plan; **[CD8.84]**
- 17 – Bird Hazard Management Plan; **[CD8.87]** and
- 18 – SuDS Management plan **[CD8.73]**.

5.1.22 I anticipate that all of the above planning conditions will be discharged by the end of June 2025 because each has been awaiting the agreement of the Defence Infrastructure Organisation in its role ensuring safe operation of the Waddington Airfield. Each of the above conditions address matters that could influence the attractiveness of the locale to birds which may pose risk to airfield operation. Visibility has been needed of the suite of details together to demonstrate that all matters are addressed. At the time of writing, DIO has confirmed its agreement.

5.1.23 Discharge of these conditions would allow the Exolum works to take place, subject to an ecologist confirming that there are no nesting birds present in the Exolum

works site, which is anticipated to be the case given that some management of the vegetation has already taken place. That should have rendered the Exolum works site unsuited to use by Quail, if any have used the site previously. Confidence is increased by that as quail are most unlikely to be disturbed if the habitat is not suitable meaning they are most unlikely to be present.

5.1.24 If Quail were discovered, the programme for discharge of the condition would entail the preparation of a full report on what was discovered on site along with a method statement explaining how the transient population of Quail would be addressed as part of the application for discharge.

5.1.25 In summary, the Scheme is compliant with planning policy. It has the benefit of two planning permissions with most pre-commencement conditions discharged and has secured the agreement on matters most pertinent to the discharge of most of the remaining pre-commencement conditions. An update will be provided to the inquiry on progress on these specific matters.