

Mr Sam Elkington
Boothby Property Consultancy Ltd
Maydene House
73 London Road
Sleaford
Lincolnshire
NG34 7LL

Date: 12.12.2024

Dear Sam,

The Lincolnshire County Council (A1461 North Hykeham Relief Road) Compulsory Purchase Order 2024 ("CPO")

The Lincolnshire County Council (A1461 North Hykeham Relief Road) (Classified Road) (Side Roads) Order 2024 ("SRO")

These are referred to either separately as the CPO and the SRO or collectively as the Orders

Your client: Mrs Anne Smith and Mrs Jill Garfoot

I write to thank you for your written comments dated 5 November 2024, which have been forwarded to me, as the Promotor's representative, by the Department for Transport following your objection to the above Orders. Following the closure of the Objection period into the Scheme proposals, the Council has considered with care the various objections and representations made including those made by yourselves. The Council has decided, however, that the basis for proceeding with the Scheme is sound, especially given the advantages that flow from it, and will therefore be progressing the Scheme including the pursuit of any public inquiry into the proposals should that be necessary.

In respect of the comments you have submitted, I have identified five matters of concern in respect of Lincolnshire County Council's ("LCC" or "the Council") proposal to bring forward the North Hykeham Relief Road ("NHRR" or "the Scheme").

In looking at your concerns it is important to recall the purposes underlying the promotion of the Scheme itself. The NHRR is intended to assist the sustainable economic growth of Lincoln and Lincolnshire and reduce congestion in and around North Hykeham and the surrounding villages. The scheme will improve journey time reliability by providing additional network capacity and route choice, in particular for east-west movements, as well as journey time savings on longer trips around or bypassing the Lincoln urban area. The NHRR is a vital part of Lincolnshire's plans to support the growth of its priority economic sectors and unlocks the South West Quadrant Sustainable Urban Extension. This development, which is dependent on the delivery of the NHRR, is an essential part of the housing supply within Central Lincolnshire, providing approximately 2,000 dwellings and up to 5ha of additional general employment land, along with retail and community uses including a new primary school, open space and formal sports pitches.

I wish to take this opportunity to address the five matters of concern which you have raised in your letter to help you to understand the Council's position in respect of them. We would hope that you would then be able to reconsider the matters you have raised to see if you would wish to present them as objections to any public inquiry which may be necessary.

1. Your first concern is that the Scheme removes the access point to your client's land and effectively sterilizes the balance of their holding.
 - 1.1. This concern appears to arise from a misunderstanding of the Scheme proposals as well as the Council's legal obligation to maintain access to property.
 - 1.2. It is necessary to remove the existing access point to the land in order to bring forward the Scheme. The existing access point will be stopped up, as shown on the Side Roads Order Plan 1 at X1.
 - 1.3. A new, reasonably convenient, Private Means of Access to the site is provided off Newark Road approximately 20 metres to the north-east of the existing access point. This is shown on the Side Roads Order Plan 1 at 1a. By providing this replacement access, the Scheme design ensures that access continues to your client's retained land on a like-for-like basis.
2. Your second concern is that an additional access point could be provided into your client's land from the Newark Road roundabout.
 - 2.1. This is not required as the Scheme proposals address the situation with a replacement access being provided on a like-for-like basis as discussed in point 1.3 above.
 - 2.2. In any event, an access from the A46 Hykeham Roundabout, would not comply with the Design Manual for Roads and Bridges ("DMRB"). The DMRB contains the relevant standards for highways and is published by National Highways, which is relevant authority for the A46 Hykeham Roundabout.

3. Your third concern is that the land is described as “grassland, shrubbery, pond, and unnamed track” whereas you state it should be, “undeveloped commercial land.”
 - 3.1. The description in the CPO schedule is, “grassland, shrubbery, pond, unnamed track and public right of way (SHYK/9/2) east of Hykeham Roundabout, North Hykeham, Lincoln and overhead cables.”
 - 3.2. The brief description of the land in the CPO schedule is based on the location, topographical features and present use of the land. The description in the CPO schedule is accurate.
 - 3.3. It is acknowledged that the land interest questionnaire you returned to the Council on behalf of your client described the land as “vacant commercial development land”, however, there is no evidence that the Council is aware of to support your assertion that the land is undeveloped commercial land. The land does not benefit from the grant of planning permission, and it is not allocated in the Central Lincolnshire Local Plan. There are no national or local planning policies which would support the prospect of obtaining planning permission for commercial use on this specific site. In contrast, the NHRR does benefit from the grant of planning permission, in the form that it is, having been promoted through a significant number of policy documents published by both LCC and North Kesteven District Council.
 - 3.4. In those circumstances for planning permission to be granted for this land it would need to respond to the potential existence of the NHRR given that it is a long-standing proposal which has been identified in broad terms in the local plan documents as a protected route.
4. Your fourth concern is that by acquiring only part of the site (Plot 34) on a permanent basis, the opportunity to develop the balance of the site is significantly reduced.
 - 4.1. The acquisition of part of the land holding is required to bring forward the Scheme. If there were to be an adverse effect on the retained land, this would be a matter for compensation and is not a factor that is of direct relevance to the Orders being considered.
5. Your fifth concern is that by temporarily acquiring Plot 35 for the duration of the Scheme, this reduces the opportunity to develop the balance of the site.
 - 5.1. In seeking to promote the Scheme, the Council must ensure that it has all the land and rights it needs to allow the Scheme to be built. Plot 35 is essential for material storage and for construction working space. The Statement of Reasons which accompanied the Orders identifies this plot as being one which is required for the construction of the Scheme but also one which may be capable of being offered back to the owners upon completion of the works. The Council has no powers at present to seek to acquire land on a temporary basis and therefore to bring forward the proposals the land and rights in Plot 35 within the CPO is required. Nevertheless, the Council is committed to acquire any affected parties’ interests voluntarily. This approach extends to the temporary occupation of land and as such the Council will continue discussions to negotiate licences where possible.

I would hope that this letter addresses the concerns that you have raised and provides you with the information necessary to enable you to formally withdraw your objection. If you would wish to do so, please write to the Department for Transport at the following address:

Secretary of State for Transport

National Transport Casework Team

Tyneside House

Skinnerburn Road

Newcastle Business Park

Newcastle upon Tyne

NE4 7AR

Alternatively you could send an email to them at nationalcasework@dft.gov.uk and I would ask you to copy Adam Lakin in at adam.lakin@bentleyprojectmanagement.co.uk

In the meantime, if you have any questions with regard to the above, please do not hesitate to contact the project team who are managing this element of the Scheme on behalf of the Council.

- Adam Lakin, Project Manager for NHRR
adam.lakin@bentleyprojectmanagement.co.uk
- Tom Aylmer, Land Agent for NHRR
tom.aylmer@darleyassociates.co.uk

Yours sincerely,



Sam Edwards

Head of Highway Infrastructure

sam.edwards@lincolnshire.gov.uk