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Ref: JH/NHRR/JC

Date: Monday 23rd December 2024

Dear Andrew,

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: Mr Colin O'Boyle

I write to thank you for your written comments dated 22 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 four 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 four 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 there has been a failure to adhere to government guidance. In particular, you highlight that, the council has not engaged with your client to seek the voluntary acquisition of land and rights required for the scheme; that your client was not aware of publicly available guidance in relation to the compulsory purchase process; nor were they aware of professional advice available to them.
 - 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 1.2. The council has engaged with your client during the scheme development. This includes negotiations to access your client's land for site investigations for which the council made payment to your client. In addition, initial discussions have been held regarding the acquisition of your client's interests and these discussions are ongoing.
 - 1.3. The Council remain committed to securing Mr O'Boyle's interests in the land by agreement and remain open to negotiation.
 - 1.4. The council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.
 - 1.5. The council has made your client aware of the professional advice available to them. Specifically, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter." In any case, it is evident from your representations to the Secretary of State, that your client has now obtained professional advice from Carter Jonas.
2. Your second objection is that no description of the purpose for which Mr O'Boyle's land is required is included in the schedule and therefore the Council has not complied with the requirements of the Department for Transport's Circular 2/97.

- 2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
 - 2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.
3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory purchase powers exercised.
 - 3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.
 - 3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.
4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.
 - 4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.
 - 4.2. There is no reliance on Network North: Transforming British Transport. The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.
 - 4.3. The funding arrangements for the Scheme rely on three sources of income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.
 - 4.4. The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

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,

A handwritten signature in dark ink, appearing to read 'Sam Edwards', with a stylized, sweeping flourish extending to the right.

Sam Edwards

Head of Highway Infrastructure

sam.edwards@lincolnshire.gov.uk