

LINCOLNSHIRE COUNTY COUNCIL

**NORTH HYKEHAM RELIEF ROAD
PUBLIC LOCAL INQUIRY**

**Proof of Evidence by Sam Edwards on behalf of the Promoting Authority,
Lincolnshire County Council**

**THE LINCOLNSHIRE COUNTY COUNCIL (A1461 NORTH HYKEHAM RELIEF
ROAD, CLASSIFIED ROAD) (SIDE ROADS) ORDER 2024**

and

**THE LINCOLNSHIRE COUNTY COUNCIL (A1461 NORTH HYKEHAM RELIEF
ROAD) COMPULSORY PURCHASE ORDER 2024**

June 2025

Introduction.

1. My name is Sam Edwards, and I am Head of Highways Infrastructure and Laboratory Services at Lincolnshire County Council and am the Project Executive for the North Hykeham Relief Road. As such I am responsible for reporting on the progress of the NHRR to the Project Board and in turn through the council's governance to the Executive of Lincolnshire County Council (LCC). I appear at this Inquiry as the County Council lead witness and representative.
2. I hold a Bachelor of Science (First Class) degree from Nottingham Trent University, am a Member of the Institution of Civil Engineers, a Member of the Institute of Leadership, and an Incorporated Engineer (IEng) registered with the Engineering Council. I also hold a Level 5 Diploma in Leadership and Management from the Institute of Leadership and Management (ILM). I have been in my current post for over 3 years and prior to that was Head of Highways Infrastructure for 3 years.
3. I have worked on behalf of the LCC on other schemes including the Grantham Southern Relief Road, Lincoln Eastern Bypass, Spalding Western Relief Road and many other large highway improvement projects.
4. As the LCC lead witness I would normally present the contents of what was originally published as the Statement of Reasons in respect of the CPO and the SRO and then subsequently produced following amendments as the Statement of Case, as my evidence. On this occasion and for reasons I will explain below my evidence has been produced as a short stand-alone document with Mr Adam Lakin producing the rest of the information as his proof of evidence. I remain the Council's main lead witness, but Mr Lakin is authorised to appear and present his evidence as he has had the day-to-day control of matters during the development of the Scheme. I will be available throughout the Public Inquiry and be able to deal with any matter, should it arise that is beyond Mr Lakin's authority to act.

5. I have been directly involved with the promotion of the NHRR since 2018. My role throughout has been to direct and oversee the production of all information related to the preparation of a Scheme including that related to the planning application as well as the section 73 application which followed it and thereafter to pursue any other necessary Order to enable the Scheme to proceed.
6. I oversaw the applications for planning permission, both the original granted consent in 2024 and the subsequent section 73 application considered and granted in early 2025. I have, in addition overseen the proposals to bring forward the two Orders before this Public Inquiry in relation to the Compulsory Purchase Order and the Side Roads Order. Those two Orders will enable the Scheme, the subject of the Planning Approval, to be brought forward and to allow construction to take place.
7. In so doing I would confirm that to the best of my knowledge and ability all necessary procedures in respect of both of those Orders have been completed correctly and in accordance with the relevant requirements.
8. In this evidence I will briefly address various matters to set the scene for the consideration of the Orders before the Inquiry. There is one matter where the responsibility for the evidence will remain with me despite it being referred to in the evidence of Mr Lakin as set out in the original Statement of Reasons and Statement of Case. That is the situation in respect of the funding arrangements for the Scheme. In addition, I will refer to various specific matters where the Council's view in respect of the matter is clearly identifiable. These relate to the approach towards the Scheme itself and the need for urgency, land acquisition, the approach towards Crown Land, the financing of the Scheme and finally modifications.

Approach towards the promotion of the Scheme.

9. LCC made a decision early in the process to adopt an approach whereby the Scheme could be pursued as efficiently and effectively as possible to bring the Scheme forward within the shortest possible timeframe whilst ensuring maximum public notification, knowledge and involvement prior to the final decision being made. That has been achieved in large measure by adopting a fairly novel approach, which in part explains why Mr Lakin is appearing as the witness in respect of the way described.
10. The Council adopted the approach whereby consultants would be engaged as fully and completely as possible from an early stage to ensure that the process ran as smoothly as possible. The Council adopted a Design and Build form of contract where certain pre-construction activities such as option/feasibility appraisal, design, planning, and technical support for the legal Orders was undertaken by the contractor, rather than the Council itself or separate consultants under the Council's direction. These activities were supported by the appointment of specialist cost and project management consultancy services, as well as in house legal services. A key consideration for the approach taken was cost and programme certainty which is a priority for the Council. The approach was well researched and that research demonstrated that time savings could be achieved when compared to a traditional approach as well as in achieving a reduced risk profile, thereby increasing cost certainty.
11. That approach has been successful in so far as it has enabled the process to be move forward more rapidly than is often the case in respect of all matters within LCC control. That includes the involvement with the public. There have been three sets of public consultation in respect of the Scheme with each set split into three parts. All that is explained in the documents accompanying the planning application and as such all that is necessary is to explain the consequence of it. Following each round of public consultation the response was analysed and the information supplied informed the process going

forward. It was therefore more akin to the process followed in respect of a Development Consent Order with the intention to inform those living, working, or interested in the vicinity, to allow views to be obtained and then taken into account as part of the process. Given that the Scheme has had a gestation period going back many decades it was anticipated that such an approach would be beneficial. In the Council's view that has been the case.

12. The planning applications themselves received limited adverse comment and objection and the Orders before this Inquiry has caused a similar limited reaction. I have read the objections, and I have not detected any strong opposition to the principle of the Scheme, the route it is following or the need for it and the benefits that will arise. Objections and representations have been raised but the principle and advantage arising from the proposals seem to be accepted.
13. The promotion has also included elements submitted to the Department for Transport in respect of the business case to obtain funding. That process has been successful and it is a process that will continue to the point a Full Business Case (FBC) is presented and considered. That process would not normally take place until after the Inquiry into the CPO and SRO had been finished with the outcome known. The process being pursued with this Scheme, in order to bring it forward as rapidly as possible means that steps have been taken already to obtain information relevant to the FBC in respect of the Scheme. The revised costings, albeit not yet fixed is one example of that with the additional traffic modelling work being another. It is imperative that the traffic modelling work is at an advanced a stage as possible for the presentation of the FBC. Accordingly, that work has been done and as such traffic figures as well as any consequence arising from the use of these figures have been looked at and reported in the evidence. The FBC is not however complete and is not therefore available. The Scheme in respect of the CPO and the SRO is therefore to be considered on the basis of the information that we do have to meet the tests that apply.

14. In terms of the approach therefore the Council is of the view that it has been successful in informing those who might be affected, has led to an acceptable planning consent being achieved within a short timescale that has been effective and efficient. The Public Inquiry has been arranged in accordance with the required approach to take place as early as it possibly could. The Council has worked tirelessly in an attempt to ensure that the Inquiry can run smoothly, and consistent with that would hope that the report and conclusions of the Inquiry can be brought forward within the shortest realistic timescale.

Consideration of Land Acquisition.

15. In that respect the situation in respect of land acquisition needs to be addressed. The Council has acquired some land in respect of the Scheme but has not yet acquired all of it, if it had done so then the CPO would not be necessary. The approach that has been followed is that which is set out in guidance applicable to the use of CPO powers. Although recognising and accepting that the use of Compulsory Purchase Powers is a draconian measure and often referred to as a matter of last resort the guidance explicitly permits the pursuit of such powers alongside the opportunity being taken to acquire land voluntarily.

16. The Council has, as part of its overall team, retained the services of an experienced surveyor to lead the various discussions that have taken place. Objections have been received suggesting that the attempts to acquire the land have not been sufficient, although I have not detected any objection based on a lack of contact at all. The Council's approach has therefore been to engage with all potentially affected parties, in so far as the information held by the Council has enabled that, and to seek to identify the nature of the objection being held. As part of that, the Council has identified that the overriding view is that most landowners, especially those in respect of agricultural land have little or no interest in seeking to finalise matters without the certainty of the Scheme itself proceeding. That certainty requires the confirmation of the Orders before this Inquiry being made before that stage

can be reached. Accordingly, and as is common in respect of such schemes, the Council has been in contact with known landowners to discuss the situation and whilst willing and able to negotiate terms for acquisition, in most cases the land itself has not been acquired and cannot be without the certainty as to the Scheme going ahead. This proposal is not for a single element, for example a new playing field in a set location where the acquisition is from a single landowner where the acquisition itself will largely achieve the development. It is for an overall 8km length of road with a multitude of ownerships and interests where any one owner might refuse to agree.

17. In addition, without the CPO, which would act to extinguish existing covenants, difficulties may still be present. As such, it is essential for the CPO process to continue and be completed to guarantee the outcome. Objections based on a lack of final agreement, rather than something based on no contact at all which would be addressed separately, need to be seen in that light. That would then fall under the guidance which indicates that it is acceptable to run both discussions and the CPO process together, which is indeed what the Council has done.
18. The one area where a different approach has had to be applied is in respect of the acquisition of residential property along Station Road, Waddington. The acquisition in that location was not undertaken under the CPO process applicable to the Scheme itself but under the entirely different process relating to the use of the Blight provisions. Those provisions, whether it be the use of the Statutory basis that applies to local authorities in respects of schemes such as the one before the Inquiry, or the discretionary local basis, create a requirement that has to be met. If it is found to apply then the process applies, and the promoting authority has little if any choice in the acquisition of the land. The properties acquired were considered to fall under that process and have therefore been purchased. Each Blight application would be considered on its own merit, but it is hard to see how it could apply to any location other than in respect of those properties already acquired.

19. The tests relating to CPO arise from the relevant guidance and are met with the Scheme as are those which arise from the SRO, which are statutory based.

Crown Land.

20. Crown Land enjoys a special position in respect of the use of CPO powers. In short, the CPO power cannot be used without the agreement of the Crown for it to do so. Crown Land exists in two respects within the Scheme as promoted. It applies in the context of the land held by National Highways for the Strategic Road Network and also land technically within the interest of the Ministry of Defence (MoD).

21. The land held by or effected as a result of the Scheme by National Highways is the subject of an agreement between the Council and the body responsible. As such there is no need for that matter to be examined further.

22. In that respect it is further relevant to note the support for the Scheme and more particularly the changes intended for the A46 from National Highways. A letter from National Highways addressing certain matters is attached as Appendix A to this proof. National Highways is fully aware of the proposals, has been involved in the design of the Scheme to meet its interests and has no objection to the matter proceeding. National Highways fully recognise the advantage that arises from the proposals and is supportive of it.

23. As for the MoD land, the Council has also been in consultation with them. The land concerned comprises two parts. The first is an existing highway and the second comprises an agricultural field contained within a larger land holding in which the landing lights for RAF Waddington are located and therefore rights for the benefit of the MoD.

24. In respect of the existing highway, the need for mention of the MoD at all arises solely from the rule where land ownership of the subsoil beneath the

highway is assumed to rest in the landowner of the adjacent land where the highway is not registered. That is the case here. There is no objection from MoD and the acquisition can take place without any adverse effect on the MoD.

25. The second part comprises an agricultural field contained within a larger land holding in which the landing lights for RAF Waddington are located and therefore rights for the benefit of the MoD. Only a small part of the land holding is required, and the landing lights are some 750-950 metres from the Scheme. Therefore, the MoD's interests are in no way affected by the Scheme. Furthermore, the same land was included within the confirmed Compulsory Purchase Order for the Lincoln Eastern Bypass (title not yet having been transferred to LCC) and so if there were any interference, it would have been considered as part of the Lincoln Eastern Bypass proposals, and I can confirm that the matter was not raised as an issue.

26. No operational land is actually being acquired from the MoD and in fact the original proposals proximate to RAF Waddington were amended to avoid all such land. This follows extensive discussion with representatives from RAF Waddington throughout the Scheme development, in which constructive dialogue has been held and in which the MoD has expressed support for the Scheme proposals.

Funding.

27. The funding arrangements is a matter that is exclusively for me to consider and falls outside the authority given to Mr Lakin or others. Although Mr Lakin's evidence contains a reference to funding, which I prepared as part of the Statement of Case and its predecessor document, he will not give evidence on that aspect.

28. The starting point is that the contents of the Statement of Case are correct as to the various sources of funding to be used for the Scheme. The contents

remain accurate as an indication, but the situation needs to be updated which I do through this evidence. As such the requirements in respect of CPO to be able to explain the potential sources of funding so as to ensure that is not an impediment to it going ahead is met.

29. Accordingly given the requirement in the guidance I can indicate the current position.

30. The most likely cost of the Scheme is estimated at £193.9m and within an overall range of £180.4 to £208.2m, as reported to the Executive in October 2023.

31. The scheme will be funded by the following contributories, shown together with the value of their contribution:

- Department for Transport - £110,045,000
- Lincolnshire County Council - £73,882,000
- Developer contributions – £10,000,000
- TOTAL £193.927m

32. LCC will forward fund the S106 developer contributions, with a view to recovering the money as and when the developments come to fruition. As is common with road schemes such as this, it is inevitable that some variables will remain unknown until the process of acquisition is substantially complete as well as the related development and the Council will keep both costs and funding under review. Accordingly, If the need arises for the element related to funding from LCC to increase to reflect any change to the value obtained from the developer contributions or to the estimated costs, then that would cover any shortfall.

33. In conclusion there is no financial impediment to the Scheme being progressed.

Modifications.

34. Given that the Orders themselves are presented as draft documents the need for modifications often arises. Certain matters have been identified to be brought forward and it may be the case that others emerge during the Inquiry. the Council will seek to deal with all such matters prior to the Inquiry closing.

APPENDIX A (LCC 01 - A)

Letter from National Highways dated 10 June 2025



Our ref: 620360

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10 June 2025

Dear Mr Walker

A46 Hykeham Relief Road Orders

The A46 Hykeham Roundabout forms part of the Strategic Road Network which falls under the ownership and responsibility of National Highways and is a trunk road. As such, National Highways has been closely involved with the Scheme, which it supports and welcomes, throughout the design process leading to the grant of planning permission and has continued since.

The overall design meets National Highways requirements and has been shown to work through the planning process and subsequent refinement as presented in the Orders. It was on that basis that National Highways entered into the agreement with LCC pursuant to sections 6 and 8 of the Highways Act 1980. That agreement enables the details of the design to be finalised, the widening and improvement works on the A46 to be carried out, and for powers to acquire land for the trunk road to be exercised by LCC.

National Highways are aware that the SATURN model which was used to support the original planning application has been updated by LCC. This was expected and the updated traffic information has been assessed to ensure that the roundabout operation continues to meet National Highways' requirements.

As part of the detailed design work, it has been identified that the Thorpe on the Hill Services are not policy¹compliant and does not have a Traffic Signs Agreement in place. Therefore the existing 'services' signage on the A46 at the Hykeham Roundabout cannot be retained. To mitigate this, a local solution has been identified and agreed in principle with LCC, which uses 'local facilities' signage to achieve a similar effect to the existing arrangement.

National Highways is entirely satisfied with the Scheme, which meets its requirements and has been demonstrated to operate satisfactorily to accommodate the anticipated traffic.

As referenced above, under the section 6/8 agreement National Highways (as a strategic highways company) delegated its functions to acquire land pursuant to section 239 and 246 of the Highways Act 1980. The delegation of these powers was required for part of plots 12 and 18 and all of plots 22, 24, 26, 29, 33 and 34 given that the council are proposing to widen the trunk road over these land parcels. The council is relying on their own powers of compulsory acquisition under the Highways Act 1980 for all other land parcels under the Compulsory Purchase Order.

It should also be noted under the Compulsory Purchase Order the Council are seeking to compulsorily acquire plots of land National Highways have an interest in namely plots 1,2, 21 and 30. National Highways has rights over these plots for drainage of the A46 trunk road. These rights will need to continue following the implementation of the scheme. Therefore, it has been agreed with the Council, National Highways interests will be excluded from the general vesting declaration.

Yours sincerely



David Steventon

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Footnote

1. Strategic road network and the delivery of sustainable development, December 2022, available at: <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development>