

## **OPENING REMARKS ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL IN RESPECT OF THE NORTH HYKEHAM RELIEF ROAD, “THE NHRR”.**

### **Introduction.**

1. The Inspector has, as part of the formal opening of the Inquiry, identified the Orders that are being considered at this inquiry. Accordingly, in opening I do not need to describe those Orders in detail but rather I will seek to identify the purpose of each element and the statutory powers by reference to which they must be justified so as to assist objectors to direct their objections to the relevant orders and to relevant grounds of objection. In setting these various matters out in some detail at this stage of the proceedings I would hope that there will be no requirement to return to them in any detail in closing given the likely duration of the Inquiry other than to seek to assist the Inspector in the preparation of the Report that is to be prepared.
2. There are two orders before this Inquiry, and they consist of the following: -
  - (i) The Lincolnshire County Council (A1461 North Hykeham Relief Road, Classified Road) (Side Roads) Order 2024; the “SRO”.
  - (ii) The Lincolnshire County Council (A1461 North Hykeham Relief Road) Compulsory Purchase Order 2024; the “CPO”.
3. Those two Orders, with their specific titles are drafted in the appropriate technical language required to meet the provisions of the applicable forms and Statutes. In respect of all such Orders there are specific technical steps that have to be complied with and specific forms to be followed. The promoters of such Orders are frequently asked by an Inspector, at the start of an inquiry of this type, to confirm that all necessary statutory procedures and formalities have been complied with. That is to ensure that the Council has complied with the relevant requirements. In respect of these two Orders I respond, on behalf of the Council, by indicating that they have been to the best of our knowledge and belief. That confirmation is given mindful of the fact that Mr Edwards, as the lead witness on behalf of the promoting authority has made a similar statement in his evidence at paragraph 7.
4. Given the necessary formal nature of the two Orders, they sound complicated and potentially difficult to comprehend. The position can, however, be easily understood,

and any objection can be properly targeted, if we look at the two Orders in the following way: -

### **The SRO.**

The purpose of the SRO is to maintain access to all land and property directly affected by the Scheme and it makes the necessary changes to the highway network. Necessary in that context means that required to meet those requirements arising from the planning permission as applied for and as now issued to provide for the Scheme or the use of other available powers, for example under the permitted development rights, should that be necessary.

In respect of this Scheme the planning permission is given by the original application [CD7.1] and the section 73 permission [CD7.2], and it is not currently envisaged that the use of the permitted development rights is required.

The SRO provides the means by which rights are removed and new rights created sufficient to cater for the effects of the Scheme. Any objection to the SRO will be considered at these Inquiries but in doing so it will now have to be examined in the light of the existence of the planning permission for the Scheme itself.

The essential test in looking at the SRO is whether the power given by Section 14 of the 1980 Highways Act to deal with roads crossing the road or Section 125 dealing with private means of access to premises have been dealt with appropriately.

In respect of section 14 the order stopping up the highway cannot be made unless *“the Minister is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up”*. In respect of section 125 the order can only be made if no access is reasonably required or another reasonably convenient access is available or will be available.

They are therefore the tests to be applied in seeking to make objections to the SRO. As presently advised and given the extent of both the discussions that have taken place as well as the withdrawal of some of the objections made in respect of the Scheme it is not easy to identify what if any objection still remains in respect of the SRO. That will be resolved during the course of the Inquiry itself and can be addressed during the closing statement to assist the Inspector.

## **The CPO.**

The CPO provides the means by which the land can be acquired to allow the Scheme to be provided. The CPO has been drawn to reflect the position as shown in the planning applications originally made in respect of the Scheme and as now shown in the planning permissions that have been granted.

This includes that land required for all aspects of the Scheme including the provision of the new road, the connections with the existing network as well as alterations to those other areas identified within the Scheme overall along with necessary landscaping, appropriate drainage measures and other areas required for storage and treatment of material. It is significant to note that the promoting authority has gone to great lengths to seek to identify and incorporate all the land required, including that which is only required for a limited time or for a specific limited purpose, given that there is no power presently available to acquire land temporarily. It is an all or nothing approach as that is the only option available to the Council. All the land contained within the CPO is therefore that land required to enable the proposal to be built and subsequently operate in the most appropriate manner.

The CPO therefore allows for the land required for the Scheme. As such it does contain all the land needed to allow the Scheme to proceed and therefore the acquisition is essential. Without that land acquisition the Scheme could not proceed and that is what provides the justification. It also includes the area of land over which rights only are required to enable LCC to build the Scheme and to provide for any replacement facilities such as to cater properly for drainage, landscaping, or similar consequential matters.

## **The Principles that apply to the Use of CPO powers.**

The principles that apply in relation to the use of compulsory purchase powers are well established and have been set out in a variety of guidance notes and documents over the years. They were set out clearly in Circular 06/2004 where a series of questions were posed that had to be answered to justify the position. Today the guidance is contained in Guidance on Compulsory Purchase Process [CD3.2] updated in January 2025. This replaced the combined guidance related to CPO as well as the application of the Crichel Down Rules, most recently published on 16<sup>th</sup> July 2019, which was the effective guidance during the preparation of the CPO before these

Inquiries; the Crichel Down Rules are now produced in a separate document published by Government. Although the title of the document has changed the contents of the guidance, in so far as relevant to this proposal and this Inquiry has not changed to any material degree. The guidance can be summarised to help objectors in the following way: -

(i). A CPO should only be made where there is a compelling case in the public interest. Is there a compelling case in the public interest to justify the acquisition and the disturbance of the owner's rights? In this case there are various factors that are important in looking at that question. First there is the support for the Scheme from a wide range of stakeholders, second there is a general lack of opposition to the principle of providing the elements contained within the Scheme and particularly the intention to connect the A46 through to the A15 at the new roundabout provided as part of the Lincoln Eastern Bypass ("LEB") scheme. This will allow for a new direct crossing south of Lincoln thereby enabling growth and additional residential and other development to take place as well as providing welcome relief to lesser roads in the area. Overall, therefore the answer to the question is a very firm yes.

That requirement has been extended by the new 2025 guidance, which now contains a further reference when compared with the previous guidance. It contains the same requirement in respect of there being a compelling case in the public interest but adds to that the need to undertake reasonable efforts by the acquiring authority to acquire the property. That change has been made within the overall approach set out in both the 2019 guidance and the new 2025 guidance that both the discussions and the CPO process can be run in parallel so as to ensure that time is not lost in the process. Time has been a critical factor in the pursuit of this Scheme and as such it is a pertinent factor to take into account.

The situation under the 2025 guidance, which we must have regard to as it is the current applicable guidance despite it postdating the preparation of these proposals is therefore still met. The public interest requirement is still as strong as it was under the 2019 guidance requirement and the need for attempts to address those affected by the scheme is well documented. The answer to the first question remains therefore a very firm yes.

(ii). Does the purpose for which the CPO is being brought forward justify the interference with the Human Rights of those with interests in the affected area including the owner? Given the essential need to address the traffic and transport considerations, accommodate the present and future traffic and to allow for the growth essential to Lincoln's future as well as providing a new and direct link across from the A46 to the A15 and thereby complete the ring around the city, the answer is yes.

(iii). Does the acquiring authority have a clear idea of how it is intending to use the land acquired? In respect of all the land within the CPO the answer is yes. The land acquisition justification relates exactly to the detail of the areas contained within the planning permissions as applied for and now granted and as such the position could not be clearer. The proposals have been developed over a period of time dating back over many years, with investigations having been undertaken going back as far as the mid 2000's. Initially the Scheme was developed as part of an overall proposal including the area that eventually became the LEB. The separation of the two elements is identified in the evidence and the LEB and the NHRR were pursued separately, and the LEB has now been completed and opened. The NHRR will complete the route around Lincoln. That development of the Scheme has, therefore, included an assessment of all the relevant circumstances and the decision to proceed has been made by the relevant body within the Council. That historical development proves however that the LCC has, as the promoter of the CPOs a very clear idea as to why the land is required and for what it will be used.

(iv). Can the acquiring authority demonstrate that the resources to carry out the plans within a reasonable timescale exist? Once again, this question is answered positively. All necessary planning permission and or consent exists for the Scheme and the detailed design works for it will continue to fine tune the proposals in order to meet the planning conditions on the permission. Unusually for this Scheme the work being undertaken to meet those various planning conditions is far more advanced than would normally be the case, once again consistent with the Council's ambitions to bring the Scheme forward swiftly. Further the Council is keen to progress the matter and has a target commencement date in mind of the Autumn of 2025, subject to the outcome of this Inquiry, in order to ensure that it falls within the funding

arrangements that are in place. The level of detail given about the funding arrangements gives confidence in the Scheme going forward.

(v). Are there any impediments which are likely to interfere with the progress of the Scheme? There are no known impediments to the Scheme progressing and funding is in place as described in the evidence, having previously been set out in the Statement of Reasons and the Statement of Case. The Council has maintained a consistent position throughout those various documents in terms of the funding arrangements. The precise figures have, and no doubt will continue to change as the case moves forward, especially given the need for a final business case to be presented, but the position remains clear.

In fact, the estimated cost of the Scheme, which has been assessed recently and is referred to in section headed Funding in Mr Edward's evidence in the form of an anticipated range, will be funded from identified sources. Those sources are also identified in the same section of that same evidence. The funding package is secure and will be available within the indicated timetable for development.

5. Accordingly, the guidance as contained within the 2019 version of the advice is met and the publication of the new replacement guidance in 2025 does not change that conclusion.
6. Collectively these two Orders form the Scheme in respect of which objections and representations are being considered by the Inquiry. There is a very significant matter that arises from what has been set out so far and that is that neither of the Orders actually provides for the Scheme itself. In highway terms there are two ways in which a scheme can be brought forward, the first is through the promotion of a Line Order which gives consent for the line of a road and is usually used by National Highways in promoting schemes and the second is through the use of planning powers under the Town and Country Planning Act 1990. The more applicable of those two options in this situation is the use of the planning powers which are available to the County Council.
7. Accordingly, the reason why those two Orders do not provide for the Scheme itself is that planning permission exists for the Scheme and there is no application for that before these Inquiries. The planning applications relevant to the Scheme are fully described in the evidence as well as how they were considered including a request for

further and additional information. The first application was validated on the 31<sup>st</sup> October 2023 and was granted on the 13<sup>th</sup> May 2024 having considered a raft of further information submitted on the 31<sup>st</sup> March 2024. That permission was granted with conditions, which are currently in the course of being satisfied; as indicated above that is an usual situation but is consistent with the desire to move things forward.

8. There was a second application made under Section 73 of the 1990 Act to address a single matter that had arisen related to the need to carry out surveys. Once again that was considered and was granted, subject to all the same conditions but for the one related to the quail survey on the 10<sup>th</sup> January 2025. Two advantages arise from the decision to pursue the second application. The first is that it resolved a problem related to surveys but in addition it enabled the revised December 2024 NPPF to be taken into consideration. Accordingly, the planning permissions which exist for the Scheme have been considered in accordance with relevant policy and the Section 73 consent has applied the most up to date national planning policy guidance. As such the planning position is up to date and that must be given great weight in looking at the matters before these Inquiries. Taken together those consents provide for the Scheme and identifies the purpose to which all the land to be acquired is to be put.
9. Accordingly, all the required consent, either through planning permission or the use of other powers necessary to provide the Scheme is in place and the Orders before these Inquiries that are presented for examination are, in effect to provide the means that the planning permission is to be brought into effect.

### **The Planning Permission**

10. The availability of the planning consent could therefore be taken as the starting point for the consideration of matters before these Inquiries, but it is important to note that the planning permission is not before these Inquiries. Accordingly, objections made that may ultimately seek to strike at the planning permission are not matters that should require too much consideration at these Inquiries. The matters that are before these Inquiries are those that relate to the two orders listed above which provide the means by which the Scheme can be provided.
11. That is a matter of considerable importance in the context of the matters for consideration at these Inquiries. There are a number of objections recorded in respect of the Scheme but the majority, if not all of them relate to matters of specific detail or

the means by which work may or may not be undertaken including any accommodation works and perhaps compensation. There is therefore a clear need when looking at objections to ensure that the subject of the attack is at the Orders that are being considered rather than the planning permission which has been granted. Attacks aimed at the Scheme, which would include the specific detail of it that may have been agreed with other bodies and are contained within the planning consent are not likely to be matters aimed at the Orders which are intended to allow the Scheme to be brought forward.

12. In order to assist objectors to understand that more completely reference can be made to the current guidance in respect of such matters. The Department has published the document Transport Orders Guidance (which replaced the previous version entitled Notes for the Guidance of Inspectors Holding Inquiries into Orders and Special Roads Schemes) which is intended to guide the approach to the consideration of relevant matters. Although that is advice to Inspectors it is publicly available to ensure that everyone can familiarise themselves with the relevant approach.
13. In opening I would draw attention to three particular elements of that guidance to assist the Inquiry. The first is what it says in respect of the existence of planning permission in the context of a CPO objection (see paragraphs 2.9.1 and following), the second relates to questions of compensation (see paragraph 2.8.1) and the third to accommodation works (see paragraph 2.13.1). I refer to the second and third simply on the basis that we may hear from objectors who wish to raise such matters despite the fact that they have not yet been put forward as objections.
14. The guidance makes it clear that in situations where planning permission has been granted the effect of that will depend on the circumstances that apply. The simple grant of permission is regarded as being an indication that in land use terms the proposal is acceptable. In doing so, however, it does provide the basis against which decisions in respect of all matters within the SRO and the CPO need to be justified. The guidance continues by indicating the following. In circumstances where permission has been granted to reflect a proposal that has been identified through the Development Plan system and the detail is included in the relevant planning document then questions of need for the proposal are in effect already decided. In this case the proposal meets the ambitions in respect of the policy.



15. There has been no challenge in relation to the need for the Scheme as I understand the position and nor has anyone suggested it should be in a different place or in a different form. There is therefore nothing before these Inquiries to suggest some form of alternative is being promoted. That really does amount to an acceptance of the Scheme before these Inquiries and accordingly it is not necessary to consider the application of the Alternatives procedure as no such alternative suggestion has been made.
16. I turn to the second and third points, once again to seek to assist objectors. The second point relates to compensation. Paragraph 2.8.1 falls under the heading Compensation and Hardship. The paragraph recognises that hardship which cannot be met by compensation is a relevant factor in considering CPOs, although there is no evidence to support any suggestion that applies here. In addition, the advice does address compensation specifically. The promoter's evidence is not addressing compensation. The reason for that is clear from the guidance, where in paragraph 2.8.1 it states: -

*“the Acquisition of Land Act 1981 (schedule 1 paragraph 4(4)) provides that the SofS ... may disregard objections which relate to matters which can be dealt with by the Lands Tribunal, by whom compensation is assessed. Since the assessment of compensation is not a matter for the SofS ... the Inspector should neither hear evidence about the calculation of compensation nor seek disclosure of expected levels of compensation.”*

17. Compensation is not therefore a matter for these Inquiries to spend time upon.
18. The position is similar in respect of accommodation works. Paragraph 2.13.1 provides guidance in respect of that matter. It states: -

*“Anyone affected by an order may put to the Inspector the nature and extent of the accommodation works which the affected person would expect to be carried out if a road proposal were to be implemented. He or she should be allowed to do so because what is said could have a bearing on whether what is proposed in the order before the inquiry should proceed with or without modification. However, the detail of the extent of the accommodation works is one of the factors taken into account in the calculation of the compensation payable when a proposal is approved. The precise details of the accommodation works are matters for the promoter of the order and the landowner concerned and should not therefore be included in the Inspectors conclusions or recommendations. The Inspector should*

*take care to avoid conclusions or recommendations in his or her report which would appear to usurp the functions of the Lands Tribunal.”*

19. Accommodation works are not therefore in reality a relevant consideration at these Inquiries as no one has made any suggestion to change or alter the proposals within the Orders to modify them. All other considerations would fall to be considered at the later stage. Having set that out there are a few matters that I would wish to address, albeit briefly in opening.

### **The Benefits of the Proposals**

20. I can deal with this shortly in opening especially as the position is clearly set out in the documentation starting with the application and the supporting documentation and continues through the various Statements (Reasons and Case) and into the evidence.
21. Lincolnshire County Council (“LCC”) as the highway authority has a responsibility to monitor and maintain the network for which it is responsible. As part of that approach LCC has identified the need to make various changes to the network to ensure that it can operate efficiently and provide the best possible service. At the same time, the Council is keen to ensure that the growth ambitions for this location can be met. The nature of those, what is required to achieve them and the benefits arising are clearly described in the evidence presented. The support for the Scheme, its ambitions, and the proposals themselves from the District Council is an important element in that context and reflects the significance of what is proposed. It is of no surprise that the local Development Plan in both the current and previous version contain a protected route for the proposals themselves albeit drawn to an indicative line that is slightly different to that shown within the planning permission.
22. The ambitions underlying the proposals can be boiled down into the following headings to identify the overall aims and benefits which will arise from the proposals. These include the following: -
- To assist the sustainable economic growth of Lincoln and Lincolnshire.
  - To reduce congestion in and around North Hykeham and the surrounding villages.
  - To improve the quality of life in the Lincoln area.
  - To maximise accessibility to central Lincoln; and

- To improve road safety in central Lincoln and the nearby settlements.
23. Work started on the proposal, initially as part of a larger scheme including what subsequently became the LEB, as long ago as 2005. A preferred route was adopted in 2006 but then work paused whilst the road schemes were examined as part of a wider traffic and transport intervention for the city and beyond. Building roads was seen as part of an overall solution which included many other aspects, and it took a little time to identify the best overall approach.
  24. That was established through the Lincoln Integrated Transport Strategy (“LITS”) which promoted a range of traffic and transport matters to seek to address the situation. Many of them were not road related but improving the road provision remained a critical part of the solution being sought. Of all the matters mentioned in that document the last remaining road provision is the Scheme the subject of the planning permission supporting the Orders before these Inquiries. Once complete the city will enjoy the benefits of a road network which will enable all road users, who have no desire to enter the city itself, to progress their journey without entering the city itself. That will be a significant benefit to the road users themselves as well as to the residents and travellers within the city who do need to be there. It is a comprehensive solution to a complex traffic problem arising from the fact that previously the roads ran to and through the city before continuing beyond. All traffic would therefore have to travel through the city whether it had any desire or need to do so or not. That alone brought traffic, environment, cost, and safety issues which should be avoided if at all possible.
  25. Once complete the road system will enable traffic approaching Lincoln to follow a route which avoids the need to enter the city, including the ancient medieval quarter unless it actually needs to do so. It will do that for all traffic approaching the city irrespective of its journey origin or destination. In those circumstances it is hardly surprising that the general route of the various proposals but particularly the Scheme found itself promoted within the Development Plan and included within it.
  26. The need for and the benefits arising from the proposals were considered as part of the planning application (and then again under the Section 73 application earlier this year) and were found to justify the grant of consent. That assessment accepted that there were economic, environmental, social and transport benefits arising from the Scheme which justified the grant of consent.

27. The position in respect of the traffic movements is apparent from the road network itself, described variously as being like a wheel with Lincoln sitting at the middle like a hub through which all traffic would have to pass.
28. Three key issues arise in respect of the current effect of the road system and operation within Lincoln. Lincoln suffers from high levels of congestion which has an impact on the quality of life for local residents, it acts as a constraint on the economy and reduces the attractiveness of the city for visitors and investors. Those three issues are related to the constraint from the network itself, the resilience of the network and finally the capacity.
29. The constraints of the network forces large levels of traffic on to unsuitable roads running through the area much to the detriment of local residents. Any event or closure of the routes entails long diversion routes through urban areas which are unsuited to large levels of traffic, any closure of any part of the network in this locality has a severe effect on capacity leading to low average speeds, unreliable journey times and delays. Such a situation is contrary to the ambitions set out in the LITS, creates unpleasant and unacceptable impacts on local residential areas, and would adversely affect the growth ambitions of the area.
30. In addition, the particular growth ambitions, and the vital role that the Scheme will play in that is clear from the Development Plan itself. Growth is anticipated for this area amounting to a 50% overall increase in dwellings across Lincoln by 2036. Mr Grimshaw describes the position in his evidence. The Central Lincolnshire Local Plan Adopted April 2023 protects the route of the NHRR by Policy S46: Safeguarded Land for Future Key Infrastructure which indicates that proposals that might interfere with the route will be refused.
31. The important role of the NHRR in supporting delivery of the South West Quadrant (“SWQ”) Sustainable Urban Extension is stated in the text and the preamble to Policy S69: Lincoln Sustainable Urban Extensions, which was referred to specifically by North Kesteven District Council in its Report to Committee on its consultation response to the first planning application, 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.’

32. Those modelling assumptions are referred to in the evidence of Ian Turvey and he shows the value of the Scheme in that context. The principle of the NHRR is therefore clearly a long-established objective of planning policy, it appears in the CLLP 2023 in an indicative form and its value in terms of growth cannot be overstated.
33. The final point to mention at this stage is that Lincoln and the road network around it cannot be seen in isolation. The pinch point on the road network as it moves from the midlands to the coastal ports is also important. Taken together the importance of the road as part of an overall provision is clear to see. The fact that it might be considered as the final part adds to that significance.
34. The importance placed upon that has caused the Council to adopt an approach which Mr Edwards identifies in his evidence.
35. Those intentions have caused the Council to adopt a specific approach towards the Scheme before these Inquiries. The promotion of a road scheme by a county council using planning powers under the Town and Country Planning Acts 1990 as amended would normally follow a set process. The proposal would be identified and perhaps set out within the local Development Plan documents; planning permission would be sought and if justified granted. Once granted, it would be developed further to establish what, if any further Order would be needed and the financing of the proposal would be advanced. Part of that would entail seeking monies from any source including the Department for Transport which would itself require a process to be undertaken in stages to determine how matters proceed. Such an approach can add a significant delay to the pursuit of the proposals.

36. The Council was most keen to avoid any unnecessary delay in bringing forward the Scheme and has therefore sought to follow an accelerated approach whilst ensuring all proper steps were taken and the local population involved and able to engage. Part of the justification for such an approach was that the gestation period for the proposals has in effect been running for twenty years with announcements about selected and or preferred routes going back to 2005/6 as part of a greater scheme. The desire therefore to move matters forward became an important consideration and the desire to maintain that thrust remains the same today.
37. It is for that reason that the approach described by Mr Edwards in selecting and following an approach whereby consultants were engaged early to undertake work at the earliest realistic stage was adopted. That has moved the matter on, and the Council is keen to ensure that momentum continues. To achieve that three sets of consultation were undertaken at various locations with the results thereof being examined, taken into account, and then developed into the proposals themselves. Not every point was or could be accepted but the approach allowed the proposals to progress, and it is no coincidence that the level of objection is perhaps less than might otherwise be expected.
38. Given that the objectives were adopted as an ambition to what a scheme could achieve the assessment against those various matters demonstrate the advantage that will be seen to arise from the proposals. It is not at all hard to see why the proposals within the Scheme have received the support from some and the lack of opposition from others that is evident from the representations made to these Inquiries.
39. The essential question therefore is how to deal with that situation in the most appropriate way. The Scheme, for which permission exists, and which drew very little criticism prior to planning permission being granted is the best way for that to be improved. The Scheme will provide improvements to a number of specific and identified locations as well as providing a new road between the A46 and the A15 which will complete the ring around the city of Lincoln, whilst connecting with the roads running into the city as appropriate. That approach will enable advantageous changes to the existing traffic, which can thereby make greater use of the higher quality roads for their journeys as well as enabling additional development to come forward. The opportunity has also been grasped to provide enhancements to the NMU

network with extensive provision being made whilst seeking to retain the best of that which exists. The legal obligation arising from biodiversity requirements, including biodiversity net gain and the consideration of environmental and ecological affects has also played a major part in the evolution of the Scheme and the final design adopted. The landscape implications arising from the proposal have been taken into account throughout the Scheme development. It is a shining example of the promotion of a major proposal whilst seeking to take into account all pertinent matters and respond to its location whilst seeking to minimise any adverse consequence.

40. LCC has undertaken a financial appraisal of what it is intending to do. The figures represent a significant advantage overall with a BCR (Benefit Cost Ratio), namely the return on spending the money even given the increase in costs. The initial BCR, prepared as part of the outline business case, was shown as 2.6 representing high value for money. That is to be reassessed as part of the further development of the Scheme in anticipation of the final business case and following the revision to the traffic modelling. Although those revised figures are not yet available, which is entirely normal given that they would not normally be expected to be produced at this stage, the expectation is that they will remain positive. This demonstrates that the Scheme offers high value for money when considered against the DfT's value for money categories. That is a point worth making in opening as it represents good value for money which arises directly from the provision of the Scheme with its intended and consequential improvement in safety, traffic flow and convenience as well as other beneficial consequences that will come about with the Scheme.
41. Before turning to modifications, I would mention one further matter. Part of the Scheme is to be brought forward on land under the control of National Highways and a further small area within the interests of the MoD. Both organisations would fall to be considered as being responsible for Crown Land in terms of the operation of the CPO. As such special rules apply and the only way that the CPO process can continue in respect of those areas of land is if there is an agreement in place for that to happen. I am happy to record that in respect of both that is the case and that neither organisation has any issue to raise in respect of the proposals.
42. In fact, National Highways has been fully involved with the Council in designing and bringing forward the proposals in so far as they relate to the A46 junction and

approaches as that is part of the Strategic Road Network. There is therefore no issue to be resolved with either party, or the Scheme design, especially as it relates to the A46 junction, is fully compliant with that which National Highways would seek.

## **Modifications**

43. I add a short comment about modifications just to ensure that the process is understood and to enable any one with anything relevant to add to be able to address it.
44. The Orders before these Inquiries are currently presented in draft. The opportunity exists, provided any change does not amount to a fundamental alteration of what is proposed, to amend those orders to improve them. Improvement in that context means a change to make them clearer, more precise, and perhaps more certain. The Council has noticed that some modifications should be made to some part of the orders, and the Department for Transport has also indicated where some matters can be improved. I recall that was indicated at the pre-inquiry meeting as well as to how the Council intended to address any such matter.
45. A note of any such changes will be produced for consideration at these Inquiries. The note will be kept open throughout these Inquiries in case any additional matters arise.
46. As presently advised the County Council believes that all such modifications have been identified and considered in the pre-inquiry correspondence when taken together with LCC's recognition that matters can be improved in certain specific locations, which will address that which is required. That does not alter the intention to keep the matter open should any further opportunity present itself to improve the Scheme before these Inquiries provided it does not give rise to a fundamental alteration to the Scheme itself.

## **Objections**

47. It is not the function of these opening remarks to seek to address in any detail the objections raised in respect of the Scheme. All I would wish to point out is that the Council will seek to place before the Inquiry all relevant material to allow the objections to be considered properly and fairly. I have tried to assist in that by setting out the relevant tests to be applied to the Orders and to indicate that the planning consent is not before these Inquiries. The Council has tried to do likewise by



producing evidence on a wide range of matters relevant to the Scheme proposals that should assist with understanding the proposals and the effect of them.

48. Originally twelve objections were registered against either the CPO or the SRO or a combination of both and some have been withdrawn. The Council has gone to great lengths to seek to address the objections raised and I am pleased to record that some have subsequently been removed. These Inquiries will be able to consider what is left, which will include an identification of what is actually being brought forward and any consequences arising from it.
49. As presently advised, there are remaining objectors that would need to be considered following the cooperative and helpful approach adopted by LCC in dealing with anyone affected by these Orders. The objections will be examined, and I will comment in closing in respect of that should those objections remain. In so doing I will be drawing specific attention to the true extent and nature of those objections and whether they relate to the Orders before these Inquiries for consideration or are in reality a challenge to the grant of planning consent, matters that are not for consideration such as compensation or accommodation works or something similar.
50. My final comment is to remark on the general nature of those objections. The Scheme before these Inquiries is a major proposal to provide a dual carriageway of approximately 8km in length crossing from the A46 climbing a sharp, steep, and unstable escarpment before linking into the A15. By any assessment it is a significant proposal and requires substantial activity to plan, build and then operate. The level of objection and adverse comment at both the planning application stage as well as at these Inquiries, although important in its own right is really quite limited. To be able to bring forward such a substantial and beneficial Scheme but to receive such a limited level of objection speaks highly about the steps taken by the Council to bring the Scheme forward, to advertise it and respond to comments made. Although every remaining objection is important the nature of them will need to be examined in the context of the true nature of what is proposed.

Simon Randle

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1st July 2025.