

**FINAL SUBMISSIONS ON BEHALF OF THE LINCOLNSHIRE COUNTY
COUNCIL INTO THE: -**

- (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”.

Introduction.

Before turning to the Final Submissions to be made on behalf of the Lincolnshire County Council, hereafter either the Council or LCC, there is a point to be made about the nature of these Inquiries and what has occurred during them. It is at best unusual and may well be unique. Other than one representative attending on the first morning of these Inquiries they have been conducted in public where all are welcome but where no one has felt it necessary to attend and to make a case to the Inspector. That is a rare occurrence at best but perhaps reflects the true nature of the strength of feeling towards the Scheme and the benefits that will arise with it. Even those who raised objections, which were addressed initially in the Statement of Case and subsequently updated by Mr Lakin at these Inquiries, they raised matters that did not challenge the need for the Scheme, the advantages and benefits that will arise with it, its location, provision or any meaningful element contained within it. They raised matters related to compensation, accommodation works, detail from the planning permission in part alongside other matters but generally not matters that would normally fall to be considered at an Inquiry of this sort. One is actually left wondering if there is, in reality any actual opposition to the Scheme itself. Even the objection raised by Mr and Mrs James was more akin to a blight request than an objection that needed to be considered. These final remarks will therefore seek to provide that which the Inspector may find he needs in preparing the report and they are provided on that basis.

Purpose of Final Submissions.

1. The purpose of these Inquiries has been to hear evidence in respect of the two matters described above, namely the two Orders. I sought to describe and explain the effect and nature of those two matters in my opening on behalf of the County Council. As I made clear in opening the planning permission which provides the basis for bringing forward those various Orders is not before these Inquiries. Planning permission was granted having complied with all the relevant statutory requirements in 2024, with a Section 73 application to change one small but important part of that original consent granted in January 2025. The grant of those relevant planning permissions, but particularly the original one, then led to the identification of what had to be brought forward through the use of other powers to provide the means by which the consent could be implemented. What had to be brought forward fell within the two Orders as published to provide for changes to the network to accommodate both private and public rights as well as the acquisition of the land and interests required themselves.
2. Before I turn, therefore, to deal with those two matters in closing there are a number of initial points which I would wish to make which are relevant to the overall approach and once stated will not need to be repeated in detail later.
3. This is not an inquiry into the planning permissions, but it is an inquiry into the SRO and the CPO. As such the test to apply to the SRO is the one set out in the statute, which we will look at below. From the outset I would however wish to acknowledge that it is inevitable in respect of any set of proposals that some will receive a benefit whereas other will endure a disbenefit. It is not part of the test to avoid all impact altogether and in fact it is inconceivable that such a state of affairs will exist. It is therefore inherent within any set of circumstances that there will be some impact felt. Such a position will arise, as it does here, the evidence

has identified and described it and whilst there should be sympathy with anyone adversely affected that consequence has to be put into the overall balance.

4. That balance, in this case seems to be the almost universal desire, I say almost because I cannot be certain everyone agrees but clearly most do, that not only should the NHRR proceed but that it should do so without delay. It is a scheme that is very highly valued by all and the need for it is widely recognised. It has been known about for decades. Its progress has been held up not for any specific reason related to it or due to any adverse consequence arising from it but rather the quite proper purpose of ensuring it fell within an overall intervention approach where new roads were to be built as part of a wider and more comprehensive transport approach. The position that has now been reached, reflective of the work done and adopted through LITS, is that the various measures to be brought forward are known and this is the final element around Lincoln to meet the full aspirations arising from that policy approach. Lincoln simply cannot progress without it. The consequence of that is that the Council had to get the Scheme out of the starting blocks and get it up and running.
5. Mindful of that and in order to avoid any further delay the novel approach described so ably by Mr Edwards was adopted. The Inspector asked if the approach was so attractive and beneficial why was it not followed on a more universal basis (using my words). The answer is that the pursuit of the proposal as adopted by the Council and driven by those involved in the Scheme does accept an element of risk and reward. There is a risk in accelerating the programme, but the potential rewards clearly outweigh that risk. One risk is that the Council as the promoters and the acquiring authority need to ensure that it can explain in a comprehensive way how it will be pursued and that the structure is in place to ensure no significant delays occur and that no impediments, such as funding, will arise. It may be that such an approach would deter some authorities' where the funding arrangements, relying as they do on some element of contribution from the Council would be too much for an authority to accept. That is not the position

in respect of this Scheme for this Council. In fact, that approach actually provides greater support for it progressing. In order to support the proposals, the Council would have had to look at its various commitments, ask itself the question as to what its priorities actually are and what can be achieved and then answer the question in a positive way. Mr Edward's confirmation that the situation is sound, even if the sources to finance the Scheme that are expected to arrive and the contribution arising from them may change, which is not actually anticipated, provides further and strong support for the situation. The fact that the Council has pursued the Scheme in the way it has, which has necessitated questions being asked, with information being considered before progressing it, all demonstrates an approach which is sound, convincing and should be encouraged. It is also one that appears to ensure a level of participation, even as part of the development of the proposals, that can be directly traced through to a lack of objection at the end of the day.

6. There will always be an impact from the promotion of a scheme of this type. It will always be unfortunate for those that do lose out but the effect of that has to be balanced by what should be achieved and what can be achieved within the budget available. It is perhaps worthy of comment that the indication given not only by the level of objection but also from the particular nature of the objection that the extent of the impact, especially given the nature of the Scheme is really at the lowest possible end of the scale. It is remarkable that a scheme of this scale, nature, location and purpose can give rise to such a low level of objection.
7. I will add more about that below but at present I want to touch upon two matters before I return to the approach.
8. The first relates to funding. It is sometimes the case that people believe that the funding requirements can only be met if the Council can point to the funds, where they are located and how they can be made use of. I will address funding in accordance with the actual tests to be applied below but the simple point is that such a belief is clearly erroneous. Funding for a scheme of this type will be

needed at different times to achieve immediate aims. It will be drawn down to carry out work as required to meet such aims. The approach therefore is to identify the general nature of the anticipated costs and thereafter provide an explanation as to where the funds will come from. In that respect the Council is in an enviable position. The fact that this Scheme is the last major road building intervention arising from LITs means that the other aspects have been provided. The East West Link Road, the LEB are two such Schemes and in respect of both the same requirement applied in respect of funding. Both are now built and operating and that track record of this Local Highway Authority in providing for the Scheme it promotes is of considerable assistance in respect of the questions to be asked in respect of funding.

9. A final matter is the requirement to seek to obtain land by agreement whilst utilising compulsory purchase powers. Once again there is often a misunderstanding as to the position and that seems to have been adopted by a number of the objectors in this case. There is no requirement to hold off on seeking to use compulsory purchase powers whilst each and every potential option to acquire the land by agreement is pursued. On the contrary the guidance in respect of the use of CPO powers advises against such an approach which may build in significant delay. In addition, it is necessary to examine the particular case. In this case an 8km long Scheme is proposed with many different landowners involved as well as others holding interests. The potential delay caused by seeking to deal with each and every such land or interest holder could be significant and would be directly contrary to the desire to move forward efficiently and directly. That desire does not remove the need to act properly. The Council is firmly of the view that throughout the process that it has acted properly. It has followed the guidance and has dealt with each and every such land or interest holder that it could. It has followed the guidance, it has been informed that there is an unwillingness to agree land sales pending confirmation that the Scheme is certain to progress and as such the use of compulsory powers is justified. Perhaps the withdrawal of objections made or at least the lack of anyone

pressing that argument before the Inquiries demonstrates that the Council is correct in its view and the Inspector can progress matters accordingly. I can therefore return to the general approach to be followed.

10. In looking therefore at the proper test to apply I would urge that the words of the applicable statutory test are the words to apply and in seeking to do that we should be guided by all the appropriate information. That would include a careful examination of that which objectors claim as well as the information presented in respect of that as well as the reality of the situation.
11. This proposal is desperately needed. The future for Lincoln and the promotion of the South West Quadrant SUE rests, at least in part upon it, even though unfortunately there will be consequences as a result.
12. Finally, by way of introduction I would refer to the planning permission. In making these final remarks I rely on what I described in opening in respect of the two relevant planning permissions. I do this not only to remind the Inquiry of what I set out but also to reiterate the significance of it and in so doing to help to understand the purpose of these final remarks.
13. I set it out in the following terms:-

“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 31st October 2023 and was granted on the 13th May 2024 having considered a raft of further information submitted on the 31st 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 10th 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.”

14 I reiterate that as it demonstrates that these inquiries are in respect of the SRO and CPO only. Many people may have difficulties in following that not being familiar with the process and procedures we are concerned with. However, that is important as it provides the locus for the consideration of the matter by the Inspector. I would have assumed that many of the representatives of the objectors that have entered objections, given their respective expertise and experience would have been aware of that and when bringing forward objections I would have expected them to acknowledge that they were in reality alternatives to the planning permission and not the matters before the

inquiry. However, given the extent of the withdrawal of objections I do not need to explore that further.

- 15 The Inspector described the effect of the position both at the PIM and in the note which followed it. The importance of that indication is that we should be concentrating on the SRO and CPO considerations which are limited in their effect and are subject to specific tests to see if the respective Orders should be accepted or not.
- 16 These Inquiries have, however provided an opportunity to identify and inform the Inspector of all relevant factors which have a bearing on the acceptability of the Scheme including alternatives to or variations of the published proposals. No one has chosen to take that opportunity by appearing live, but the evidence produced by the Council has attempted to provide a full and fair description of the actual situation. In my submission that has been done most successfully, and we can all be confident that all relevant factors are known and that an informed judgment can be reached. That judgment will be reached on the basis of a consideration of the evidence called and relied upon by the various parties, which in this case is in essence the Council.
- 17 This is therefore my opportunity to seek to persuade the Inspector to recommend that the Orders be made subject to the minor modifications considered at the inquiry. I do not intend to undertake that task, either by reviewing the objections comprehensively or by addressing each objection in turn, given that not much has been raised. I hope that it will be more helpful, and I know that it will be much shorter, if I seek to identify particular issues which the Inspector will have to consider, which, if resolved in the way in which I submit they should be resolved will lead to the conclusion that a positive recommendation should be made in relation to the applications made.

18 Accordingly in these concluding remarks I intend to identify the approach that should govern the assessment of the proposals in respect of the two elements contained within the Orders. Before I turn to those aspects, having set out the fact that the planning permission is not before us for consideration, there are three particular matters that I would wish to speak about by way of preliminary comment, which will mean that I do not need to return to them in the body of these closing comments. The first is to draw particular attention to the tests that need to be met; the second is to draw attention to the Scheme objectives which underlie the grant of planning permission and which need to be given considerable weight when looking at what the objections are, which I will do under the heading The Case for the Council as the Acquiring Authority; the third is to identify, in so far as I am able, the case for the objectors and any other matter raised.

The Tests to be Met.

19 I set these out in opening and as such I can largely repeat what I said with some additional comments.

“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.

Having made that suggestion in opening it falls on me to address it in closing. I am happy to record that given the current state of objections being maintained to the Orders, and more particularly the SRO, I cannot detect any remaining objection in respect of the SRO for the Inspector to report upon.

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 16th 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.

I have added a further comment about that matter in my introductory section above. The situation could not be clearer, and it is significant that no one has sought to press the argument before these Inquiries to demonstrate the contrary. That element of the tests that have to be met is clearly satisfied.

(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.

This matter has not been challenged at any stage. No one has tried to demonstrate the contrary position and given the explanation contained within the evidence presented as to the need for the Scheme and the benefits that will arise, the test is clearly satisfied.

(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.

Once again there has been no challenge by way of objection or other representation that has sought to question this. I cannot recall any matter being raised which challenges the conclusion that this test is met.

(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.

The position in respect of the pre commencement planning conditions was addressed during the evidence and unusually for a scheme of this type the planning conditions that have to be met are all or virtually all complete. It is only a case of waiting for confirmation of the quails that is preventing a final sign off and that is expected to be achieved by the end of July in one way or another. That is a position that is not normally reached until well after the decisions are made in respect of the SRO and the CPO.

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. “

In respect of funding either as an essential step in the process of having the resources or as a consideration as an impediment, the position is clear. Mr Edwards offered a clear, concise and certain description of the situation, taking into account that which I described earlier, the position is clear and cannot be seen as any form of problem in looking at these matters. The approach is to seek to obtain all available funding from identified sources. Some cannot currently be certain, but an estimate is given. That relates to the developer contribution and Mr Edwards was extremely fair in describing the position. Given the lack of knowledge as to the potential development of the SUE, whilst taking into account that some contribution has in any event been obtained from development in the locality outside the SUE, an overall estimate of £10m was given. That might change but that does not cause any doubt on the progress of the Scheme for two reasons. First the Council has indicated that it will, given the importance of the Scheme step in and cover any shortfall. Then second the Council has already delivered other schemes in the locality and therefore every confidence can be had in the delivery of this one, especially given its significance overall.

To that mention should also be made to the timely intervention given by the recent announcement as to funding schemes by the Department. Mr Edwards

referred to that and a note is before the Inquiries which describes the position. Although it does not provide a certain position in itself, which it could not do prior to the FBC being prepared and presented, it does provide a clear and strong steer as to the support for the Scheme presented by the allocation of funds for that purpose. It is hard to see how the position could be better supported or how the conclusion that the test is met could be any clearer.

- 20 These Inquiries have provided the opportunity for all such matters to be examined, tested and hopefully understood. With the exception of the matters put in clarification no great attempt has been made to argue any contrary case and nothing specific has been placed before the Inspector seeking to convince him of any contrary conclusion.

The Case for the Acquiring Authority.

- 21 In circumstances where only parts of an overall development are brought before an inquiry for examination, as a result of some objection being made, the significance underlying the overall approach may be given less weight than they should be. That is reinforced where no specific objection challenging the Scheme is presented at all. In this case we are only concerned with very minor elements, but it is essential when looking at those matters that full weight is given in the overall assessment process to the reason why we are bringing those elements forward.
- 22 If the planning permission had not been granted then the Council would be leading evidence to describe the need for the proposals, the advantage they offer, the planning policy support and compliance with policy and the huge advantage the Scheme offers. That description would be put into the context where, for example the NPPF requires that applications that meet the development plan should be approved without delay and further matters apply. Local Planning Authorities are required to take a positive approach to foster

delivery of sustainable development and there is a requirement on them to seek to approve applications for sustainable development where possible and they should be looking to secure developments that improve the economic, social and environmental conditions in the area.

- 23 These final remarks, relating as they do to the two identified matters rather than the grant of planning permission, do not require me to review all the planning information but it is vitally important when looking at objections made to the Orders that are before the Inquiry that due weight is given to the significance of the proposals. Set out in the supporting information (including in both the Statement of Reasons and the Statement of Case) are the objectives underlying the promotion of the NHRR as the final part of the overall LITS strategy. It is this Scheme that will complete the ring around Lincoln that will provide the ultimate traffic benefit to road users as well as residents and locals.
- 24 The NHRR started life as the Lincoln Southern Bypass, which was actually the southern part of the combined eastern and southern bypass arrangements. It was identified in LITS along with other road schemes and related interventions all intended to improve traffic and transport movement into and around Lincoln as well as life for residents and visitors alike. The NHRR is the last element of a complete ring road around the greater Lincoln urban area comprising both Lincoln and North Hykeham. The completed ring road will allow any driver, not wishing to enter the City to pursue a journey that avoids the urban area altogether. As such it will form part of the Lincolnshire Coastal Highway allowing access to the coast and the ports. Its significance is clear to see from that.
- 25 The desire to see such a connection is a long-term aspiration of the county and district councils and the principle of a relief road has been developed as part of several strategies for the Lincoln area with a preferred route being announced in 2006. Since then, the route has been considered as part of the planning process through the Development Plan and was included in the Central

Lincolnshire Local Plan of both 2017 and its replacement in 2023, albeit in an indicative form and following a slightly different route.

26 The proposal has therefore enjoyed a very long gestation period albeit one that was indicated to run south of Lincoln connecting the A46 and the A15. Given those destination points the route follows a sensible and logical route connecting with necessary local roads as required to meet its overall ambitions.

27 The Scheme has specific aims which leads to identifiable and supported benefits. These have been stated many times over the years but always on a consistent and justified basis. 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.

28 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.

29 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.

- 30 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.
- 31 In that respect the preparation of the Scheme for promotion and subsequent consideration is important. As part of the preparatory work the Council, its professional advisors and consultants have carried out extensive engagement and consultation with the public, landowners, affected residents and businesses. Mr Edwards described that as being a process akin to a Development Consent Order process, namely one where a number of rounds of consultation and design are undertaken before any final decisions on the

scheme to be pursued are carried out. All and any interested party can use that time to seek to develop and influence the scheme.

- 32 In this case there were three rounds of Public Information Exhibitions held in September 2022, March 2023 and June 2023. Each round being held at three venues proximate to the Scheme on three consecutive days. The level of detail available evolved over time and the contents of that were fully reported to the Council prior to decisions being made. Feedback received from each event was fed back into the design process with the design being updated to reflect what had been brought forward throughout.
- 33 Thereafter 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.
- 34 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.
- 35 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; the road system 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.
- 36 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.

- 37 By providing an alternative route choice for A46 users to travel around or bypass the Lincoln urban area, journey time savings are made for medium and longer trips on these routes. Congestion is reduced on some radial routes into the city centre, in particular on the 1434 Newark Road/A15 corridor, plus Brant Road and the A607 Grantham Road. Congestion is also reduced within Lincoln urban area in particular in North Hykeham and Waddington, which reduces travel time for shorter trips in those areas. A value in journey time savings forecast to arrive is described in the evidence and is expected to exceed £150m for business users and around £180m for other users.
- 38 The Scheme will produce benefits for journey time reliability through providing additional network capacity and route choice. This is in particular for east west movements as an alternative route around the city to the existing orbital network.
- 39 An overall improvement to the performance and reliability of the local transport network will occur which should improve the efficacy of business and promote sustainable economic growth. The Scheme increases effective business catchment areas, which has a positive benefit for labour supply and a move to more productive jobs.
- 40 The NHRR is a vital part of the Council's plans to support the growth of its priority economic sectors, improve the efficiency of the strategic road network within central Lincolnshire and in turn the links to the major national and international gateways as well as supporting new housing.

41 In particular in relation to 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. 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.

42 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.’

43 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.

- 44 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.
- 45 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 involve 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.
- 46 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.

47 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.

48 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.

49 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.

50 In addition, the pursuit of the Scheme makes financial sense. 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 well worth making 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.

51 In closing there is one further point to mention in respect of the Scheme. That relates to the involvement of National Highways. 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.

52 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. It has been an interesting relationship with National Highways, quite rightly being demanding in respect of any matter that might affect their interests. Work was undertaken, it was examined, and I am happy to report accepted as part of the overall proposals. 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.

53 I can perhaps end this section on the basis of an indication of the level of support or at least a lack of objection to the Scheme proposals. It is tempting to simply say that the NHRR enjoys a virtually unique position. Everyone appearing at or making representations to these Inquiries has expressed the consistent view that even if they do not express support for the NHRR they do not oppose it. I cannot recall any sentiment indicating that they want to see it prevented or even delayed. What can be said is that the support for the proposals is extensive, it may even be universal, and it is consistent. It desires, in just the same way that the Council does to see the proposal moved forward to completion as soon as it can reasonable be done.

54 That support is for an immediate movement forward, for no further delay so that the advantages can be captured as soon as it is possible to do so.

The Case for the Objectors.

55 In the opening remarks I made reference to the objections that had been made and indicated that twelve were originally registered, that some had been removed and further that all remaining objections would fall to be considered

following the presentation of them to the Inquiries. I did not realise at the time that meant that we would not actually be hearing from anyone live at the Inquiries. Although the removal of objections is always an indication of the advantage of the inquiry system it would normally give a greater sense of achievement when having raised a matter it was considered and then removed. In this case we cannot really claim to have reached that level in respect of the objections made.

56 The vast majority of matters raised as objections are in reality matters seeking some change that is at least arguably more closely linked to matters that are not for consideration. I do not need to venture into that now in respect of the majority of the objections given the voluntary removal of them following discussions that had been undertaken. The Council has not troubled the Inspector with any detail related to those matters given that it is the written notification of withdrawal that covers the position. The reality is therefore that there are only three objectors left, and I will deal with each in turn. In so doing I would note that none of the three objectors appear to object to the SRO itself but rather infer matters are more related to CPO matters.

57 Mr and Mrs James. Having set out various matters by way of objection, which Mr Lakin dealt with in his evidence and updates, only one consideration was actually left for consideration. The desire to seek to get the Council to acquire their interest in their land, despite actually only requiring a strip in front of their property, is perhaps understandable but in reality, cannot be accepted for two reasons. First it is not an actual objection to the Scheme or more properly the Orders being considered and as such would simply need to be recorded as such with no need to add anything further. The second reason is that if it was to be considered it would more properly be necessary to engage the Blight procedure to seek to deal with the point being made. Blight has been raised by others in respect of the Scheme and has been considered by the Council following the necessary and appropriate procedures. Blight only arises in

specific circumstances and needs to be tested against specific rules to see if it is justified or not. No formal request for blight has been made in this case. As such the objection based on that remains but in reality, is not an objection to either Order.

58 Rontec's objection remains on the basis that was set out in the email sent to the Inquiry the night before they were expected to appear. That email made it clear that extensive discussions had been undertaken and many matters had been examined but unfortunately the objection was not withdrawn. The email made a suggestion that the discussions may continue and that may lead to an agreement which would allow the matter to be resolved to the satisfaction of Rontec. That may then result in the withdrawal of the objection although that would not happen during the course of the inquiries and therefore might follow subsequently. The inquiry process does not allow for that to happen in the way that appears to be underlying the suggestion.

59 Accordingly, the objection needs to be considered as presented. Presented in that respect means as presented to the Inspector conducting the inquiries and known to exist by the Inquiries. I am not aware of anything being presented by Rontec other than the original objection sent dated the 18th November 2024. The matters raised in that letter have been considered and answered by the Council as identified in the correspondence and the evidence of Mr Lakin. In the Council's view those various matters have been dealt with fully and conclusively and have been addressed. The way that the discussion progressed following the publication of that evidence would tend to confirm that as discussion moved on to a myriad of other matters of varying degrees of detail and complexity.

60 I do not therefore suggest that the objection can be considered as dealt with completely as a result of Mr Lakin's evidence, despite that being the case as all matters were addressed, as discussions continued. What I do suggest, as is clear from Mr Lakin's second update which dealt with this matter in some

detail, that the matters did move on from the original points being raised to consider other matters as well, with none of them being raised before the Inquiries given as they have never been presented. The detail arising from them is known to a sufficient degree of detail to confirm the situation, but that does not replace the fact that they are not formally before these inquiries. In short, the matters raised have moved on and are now clearly matters that are not for the inquiries to deal with. The nature and extent of accommodation works the attempts to rework the detail of the Scheme rather than as shown in the planning position and potential matters of compensation.

- 61 Taken together the Council's view is that all relevant matters have been dealt with, the additional matters fall outside the inquiries requirements and the Inspector's report can safely conclude accordingly. In saying that I rely on the detailed and extensive contents of Mr Adam Lakin's Note 2 addressing Rontec's position prepared not only by him but also with the support of the "modelling witnesses" namely Mr Turvey and Mr Bradley who appeared before the Inquiries.
- 62 Wolfson Trago. Objections were raised initially and were answered by the evidence presented by Mr Lakin. Nothing further has been raised before the Inquiries since that time and accordingly there is nothing further to address formally. In fact, the level of contact and response with Wolfson Trago has been limited until just before the inquiries. Subsequently contact has been made with a letter indicating a withdrawal of the objection could be made on confirmation of certain matters. The Council did not therefore treat that letter as a withdrawal of objection but chose to respond to the matters listed within it.
- 63 All matters have been confirmed through the evidence of Mr Lakin (update 2) which included the contents of a response sent directly to the author of the letter from Wolfson Trago. That is a complete answer to the matters raised, it provides a complete response to the list and as such it meets the requirement

raised by the objector. As such it should be possible to treat the objection as withdrawn but in the absence of a specific written indication that it has been the Council would urge a different approach.

64 The Council would regard those various matters listed within the letter as an indication of the objectors position despite not being formally presented and not being within the original objection letter. They have at least been sent by the objector. They requested specific assurances, which have been given and as such the matter is at an end. That should allow that objection to be treated not as being withdrawn but rather as being resolved as a consequence of the assurance given by the Council. As such it is no longer a matter of concern.

65 Having been through those few matters I can return to a comment I made in opening in respect of the objections made. *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.*

66 The only point I need to change is that although objections are important it is equally important to be aware of the true extent and nature of them. All objections raised initially have been addressed. Some matters have progressed

with new matters being raised. Most of those have not been presented to the Inquiries but the Council has attempted to deal with them in any event in the best way possible. Very little if anything remains. There is nothing in respect of the SRO as far as I can see and nothing remaining of relevance in respect of the CPO.

The SRO.

- 67 Given what I have set out above and subject only to the modifications that have been promoted the SRO should be confirmed as published. It is necessary to allow the Scheme to be promoted and built. The level of objection to it has always been modest at best and there is no basis, having regard to the various tests that apply that should prevent that from happening.

The CPO.

- 68 I deal with this last for two reasons. First, because the SRO when considered alongside the planning permission provides the justification for the acquisition of the land and therefore if they are justified then the land acquisition to provide for them is justified. Secondly because there is remarkably little, if any remaining objection to the CPO as is clear from Mr Lakin's Note 2. All but two of the Statutory Objectors have removed their objection made largely as a consequence of the Council meeting with or discussing how their concerns could be addressed. That position is not at all surprising given the fact that there has been such an extensive level of involvement in the pursuit of the Scheme. People raised concerns and in so far as they could be they were met during the design process leading to the grant of planning consent.
- 69 In opening I sought to identify the relevant tests, I identified the relevant guidance, and I tried to provide the answers to the questions that have to be addressed. I have repeated that above. I made it clear that the CPO provides the means by which the land can be acquired to allow the Scheme to be provided.

That CPO has been drawn to reflect the position as shown in the planning permission that has been granted for the Scheme. The planning permission includes all the land required to permit the Scheme to be constructed, including that land required to store soils in the appropriate location and in the right form to permit for appropriate reuse and for all aspects of the construction including that required for matters such as the construction compounds.

70 The CPO therefore allows for the land required for the Scheme. As such it does contain areas of land that although needed to allow the Scheme to proceed and therefore the acquisition is essential are not required permanently into the future. That approach had to be explained to objectors as part of the written response to objections originally sent, but once it was understood it seems to have been accepted as being a valid and lawful use of the powers and is necessary to guarantee the scheme can proceed; guarantee in that context meaning the removal of any known impediment to the proposals going ahead. Accordingly, what I would make clear is that without that land acquisition the Scheme, as shown in the planning permissions could not be provided and the planning permission could never be implemented and that is what provides the justification for the compulsory acquisition. Having set out the tests above I do not need to say much more.

71 I do not believe any landowner or occupier actually opposes the NHRR and given the existence of the planning permission, which has been through the relevant process prior to the consent being issued, it is clear that they would have been fully aware of it. All statutory objectors seem to accept that the land shown in the CPO arose from the need to provide for the planning permission.

72 The power that exists to acquire land as given by sections 239 and 240 of the Highways Act 1980 to be able to obtain the land that is required for the construction or improvement of the highway or to carry out the works authorised by section 14 or section 129.

- 73 As such the land within the CPO is required for the purpose of the construction or improvement of a highway or to carry out works authorised by section 14 or 129 of the 1980 Act. The statutory purposes are therefore met.
- 74 Given that the need for the land to enable the Scheme to proceed is accepted then the relevant provisions within the Highways Act 1980 apply and the use of CPO powers is lawful.
- 75 It is accepted that the Council has been open and honest in describing the purposes to which the land is needed as is required as part of the justification of the use of compulsory purchase powers. It is further accepted that the Council has described the position by which once the construction activity has been completed some of the land will no longer be required. It is further accepted that the Highways Act 1980 does not provide for the temporary acquisition of land, it only allows for the land to be acquired or not.
- 76 Accordingly, any area of land that is required to enable the construction to take place has to be acquired using the powers that are available, which means the acquisition of the title to the land so that it can be used and retained for that purpose. Once that purpose has ended then the Council would be in a position to offer that land back should the previous owner want it, but that does not alter the fact that the land had to be acquired in the first place to enable the Scheme to proceed.
- 77 The planning permission which exists for the Scheme provides for the Scheme and ensures that all the land required to permit it to be constructed is identified so that the implications of the Scheme, its construction and subsequent operation were taken into account at the time planning permission was being considered.

Other Matters

78 That leaves two matters to note. The first is that there has been no alternative suggested and as such that process has not needed to be gone through. The second is to record that all suggestions made by way of modification have, to the extent possible been addressed and accommodated within the revisions made.

Conclusion

79 I have tried to set out all relevant matters. The SRO and CPO must be made to enable this much needed and highly beneficial Scheme to proceed. The invitation I make is for the positive recommendation to be made in respect of both Orders and that the Scheme proceed with no further delay.

Authorised by LCC and presented by Simon Randle of 4/5 Gray's Inn Square, Gray's Inn, London