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Our Ref: NATTRAN/EM/HAO/308

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Dear Ms Robertson

**THE LINCOLNSHIRE COUNTY COUNCIL (A1461 NORTH HYKEHAM RELIEF ROAD)
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2024 ("the SRO")
THE LINCOLNSHIRE COUNTY COUNCIL (A1461 NORTH HYKEHAM RELIEF ROAD)
COMPULSORY PURCHASE ORDER 2024 ("the CPO")**

**SECRETARY OF STATE'S DECISION – THE SRO AND CPO TO BE CONFIRMED WITH
MODIFICATIONS**

1. I refer to your application, submitted on behalf of Lincolnshire County Council ("the Council"), for confirmation of the above-named Orders. The Secretary of State for Transport ("the Secretary of State") has decided to confirm the SRO and CPO with modifications and this letter constitutes her decision to that effect.
2. The confirmed SRO and CPO will, respectively, authorise the Council to:
 - i. improve highways; stop up highways; construct new highways; stop up private means of access to premises; and provide new means of access to premises, all on or in the vicinity of the route of the Classified Road being the A1461 road which the Council propose to construct from the A46 North Hykeham Roundabout eastwards for a distance of approximately 8km to its junction with the A15 Sleaford Road Roundabout; and
 - ii. purchase compulsorily the land for the purposes of the classified road works described above; the construction of highways to connect the above mentioned highway with the existing road system; the construction of bridges; the construction of 12 culverts; the construction of other highways and improvement of existing highways in the vicinity of the route of the above mentioned highway in pursuance of the SRO; the provision of new means of access to premises in pursuance of the SRO; the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; the use of land in connection with the

construction or improvement of highways or with the carrying out of works authorised under the SRO; and mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof.

MODIFICATIONS

3. The Secretary of State will make the modifications to the SRO and to the CPO as recommended by the Inspector at IR 8.1 and IR 8.2, and as indicated in the Inspector's Documents referred to at Appendix D and Appendix E of the Inspector's report. These modifications are summarised in two of these documents, IN/LCC/16a and IN/LCC/17p, which are reproduced respectively as Annex A and B to this letter.

CONSIDERATIONS FOR DECISION

4. As statutory objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. An independent Inspector, Jason Whitfield BA (Hons) DipTP MRTPI, was appointed by the Secretary of State and a Pre-Inquiry meeting was held virtually on 16 June 2025, and Inquiries were held on 1–9 July 2025.

5. The Inspector reports that seven objections remained at the opening of the Inquiries on 1 July 2025 and that during the Inquiries several outstanding objections were withdrawn. At the close of the Inquiries, two objections remained - the objections of Rontec Service Station 1a Ltd and Mr and Mrs James. No evidence was heard at the Inquiries in relation to the two remaining objections. The Inquiries therefore focussed on the presentation of the Council's case.

6. The Inspector considered all representations and objections about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *The Highways Act 1980* and *Compulsory purchase process: guidance*, in reaching her decision on the Orders. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

7. The Secretary of State needs to be satisfied:

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up; and
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided.

In relation to the CPO, namely that:

- i. whether there is a compelling case in the public interest to justify conferring on the acquiring authority powers to compulsorily acquire and use land for the purposes of the scheme, including whether reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;
- ii. whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998);
- iii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iv. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- v. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSIONS

8. The Secretary of State has considered carefully all the objections to, and representations about the Orders.

9. The Secretary of State agrees with the Inspector's conclusion at IR 7.6 that the SRO makes provision of alternative reasonably convenient routes, where necessary, to address the needs of all highway users. The Secretary of State also agrees with the Inspector's conclusion at 7.9 that where a private means of access is proposed to be stopped up another reasonably convenient means of access to the premises is available or will be provided or no access to the premises is reasonably required and the statutory test is met.

10. The Secretary of State agrees with the Inspector's conclusion at 7.11 that provision has been made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on over, along or across the highway to be stopped up or diverted.

11. The Secretary of State notes the Inspector's conclusions at IR 7.20 that the objectives of the scheme are consistent with the principles of sustainable development and also notes that the Inspector overall found the proposals to be a high quality scheme and the Secretary of State, like the Inspector, is satisfied that there is a compelling case in the public interest for compulsory purchase powers as proposed in the CPO.

12. The Secretary of State further notes the Inspector's conclusion at IR 7.36 that given the compelling case in the public interest for the use of compulsory purchase powers that the interference with rights under Article 1 of the First Protocol and Article 8 of the Human Rights Act is necessary and proportionate.

13. The Secretary of State agrees with the Inspector's conclusions at IR 7.24 that the acquisition of Plot 264 is necessary to facilitate the provision of the Station Road Overbridge and that the Council has a clear idea of how it is intending to use the land it seeks to acquire. The Secretary of State is also in agreement with the Inspector's conclusions that the Council is able to show that all necessary resources are likely to be available to achieve the scheme purpose within a reasonable timescale (IR 7.25); and that the Council is able to show that there is a reasonable prospect of the scheme going ahead and that it is unlikely to be blocked by any physical or legal impediments to implementation (IR 7.30).

14. The Secretary of State notes the Inspector's conclusions at IR 7.31 to IR 7.36 regarding human rights. That the scheme would encourage an improved quality of life for all residents of the Lincoln area, leading to wider, social, economic and environmental benefits and that where adverse impacts are likely to occur, they have been shown to be within acceptable limits. The Inspector also concluded that there was a compelling case in the public interest for the use of compulsory purchase powers and that no more land than necessary would be affected; and that the interference with rights under Article 8 of the Human Rights Act is necessary and proportionate.

15. The Secretary of State agrees with the Inspector and has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of those with an interest in the CPO and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights.

16. In terms of equalities, the Secretary of State notes the Inspector's conclusion that there has been no conduct by the Council that had been brought to his attention that was prohibited under the Act. That the Inspector had had regard to the duties under the Equality Act throughout the conduct of the Inquiries. The Inspector concluded that the duty had been fully complied with.

17. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm 'The Lincolnshire County Council (A1461 North Hykeham Relief Road) (Classified Road) (Side Roads) Order 2024' and 'The Lincolnshire County Council (A1461 North Hykeham Relief Road) Compulsory Purchase Order 2024' as modified by her.

18. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements, or correspondence, as being factually correct. Confirmation is given on this basis.

19. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector's report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of the conclusions and recommendations.

COMPENSATION

20. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

21. A copy of this letter, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties, and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

22. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at www.lincolnshire.gov.uk/nhrr and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

23. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Scheme and Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely



TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf