

**Open Report on behalf of Andy Gutherson,
Executive Director of Place**

Report to:	Executive
Date:	7 January 2020
Subject:	Spalding Western Relief Road
Decision Reference:	I017458
Key decision?	Yes

Summary:

This Report seeks approval to pursue the Spalding Western Relief Road Highway Scheme as described in the Report.

Approval is sought for the scheme as a whole, including the route, and for the delivery of the Scheme in sections as described in the Report. Finally the Report seeks approval for the acquisition of land by agreement and to progress the delivery of section 5 as the first section of the phased delivery including the letting of a construction contract for the works.

Recommendation(s):

That the Executive:-

- 1 Approves the carrying out of the Spalding Western Relief Road Scheme ("the Scheme")
- 2 Approves the route shown on the plan attached at Appendix A to this Report as the preferred route for the Scheme and the land shown on the said plan as land comprised in the site of a highway as proposed to be constructed by the Council as highway authority
- 3 Approves the delivery of the Scheme in five sections as described in the Delivery Strategy attached at Appendix B to this Report
- 4 Approves in principle the procurement and award of a contract for section 5 of the Scheme
- 5 Approves the acquisition by agreement of any land or properties and any third party interests in land and properties as required for the Scheme on terms determined by the Executive Director – Place in consultation with the Executive Councillor for Highways, Transport and IT.
- 6 Authorises the Executive Director – Place to agree the final form and

approve the entering into of all agreements and contracts necessary to secure the construction and completion of section 5 of the Scheme to include (but without limitation)

- (i) any agreement or contract related to funding for section 5 of the Scheme
- (ii) any contract awarded pursuant to paragraph 4; and
- (iii) any contract or agreement made with statutory undertakers, Network Rail or the like in connection with the Scheme.

Alternatives Considered:

The main alternatives include:

1. Delivery of the SWRR as one project instead of 5 separate projects, however this was discounted due to the poor likelihood of attracting third party funding to develop a scheme of that size in one process. This would also result in significant delay to the progress of the scheme which would severely jeopardise the highway improvements delivered by the scheme as well as the planned growth in the South East Lincolnshire Local Plan, which the County Council is a partner of.
2. Not to progress the SWRR further. This would result in an inability to deliver highway improvements required to deliver the environmental, traffic and other benefits highlighted in the Reasons for Recommendation section in this Report and to meet planned growth in the adopted South East Lincolnshire Local Plan, to which the County Council is a partner. Without the full scheme neither the benefits nor the development commitments in the local plan can be delivered.
3. Progress the Scheme on an alternative route especially in the middle sections of the SWRR, known as Sections 2 to 4. The pros and cons of the various route options are set out in the Report.

Reasons for Recommendation:

The SWRR Scheme has been promoted through a significant number of policy documents published by both the County Council and South Holland District Council. The need for the SWRR Scheme and the benefits it will bring are widely recognised and that has been reflected in the grant of planning consent.

It is recommended that the SWRR is approved and is delivered in line with the appended Delivery Strategy as this provides the strongest likelihood that the whole project will be delivered. The Scheme provides the following benefits:

- The road will mitigate the significant impact which the rail line has on bisecting Spalding. It's important to stress that there is an expectation of greater levels of rail freight in the future which will further increase the

level-crossing barrier downtime in Spalding.

- The road will result in a reduction of traffic congestion in Spalding town centre.
- The road will enhance connectivity by improving north, south and west links around Spalding.
- The road will reduce the strategic through traffic, particularly between the east and west, and the east and south, by providing a link between the A151 Bourne Road to the west of the town and the A1175/A16 to the south and east of the town.
- The road will provide alternative routes for local traffic passing through Spalding avoiding congestion in the town centre and increasing journey time reliability.
- The road will facilitate access to planned Sustainable Urban Extensions in various locations to the west of Spalding which cannot be progressed without elements of the SWRR.

The recommended preferred route (Route Option 3 Central Alignment) has the benefits set out in section 5 of this Report.

1. Background

The Spalding Western Relief Road (SWRR) will be a 6.5km road linking the A1175 and A16 to the south and east of Spalding, to the B1356 Spalding Road to the north of Spalding, via the B1172 Spalding Common.

The SWRR is a strategic infrastructure project essential to delivering the growth of Spalding and required to address the strategic transport connectivity around the town as well as addressing specific transport problems within Spalding. These strategic ambitions are set out in the South East Lincolnshire Local Plan (SELLP) which was formally adopted by South East Lincolnshire Joint Planning Committee on the 8th March 2019.

The SWRR scheme includes a number of complex interdependencies and has required joint working and collaboration between a number of partners including LCC, SHDC, Network Rail, the Local Internal Drainage Board and key landowners some of which are promoting key aspects of the proposed development being considered as part of the Northern Spalding SUE and Southern Spalding SUE development proposals.

The scheme in a strategic context, is to remove through-traffic in the town centre by providing an alternative route with a bridge over the railway line negating the need for north-south traffic to cross at grade via the town centre level crossings and secondly to distribute new development traffic generated by future residential development.

2. Scheme Objectives

The objectives defined in the Delivery Strategy (attached at Appendix B) were jointly developed by LCC and South Holland District Council (SHDC), these are:

Reference	Objective
SWRR 1	To support and facilitate sustainable population and commercial growth within South Holland in accordance with the emerging South East Lincolnshire Local Plan
SWRR 2	To deliver economic benefits by reducing delays and improving journey times
SWRR 3	To mitigate the impact of increased freight passing through Spalding and the associated increase in level crossing barrier downtime
SWRR 4	To reduce traffic congestion in Spalding town centre
SWRR 5	To have regard to the aims of the SHDC Economic Development Strategy and Lincolnshire County Council's LTP which seek to deliver environmental and traffic benefits
SWRR 5	To enhance connectivity by improving west to south links around Spalding
SWRR 7	To enhance quality of life for residents of Spalding by improving air quality, reducing carbon emissions and addressing issues of town centre safety
SWRR 8	To improve the reliability of public transport by minimising delays in the town centre
SWRR 9	To support and encourage walking and cycling by reducing town centre traffic and providing safe links

3. SWRR Delivery

The proposal for the scheme is to deliver a 7.3m wide all-purpose single carriageway road in five sections, as follows:

- Section 1: Spalding Common to Holland Park (Southern Connection)
- Section 2: Holland Park to Bourne Road
- Section 3: Bourne Road to North of Vernatt's Drain
- Section 4: North of Vernatt's Drain
- Section 5: North of Vernatt's Drain to Spalding Road (Northern Connection)

The SWRR scheme delivery process will be led by LCC and supported by South Holland District Council (SHDC). LCC will manage the process up to and including construction, including the procurement and appointment of a construction partner.

The Delivery Strategy document at Appendix B to this Report presents the expected delivery timescales and estimates of the costs of delivery of each section of the route. It is important to stress that both these elements may change if the delivery extends beyond the proposed timescales.

Lincolnshire County Council (LCC) working in conjunction with South Holland District Council (SHDC) was successful in a bid to Homes England for Housing Infrastructure Marginal Viability Funding (HIF). This bid amounted to a sum of £12m to assist in building Section 5 to support the delivery of housing growth in the Northern Spalding Sustainable Urban Extension (SUE).

The phased delivery of the SWRR has a total estimated cost of approximately £100m. The table below shows the estimated delivery of each section of the SWRR.

4. SWRR Funding

Description	Section				
	1	2	3	4	5
Timescale	2021-2022	By 2036	By 2036	By 2036	2020-2021
Planning	Outline Planning Application approved	Determined at a later date dependent on funding - Potential for one Planning Application covering Sections 2, 3 and 4			Outline Planning Application approved
Cost	£29.1 m	£44.8 m			£27.6 m
Funding Stream	75% developer contribution being secured	No funding stream identified to date, although there is an expectation of a high level of developer funding.			HIF contribution of £12m with the remaining £15m identified in LCC's budget
Delivery Lead	LCC will be the delivery lead on all sections of SWRR, taking responsibility for each stage of the scheme's development from preliminary design, planning, detailed design, legal orders, and procurement and construction management.				
Delivery Partners	<ul style="list-style-type: none">• SHDC• Developer• Network Rail	<ul style="list-style-type: none">• SHDC• Developers			<ul style="list-style-type: none">• SHDC• Developers• Network Rail

Section 1 capital funding has yet to be secured both from the developer (this is actively progressing) and from LCC to construct the project. Revenue funding was however utilised in financial year 2018/19 to progress this section which resulted in a planning application being submitted in February 2019. Further revenue funding has also been allocated from the 2019/20 Advance Design Block to progress the detailed design which commenced in August 2019.

Section 5 capital funding has been identified and secured in line with the delivery timescales in the appended Delivery Strategy included with this report as Appendix B. This consists of £12m HIF contribution to support the delivery of housing growth in the Northern Spalding Sustainable Urban Extension (SUE), £1m contribution from SHDC with the remaining £13.2m identified in LCC's capital budget. As with Section 1, revenue funding was utilised in financial year 2018/19 to progress this section which resulted in a planning application being submitted in February 2019.

Planning applications for both Sections 1 and 5 were approved on the 29th July 2019 by the LCC Planning and Regulation Committee.

Funding for Sections 2, 3 and 4 has yet to be identified.

5. Sections 2 – 4 Feasibility Study

The Council's thinking on and the circumstances affecting the determination of a route for a Spalding Western Relief Road have evolved over the past 12 years to a point where a preferred route for all the central sections can and should now be determined. The aim must be to design a strategic highways infrastructure scheme that can be delivered in a manner that ensures value for money within the strict bounds of environmental protection and engineering and safety requirements and is consistent with the planning and other strategic aims for the town of Spalding.

The initial plan for the delivery of the SWRR involved the approval and delivery of each stage separately from any strategic conception of the overall route of the road as a whole.

By a decision dated 21st March 2012 the Executive Councillor for Highways and Transportation approved a preferred route for Phase 2 as then defined and approved the seeking of planning permission in respect of that route. The route is known as the "allotment route" and is further discussed below. It should be noted that the route only covered what is now known as section 2 of the proposed SWRR and therefore did not constitute a route for the middle sections of the SWRR as a whole and did not incorporate a fully strategic vision of the highway infrastructure needs of the town.

Subsequently to this decision, the Council began to develop in close collaboration with SHDC its Spalding Transport Strategy. In addition the process of development of the SELLP had to be taken into account both as a core element of the wider strategy for the town of Spalding that should be taken into account in developing infrastructure and because it would govern the planning framework in which any full preferred route would need to be progressed.

At the time, there was also a national change in policy for major infrastructure delivery. There has been a reduction in direct local authority funding and a greater expectation that public infrastructure will contribute to and be partially funded from local growth and in particular the bringing into development of new housing supply. This change has the potential to make a piece of public infrastructure financially unviable if it does not fit into local growth plans as reflected in the Local Plan.

It also renders impractical a piece-meal stage by stage approach to the delivery of a major piece of infrastructure such as a relief road. Without a strategic vision for the route of the whole road, an understanding of how it fits into the local planning and wider growth strategy for the area and how it aligns to the conditions attached to various sources of funding a road cannot be embarked on with any confidence that it will be delivered.

The Council has not progressed with the delivery of any of the SWRR to date including Phase 2 as defined in March 2012. In the meantime the strategic framework in which the scheme has to be progressed has changed. If the SWRR is to be delivered in the interests of Spalding then the Council must look again at the best route, this time for the road as a whole and in the existing context. The

route options certainly include the existing preferred allotment route up to Bourne Road but the potential northern extension of that route needs to be analysed alongside other potential routes to define the best option within the planning, policy and funding framework that applies today.

The remainder of this section sets out a summary of the Council's options appraisal in relation to sections 2 to 4.

Sections 2 to 4 of the Spalding Western Relief Road (SWRR) known as the middle sections are expected to be delivered over the implementation period of the South East Lincolnshire Plan (SELLP). A Stage 1 Feasibility Report was prepared, which considered five route options against doing nothing. A sifting exercise was applied which utilised the relative scoring of discipline based assessments, using the Department for Transport's (DfT's) Early Assessment and Sifting Tool (EAST). The options that came forward, referred to as Sections 2 to 4 of the SWRR were:

Route Option 1: The 'Allotment Route' to the far east and outside of the safeguarded road corridor that was described in the 2019 adopted South East Lincolnshire Local Plan

Route Option 2: An easterly alignment within the safeguarded road corridor

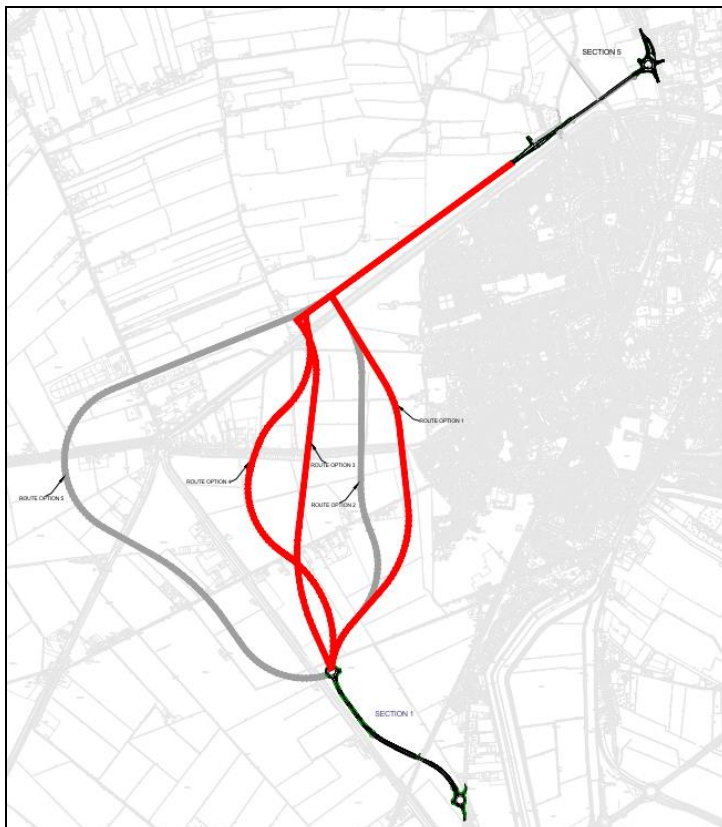
Route Option 3: A westerly alignment within the safeguarded road corridor

Route Option 4: An alignment through the 'Trojan Wood' factory site that is west and outside the safeguarded road corridor

Route Option 5: A wide west alignment beyond Pode Hole

Option 6: Do nothing benchmark

Figure: Routes Considered in EAST Assessment



Each option considered aspects that were aligned to the DfT Transport Business Case guidance and reporting structure such as:

- Strategic effects
- Economic benefits
- Managerial requirements
- Commercial considerations
- Financial burden

The EAST assessment is used to judge how well each option performs against criteria belonging to each aspect with any environmental constraints, industrial/commercial properties and local plan designations also being included.

The sifting process narrowed the initial range of potential alignments of Sections 2 to 4 of the SWRR from six down to three. Route Options 2, 5 and 6 scored poorly in the EAST and were discounted, leaving three route options to be further assessed in detail:

- **Route Option 1:** The 'Allotment Route' to the far east and outside of the safeguarded road corridor that was described in the 2019 adopted South East Lincolnshire Local Plan.
- **Route Option 3:** A westerly alignment within the safeguarded road corridor – often called the 'central route'.
- **Route Option 4:** An alignment through the 'Trojan Wood' factory site that is west and outside the safeguarded road corridor and referred to as the 'Trojan Wood route'.

Each of the route options were looked at in detail and variants provided that sought to minimise effects on the constraints imposed in each case.

For Option 1, an alternative came forward to avoid the allocated residential component along the route and replace the traffic light junction at Bourne Road with a roundabout constructed within the land allocated for educational uses.

Option 3 costs were re-evaluated to take account of the need to purchase the nine properties falling within the boundary of the preferred route across Bourne Road.

Finally, Option 4 through the Trojan Wood site was developed to minimise the impact on adjacent properties and thereby incorporate a staggered Junction north of Bourne Road, but this was discounted on traffic grounds, with an inability to accommodate east-west movements and queuing satisfactorily.

The preferred options comparison is outlined below.

Aspect	Route 1A (Allotments)	Route 1C (Roundabout)	Route Option 3 (Central Route)	Route Option 4 (Trojan Wood)
Route Outline	This route is the furthest east and nearest to the Spalding built-up area. Although the route	This easterly route is the closest to the Spalding built-up area.	This route passes to the west of Neame Ley Nursery but does not require the	This route passes to the west of Neame Lea Nursery and does not require the demolition of

	<p>does not require the demolition of residential property, land from a commercial property is required on Bourne Road.</p> <p>The route passes through several allocated housing areas (including Vernatt's SUE) and a proposed education facility, allocation sites for additional housing adjacent to a proposed education facility, and through the allotment.</p> <p>The route requires the construction of several junctions, a bridge and a stopping up order along Horseshoe Road. The route includes a connection between Monks House Lane and Woolram Wygate.</p>	<p>The route does not require the demolition of residential property, but land from three dwellings and a commercial property is required on Bourne Road.</p> <p>The route avoids allocated housing areas (including Vernatt's SUE) but a proposed education facility is reduced in size with a junction required to the south of the allocated area.</p> <p>The route requires the construction of several junctions, a bridge and a stopping up order along Horseshoe Road. The route includes a connection between Monks House Lane and Woolram Wygate.</p>	<p>demolition of any properties along Horseshoe Road.</p> <p>The alignment does require the demolition of properties along Bourne Road and the construction of a junction within the designated Vernatt's SUE. The route also requires the construction of several other junctions, a bridge and a stopping up order along Horseshoe Road.</p>	<p>residential dwellings on Bourne Road.</p> <p>Although the route does not require the construction of a junction within the Vernatt's SUE boundary, it does require the extension of Section 4 of the Relief Road.</p> <p>Moreover, the existing water course will require diversion to facilitate this route. The route also requires the construction of several junctions, a bridge and a stopping up order along Horseshoe Road.</p>
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<p>Route Length</p>	<p>The “Allotment” Route is the shortest and furthest east alignment.</p> <p>Total length of Sections 2 to 4 is 4,800 metres and the length of the Monks House Lane link road is 420 metres.</p> <p>This alignment is generally smooth, with no sub-standard curvature and minimal super elevation required. It intersects Bourne Road at a proposed Junction, which would be located approximately 170 metres west of the existing Monks House Lane/Bourne Road/Broadway signal-controlled junction. This route option crosses Vernatt’s Drain perpendicularly.</p>	<p>The length of Sections 2 to 4 is 4,800 metres with an alignment that is constrained by the entry deflection that is needed to accommodate a five approach junction The new roundabout allows Monks House Lane to form the northern connection of the relief road to Section 4 and the junction also incorporates Broadway and the Bourne Road. Monks House Lane would require significant improvement close to existing residential properties. This route option crosses Vernatt’s Drain perpendicularly.</p>	<p>The Central Route is the second shortest route option between Sections 1 and 5.</p> <p>This route cannot utilise either of the two corridors on Bourne Road that avoid the acquisition of residential property.</p> <p>Total length of Sections 2 to 4 is 5,000 metres and the length of the Monks House Lane link road is 780 metres.</p> <p>This alignment is generally smooth, with no sub-standard curvature and minimal super-elevation required. No sub-standard curves are required and its junction with Bourne Road has a minimal skew angle. The route crosses Vernatt’s Drain on a 10° skew.</p>	<p>The West Alignment Route is the least direct and longest route option between sections 1 and 5.</p> <p>Total length of Sections 2 to 4 is 5,200m and the length of the Monks House Lane link road is 850 metres.</p> <p>This alignment is generally sinuous, with super-elevated curves required along a significant extent of sections 2 and 3. The route crosses Bourne Road with a 70° intersection angle and crosses Vernatt’s Drain with a 30° skew.</p>
<p>Highway Design</p>	<p>Route Option 1a is a more direct alignment than Route Option 4 and has fewer constraints than Route Option 3. However, it has an undesirable junction arrangement with Bourne Road due to the proximity with the Bourne Road/Monks House Lane junction and it also compromises land earmarked in the Local Plan for a school and for future housing development.</p>	<p>Route Option 1c is also a more direct alignment than Route Option 4 but has significant constraints with an undesirable junction arrangement with Bourne Road due to the proximity with the Bourne Road/Monks House Lane and it also compromises land earmarked in the Local Plan for a school.</p>	<p>Route Option 3 has significant constraints due to the requirement to acquire residential properties to the south of Bourne Road; however, it provides the most direct route through the middle section of the SWRR corridor.</p>	<p>Route Option 4 has the lowest impact because the proposed alignment does not necessitate the acquisition of residential properties. However, the engineering requirements of finding a corridor through the Trojan Wood commercial property make it the least desirable route from a highway geometry and buildability perspective with a likely need to ‘stagger’ the Bourne Road junction when</p>

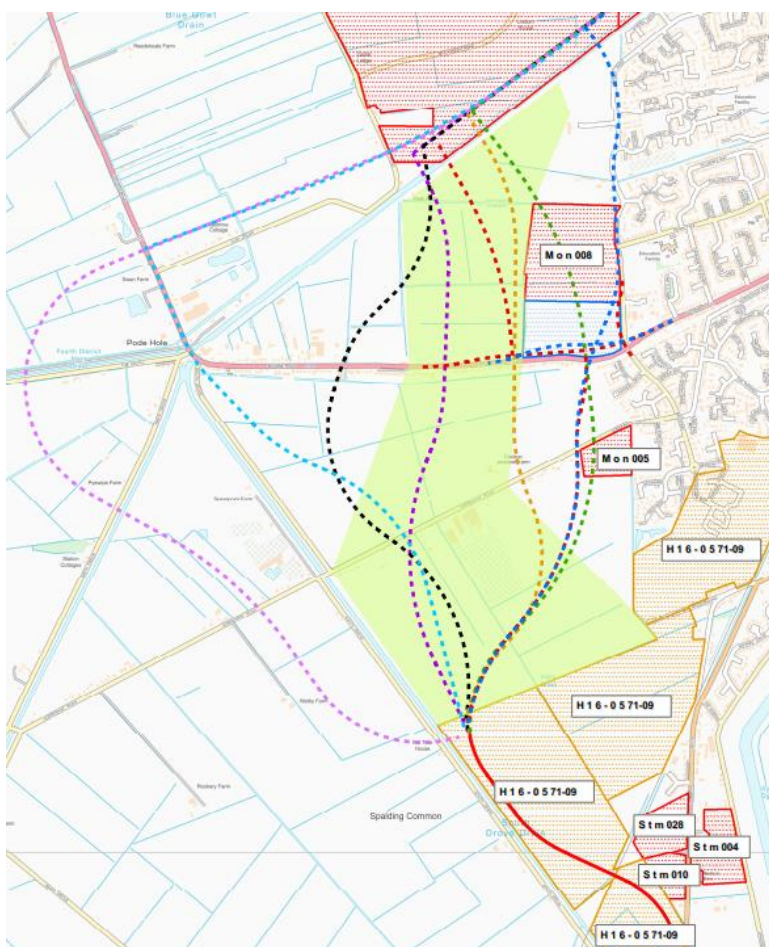
				minimising residential land take.
Property Acquisition	Does not require any residential land, but it poses significant planning risk. One industrial property is required. Allocated land compensation estimated.	Does require land from three residential properties and has some planning risk because of the need to acquire some land allocated for education uses. One industrial property is required. Allocated land compensation estimated.	Five properties are likely to be needed to be demolished to accommodate the road corridor with a further four adjacent properties significantly impacted. As a consequence the costs for the Route Option 3 have been revised to incorporate the purchase of nine properties.	One large Industrial Unit and land associated with a second commercial property/residential unit. Property frontages associated with two residential units and one industrial unit may also be required.
Estimated Scheme Cost (Based on 2026 outturn costs)	£50.86m Additional £10.11m over Option 3	£45m Additional £4.25m over Option 3	£40.75m	£42.99m Additional £2.24m over Option 3

All costs have been estimated using the same criteria and therefore the relative costs and benefits of each option are clear.

The variants of the preferred options were investigated following feedback from the Feasibility Study findings and the relative costing of the alternatives were developed to account for the likely effects of inflation and of compensation.

The variants included adapting Route Option 1 to skirt some of the allocated land and to consider alternative junction forms (1c) and considering the need to obtain all nine properties with Option 3. All of the route options including variants considered as part of the options appraisal are shown as follows.

All Route Options



Priority Ranking

A ranking exercise has been undertaken to score each of the routes that passed the initial sift plus one Route 1 variant against the various planning and design aspects.

Aspect	Route Option 1a Allotments	Route Option 1c Roundabout	Route Option 3 Central	Route Option 4 Trojan
Highway Design				
Transport Planning				
Drainage				
Land Ownership				
Planning				
Environment				
Landscape				
Outturn Cost	Additional £10.1m compared to Route Option 3	Additional £4.25m compared to Route Option 3	£40.75m	Additional £2.2m to Route Option 3

Residential Properties	0	3 Property frontages	9 Properties	Possible Frontages
Commercial Properties	1	1	0	Up to 2

In terms of aggregate ranking scores, Route Option 1a and 1c through the Allotments is the least feasible of the alternatives. The other two routes both score closely, albeit with different benefits, and both are feasible in facilitating a scheme which meets the overall SWRR.

Summary Costs

Option	Option 1a	Option 1c	Option 3b	Option 4a
Route	Allotments	Roundabout	Central 9 properties	Trojan Wood Non Staggered
Main Residential Properties	0	3	9	2 - frontages only
Main Commercial Properties	1	1	0	2 of which 1 is frontage only
Main Structures	1	1	1	1
Length (km)	4.8	4.8	5.0	5.2
Cost (2019 prices)				
Site Clearance	£101,303	£101,609	£100,453	£103,498
Roads	£11,593,841	£11,729,966	£12,762,056	£13,240,674
Traffic lights	£540,000	£450,000	£375,000	£375,000
Main Structures	£2,400,000	£2,400,000	£2,400,000	£2,400,000
Other/Pumping Station	£750,000	£750,000	£250,000	£250,000
Contingency	£771,834	£774,163	£797,246	£821,417
Preliminaries	£4,052,128	£4,064,357	£3,348,434	£3,449,950
Landscaping	£152,838	£153,300	£157,871	£162,657
Construction Costs	£20,361,945	£20,423,395	£20,191,060	£20,803,196
Statutory Utilities	£509,049	£510,585	£504,776	£520,080
Property/Land Purchase/Compensation	£12,052,109	£6,361,869	£4,194,521	£5,094,980
Surveys	£3,461,531	£3,471,977	£3,028,659	£3,120,479
Base Estimate	£36,384,633	£30,767,826	£27,919,017	£29,538,734
Uncertainty	£8,684,020	£8,684,020	£8,195,213	£8,561,659
Inflation	£5,786,815	£5,065,617	£4,637,067	£4,892,091
TOTAL including Inflation to 2026	£50,855,468	£44,517,463	£40,751,296	£42,992,485

The preferred Route Option 3 would affect nine residential properties although it is not possible in the absence of more detailed design to identify precisely where the road goes and therefore which properties would need to be demolished and which would be severely affected. In order to secure the land needed to proceed with the Scheme, the Council is open to acquiring all nine properties by agreement.

The Table shows revised costs reflecting uplifted residential compensation costs arising out of the acquisition of 9 residential properties on Route Option 3 and a reassessment of the risk associated with commercial compensation. This narrows the costs across all options. The values are expressed as 2026 build costs and so if the route was not completed until 2036, it would be expected that these costs, across all alternatives, would rise possibly by 30%.

Although the estimated route option costs have developed from the engagement in September/October the recommendations remains unchanged from the

Feasibility Report conclusions when comparing the performance RAG scores with the high level costs.

6. Legal Advice

Independent legal advice was obtained regarding the preferred options for the route. The advice identified that Route Option 3 provided the support that a Compulsory Purchase Order and Side Roads Order would require in order to purchase land and properties to deliver the scheme.

In summary the advice was that changing from Route Option 3 which was within the safeguarded corridor in the SELLP would need to be justified taking into account that the inclusion of the safeguarded corridor within the development plan should have taken on board the effects of the route including the effects on residential properties.

Which route to promote is always a difficult choice to make, especially where residential accommodation is concerned but it is one that Councils seeking to bring forward schemes in the public interest have to face. The legal advice is not that the selection of an alternative route to Route Option 3 would be unlawful but it would need careful justification if a successful challenge to any subsequent Compulsory Purchase or Side Roads Orders is to be avoided.

7. Middle Section Summary

Route Option 1 does not require any residential land, but it does pose significant planning risk being outside the safeguarded corridor and having an impact on land allocated for other purposes in the SELLP. It is more expensive than option 3 and 4, which does not include potential compensation costs that may be due to local plan allocated site owners objecting to the change of use.

Route Option 3 has the highest resident impact leading to the loss of up to 9 residential properties. This loss of residential provision is a relevant consideration for the Executive in determining a route although the Scheme as a whole will bring into development a significant number of residential properties. Route Option 3 is estimated to be the most cost effective solution, being £2.2m less than Route Option 4 and at least £3.8m less than Route Option 1. It should be recognised that these sums are as estimated today and this section of the road will not be developed for some time.

Route Option 3 does not carry similar levels of planning risk to Options 1 and 4 as it is within the safeguarded corridor within the SELLP. Again, however, it should be borne in mind that the middle sections will not be constructed for some time and that the SELLP will go through at least one review before these sections are likely to be constructed. This planning advantage together with its benefits in highway design and traffic terms means that Route Option 3 is also the option which is most likely to successfully defend published legal orders, including a Compulsory Purchase Order of the residential properties and is the reason why it is recommended.

However Route Option 4 is likely to be the least contentious route providing that commercial engagement is successfully progressed, following the early provisional route options discussions with the 'Trojan Wood' owners. This route does not require the loss of residential properties and would bring into development the same amount of new housing as Route Option 3. In net terms, therefore, it has less effect on the availability of housing in the town than Option 3. This route carries greater risk of delivery than option 3, as per the ranking above. In particular the fact that it is not within the safeguarded corridor means it carries planning risk which may be capable of being mitigated in future versions of the SELLP although this cannot be guaranteed. This option may, as a result, pose difficulties in justifying this route over route option 3 through the legal orders process.

As stated above Routes 3 and 4 both score closely, albeit with different benefits and drawbacks. Ultimately both are feasible in facilitating a scheme which meets the overall SWRR objectives.

8. Progression of Section 5

Section 5 comprises a circa 1km length of road linking the B1356 Spalding Road with Section 4 of the scheme. The B1356 Spalding Road is the main route between Spalding and Pinchbeck. The section will comprise a five-arm roundabout junction on the B1356 Spalding Road which will provide access to the SWRR, Enterprise Way and the Vernatt's Drain SUE. The junction will replace the existing priority controlled junction located on Enterprise Way which currently has issues of traffic congestion during peak periods.

At the western extent of the section, a three-arm signalised junction with associated pedestrian and cycle facilities will be provided for access into the Vernatt's SUE. The section will also include a three-span bridge over the Sleaford to Peterborough railway line. The bridge has been designed to meet the requirements of the further electrification of the Sleaford to Peterborough railway line by Network Rail.

Consideration has been given to whether a Side Roads Order (SRO) was required for Section 5 of the SWRR. There is a need for the creation of the new cul-de-sac for residents on Spalding Road as the proposal is for the B1356 Spalding Road, Pinchbeck to be realigned west to allow for the creation of the new 5-Arm Roundabout.

However, the delay involved in seeking an SRO would risk the loss of £12m HIF funding from Homes England for Section 5 and therefore the date of any commencement of section 5. If this can therefore be avoided it will ensure the securing of important funding for the whole scheme and accelerate the delivery of a key phase of the Scheme.

In fact it is considered that the proposed design for Section 5 would adequately deliver appropriate mitigation for the new cul-de-sac to avoid the need for an SRO. Therefore, there are grounds on which the Council could continue without a SRO and manage the highway rights which would not be extinguished and therefore the continuing responsibilities and liabilities that would be incurred.

The recommendations in the Report therefore do not make provision for the use of such powers.

9. Property Acquisition for Section 5

Section 5 of the SWRR, related to the Vernatt's SUE, requires the acquisition of the land necessary for its construction. This includes the acquisition and subsequent demolition of a pair of semi-detached properties located opposite the intersection of Spalding Road with Enterprise Way.

Land acquisitions for Section 5 are proceeding. Initial engagement of land owners has begun and Heads of Terms ("HOTs") will be developed with the key landowners and stakeholder Network Rail ("NR"). It is considered therefore that LCC will not need to use compulsory purchase powers to acquire the land. However, should issue arise with the agreements, LCC have the fall-back position of utilising these powers.

10. State Aid

State Aid advice has been obtained on all Phases of the SWRR and these have been considered as part of any land deals being taken forward. In respect of the SWRR as a whole the advice is that the construction of the road does not constitute State Aid. Principally this is because the SWRR as a whole is a road which when built will be open to all potential users free of charge and without discrimination: and it will provide benefits to those in the area generally (e.g. by reducing traffic through Spalding itself and facilitating the strategic movement of traffic). The fact that the road may be constructed with a view also to facilitating growth and the fact that land may be brought into development as a result of its construction does not affect this position. It does not therefore prevent proceeding with Section 5 as long as it can be seen as a part of the delivery of the wider scheme.

State Aid could potentially arise if elements of the design and construction were put in place solely to benefit an individual undertaking such as a landowner with development plans. This may be the case with, for example, the construction of a roundabout giving access to the development site. No State Aid will arise, however, if the landowner(s) in question contribute financially to the scheme in an amount equal to or in excess of the cost of those elements of the works. In the case of the SWRR, the section 106 contributions to be made by landowners will be more than sufficient to outweigh the costs of works which may be said to benefit them exclusively.

This will be kept under review as the scheme progresses to ensure that all necessary s106 contributions are secured.

It should be noted however that the State Aid analysis is dependent on the highways justification for the SWRR in its entirety and therefore approval for the scheme as a whole is required. The determination of a route for the middle sections enables the approval of the whole scheme thereby supporting the State Aid analysis.

11. Section 5 Programme

It is currently proposed to commence pre-construction works in winter 2019 including ecological mitigation works, archaeology, and site compound and vegetation clearance. Main construction works commencing with the 5 arm roundabout are due to start in Spring 2020 followed by construction of the road, bridge over the railway line and a signalised 'T' junction to connect Section 5 to the proposed Section 4 of the scheme.

12 Consultation

Consultation as part of the planning process for Sections 1 and 5 of the SWRR was undertaken after the applications were both submitted in February 2019. This was subject to public consultation/notification in accordance with the statutory requirements and standards as set out in the Council's Statement of Community Involvement. It included displaying site notices at locations in and around the proposed route, and in the local press (displayed on 28 March and 26 April 2019, respectively). Notification letters were also sent to over 268 individual properties and comments invited to be made within 30 days – this being the minimum timeframe set out in legislation for proposals subject to Environment Impact Assessment. The 30 day timeframe is not however a 'cut-off' date and comments received after this date were still accepted and taken into account and summarised in the report that was eventually considered by the Planning & Regulation Committee.

The 2019 Local Plan deliberations in respect of the need for a SWRR were public events and similar comments were made during the planning process for Sections 1 and 5. There was general agreement that a relief road was needed and that it would be better if the full route was constructed at the same time to avoid the end sections becoming residential cul de sacs, There was some concern over the connection of the relief road sections to the A16 along currently congested routes and local objection to routes within the proximity of nearby dwellings.

This feedback prompted early engagement with local residents to start the dialogue in respect of the complete SWRR and to demonstrate the Highway Authority commitment to the full scheme.

Therefore the series of engagement events between the 12th and 16th February 2019 were not consultation meetings for Sections 1 and 5. They were events that were organised to engage local residents and to start the process of planning for the development of the 'middle sections' of the Spalding Western Relief Road (SWRR). As part this engagement with residents questionnaires were completed on the preferred routes by attendees and on-line. The analysis report for this is shown as Appendix C.

One to One meetings were arranged by LCC and South Holland District Council (SHDC) in early April 2019 with residents from Bourne Road and Horseshoe Road, to seek views on the early stages of planning for the 'middle sections' of the route. The consensus remained that the Relief Road was needed but not in locations that would impact on residents, ecology or visual appearance of the area.

Further One to One meetings were arranged by LCC and South Holland District Council (SHDC) in mid-October 2019 with residents from Bourne Road that may be affected by an emerging preferred route of the scheme.

2. Legal Issues:

Human Rights

The Council has addressed the implications arising from the SWRR Scheme in respect of the Human Rights Act 1998. The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

The Council has carefully considered the rights of property owners under the Convention against the wider public interest.

Article 1 of the First Protocol to the Convention.

This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the interest and subject to the relevant national and international laws.

Article 6.

This entitles those affected by the Scheme to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.

Article 8.

This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

Article 14.

This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community”. Both public and private interests are to be considered in the exercise of the Council’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

The proposed Scheme and in particular Route Option 3 through the middle sections clearly will impact on the residents of properties on Bourne Road who are affected by the proposed route. That impact will be significant and will impact on

those residents' peaceful enjoyment of their possessions and their enjoyment of their home and will affect their family life.

Balanced against this the Scheme is an important piece of highway infrastructure which will benefit the town of Spalding generally as set out in this Report. On balance it is considered that the interference with the rights of residents is necessary and proportionate. Route Option 3 is the most appropriate in highway terms. It is the least expensive and is within the safeguarded corridor established by the local plan following extensive consultation and engagement.

The residents have had the opportunity to respond to the Council's proposals and for their comments to be taken into account as set out in section 12 above.

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant

material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

Consideration has been given to the Equality Act 2010 and as indicated in the Report the design will take account of the needs of people with a protected characteristic such as people with a disability. An Equality Impact Assessment will be undertaken as part of the development of the Scheme to ensure all impacts are identified and mitigated where possible.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Consideration has been given to the JSNA and the JHWS and the scheme has benefits for both the health and wellbeing of people in Spalding due to the following reasons:

Objective SWRR 7 is to enhance quality of life for residents of Spalding by improving air quality, reducing carbon emissions and addressing issues of town centre safety.

Objective SWRR 9 is to support and encourage walking and cycling by reducing town centre traffic and providing safe links.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Consideration has been given to section 17 of the Crime and Disorder Act 1998 and the scheme is not considered to have any direct effect on crime and disorder.

3. Conclusion

The SWRR Scheme has been promoted through a significant number of policy documents published by LCC and SHDC. The need for the SWRR scheme and the benefits it will bring are widely recognised in support of improving traffic congestion in the town of Spalding and enabling future housing growth as reflected in the SELLP.

The Executive is invited to approve the Scheme and its delivery strategy as set out in Appendix B, the preferred route for the Scheme including the middle, the letting

of a contract for the delivery of section 5 and the acquisition of properties necessary for the Scheme by agreement.

4. Legal Comments:

The Council has the power to adopt the recommendations.

The legal considerations in deciding whether or not to proceed are set out in detail in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive

5. Resource Comments:

Endorsing the proposals for the delivery of the five sections of the Spalding Western Relief Road will commit costs to the revenue advance design budget of the council, which is part of the approved revenue budget of the Highways Service. The cost implications of various route options are specified in the body of the report. However, apart from section 5 this report does not commit any expenditure to the Council's capital programme; this commitment would only arise in relation to sections other than section 5 on approval of a capital scheme appraisal.

The Council has already included in the approved capital programme a net contribution of £13.2m to section 5 of the SWRR. This, with the £12m secured HIF funding and £1m contribution from SHDC, provides a budget of £26.2m for this scheme. There is currently no budget in the approved capital programme to deliver any other sections of the road either by a direct contribution, or forward funding any proposed developer contributions.

6. Consultation

a) Has Local Member Been Consulted?

The local members have been consulted on the SWRR Delivery Strategy.

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The report will be considered by the Highways and Transport Scrutiny Committee at its meeting on 9th December 2019. Any comments from the Committee will be presented to the Executive.

d) Have Risks and Impact Analysis been carried out?

The risks and impact analysis have been undertaken for the scheme.

e) Risks and Impact Analysis

See the body of the Report and Appendices A and B.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Spalding Western Relief Road Preferred Route
Appendix B	Spalding Western Relief Road Delivery Strategy
Appendix C	Spalding Western Relief Road Sections 2 - 4 Analysis Report

8. Background Papers

The following Background Papers within the meaning of section 100D of the Local Government Act 1972 were used in the preparation of this Report

Background Paper	Where it can be viewed
South East Lincolnshire Local Plan	http://www.southeastlincslocalplan.org/adopted-plan/
Local Transport Plan	https://www.lincolnshire.gov.uk/transport-and-roads/strategy-and-policy/local-transport-plan/34380.article
Spalding Transport Strategy 2014-2036	https://www.lincolnshire.gov.uk/transport-and-roads/strategy-and-policy/spalding-transport-strategy/118463.article
Executive Report – 21 st March 2012	http://lincolnshire.moderngov.co.uk/Data/Executive%20Council%20Report%20-%20Highways%20and%20Transport/20120321/Agenda/02009%20-%20Spalding%20Western%20Relief%20Road%20-%20REPORT.pdf

This report was written by Teresa James, who can be contacted on 01522 555587 or Teresa.james@lincolnshire.gov.uk.