

**The Highways Act 1980
The Acquisition of Land Act 1981
The Compulsory Purchase Act 1965
The Town and Country Planning Act 1990**

LINCOLNSHIRE COUNTY COUNCIL

NORTH HYKEHAM RELIEF ROAD

STATEMENT OF CASE

STATEMENT OF CASE

for

**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**

February 2025

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1. Introduction.

- 1.1 This Statement of Case (“Statement”) has been prepared by Lincolnshire County Council (“the Council” or “LCC”) as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. It builds upon the information presented in the Statement of Reasons published in September 2024. Consequently, it updates various facts and matters as is necessary and relevant to reflect the position at the time of publication of this Statement.
- 1.2 It introduces the Council’s published proposals for the North Hykeham Relief Road (“NHRR” or the “Scheme”), which will provide a new road to link the Lincoln Eastern Bypass with the Lincoln Western Bypass to create a complete ring road around the city. It will also support the Lincolnshire Coastal Highway. The overall Scheme is shown, highlighted in red, in Figure 1.

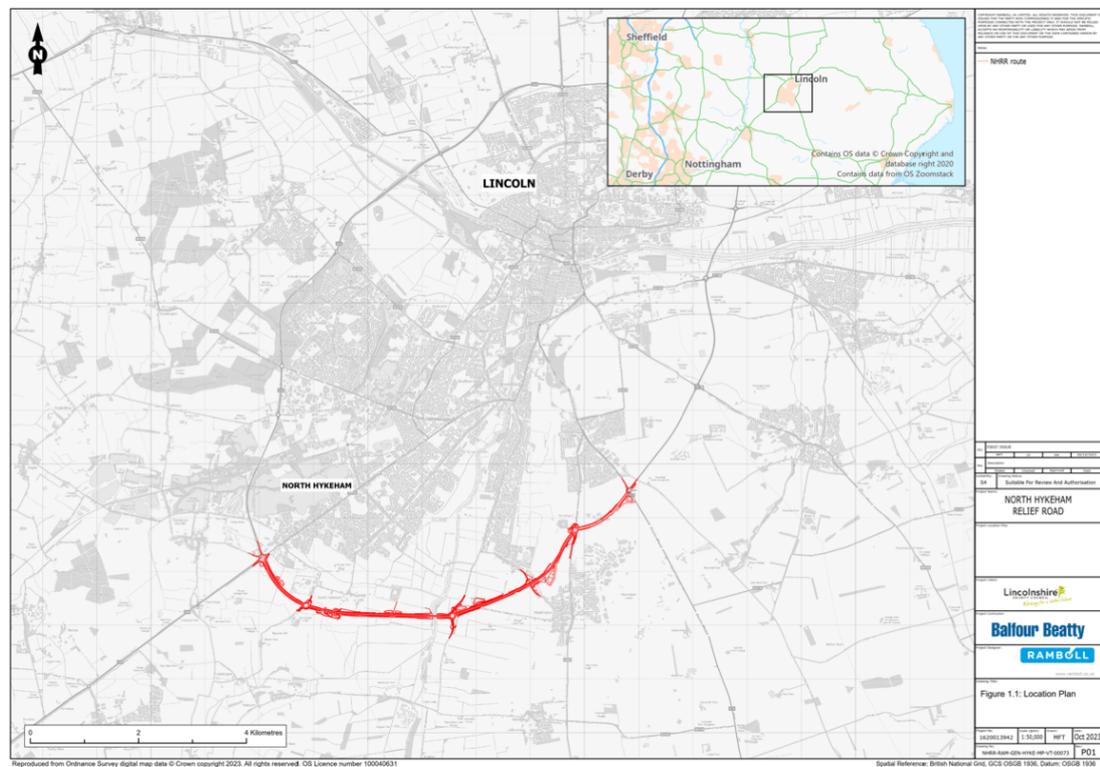


Figure 1 Location Plan

- 1.3 This Statement justifies and explains the need for the Compulsory Purchase Order (“CPO”) to enable land and any other interests in the land that is not within the ownership or control of the Council to be acquired to permit works to be carried out to deliver the Scheme. The Order made is The Lincolnshire County Council (A1461 North Hykeham Relief Road) Compulsory Purchase Order 2024 (“CPO”).

- 1.4 In addition to making the CPO, the Council has made The Lincolnshire County Council (A1461 North Hykeham Relief Road, Classified Road) (Side Roads) Order 2024 (“SRO”) in order to carry out works to existing highways as well as private means of access (“PMA”) that are necessary to enable the Scheme to be built and to meet the statutory requirements in respect of such matters.
- 1.5 The two Orders, when referred to collectively in this Statement will be called the Orders. Otherwise, they will be referred to by name or as CPO or SRO as appropriate.
- 1.6 This Statement is provided in compliance with Rule 6 of the Highways (Inquiries Procedure) Rules 1994, Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007, the Department for Levelling Up, Housing and Communities, and Local Government’s “Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019 (the “DLUHC Guidance”). Further it meets the requirements of the Department for Transport’s (“DfT”) Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97 (the DfT Guidance).
- 1.7 Planning Permission in respect of the proposals was applied for originally pursuant to a full application dated the 31st of October 2023 and registered as valid on the 14th of November 2023. The planning application was supported by a full Environmental Statement, which met the requirements of the relevant Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as well as additional information supplied at a later stage. Consultation in respect of that planning application was completed on the 11th of January 2024 and further details were submitted to the determining authority pursuant to a statutory request dated the 16th of February 2024. The application was determined at the Lincolnshire County Council Planning Committee meeting on the 13th of May 2024 with planning permission being granted on the same date, subject to 34 planning conditions. The original planning permission comprises 8km of dual all-purpose carriageway with a 70mph speed limit (120kph design speed) and associated structure, earthworks, drainage, street lighting, traffic signals, utility diversions and installations, pipeline diversion, temporary material processing, landscaping and highway features at the land between the A46 and the A15 whilst accommodating

all the existing roads and other tracks and PMA's in the vicinity affected by the Scheme as well as necessary mitigation including dedicated provision for bats.

- 1.8 The original planning permission provided LCC with the necessary planning consent to undertake the construction of the NHRR as envisaged at the time that the application was made and as was described within the Statement of Reasons as well as to allow for its operation.
- 1.9 Since the original planning permission was granted, a further full planning application has been made under the provisions of Section 73 of the Town and Country Planning Act 1990, to enable the Council to address a matter that has arisen in respect of one of the conditions attached to the original planning permission. This has the effect of varying Condition 16 of the original permission in respect of pre-commencement surveys that need to take place in respect of certain bird species, which in this case relates to Quail. The species is a migrant species which arrives relatively late in the breeding season, and it is not feasible to carry out surveys to correspond with other activity which is intended. The diversion of the Exolum pipeline is a critical part of the overall plans and needs to be carried out early within the process and the Section 73 application will enable both the works and the necessary Quail survey to be undertaken within the overall original planning application ambitions.
- 1.10 This Section 73 application was granted on the 10th of January 2025 and was able therefore to apply and take into account the revised NPPF which was published in December 2024. Some of the pre-commencement conditions on the original permission, which had been discharged in part by the submission of information, were considered as part of the Section 73 alteration with that permission requiring compliance with all those requirements. It is therefore agreed by the Council that all and any matters that arose under the original permission by way of pre-commencement requirements would now apply to the new planning permission. The section 73 application was intended to replicate the original application in respect of all matters but for the change to the survey requirements to enable the matters to proceed efficiently. The new permission comprises an effective duplicate of the original permission save for the small amendment to Condition 16 to exclude the defined area of the Exolum pipeline works from the land requiring

pre-commencement surveys for Quail. The application made justifies that as an approach and explains why it is acceptable and the decision grants consent for it.

- 1.11 The original planning permission contained 18 pre-commencement conditions. Nine of those conditions have been discharged. The section 73 permission moves the matter forward with all the pre-commencement conditions on the original permission, but for condition 16, remaining as with the original consent and will need to be complied with. It is anticipated that the remaining pre-commencement planning conditions will be discharged before the end of February 2025, with applications to discharge all pre-commencement conditions having been made. Questions raised by relevant consultees in respect of the applications to discharge the conditions are being considered by the Council and are close to resolution. The section 73 permission does not alter the overall approach but for the one specified condition and all applicable pre-commencement conditions will be complied with within the same timescale.
- 1.12 The Biodiversity Gain Plan (NHRR-TEP-EGN-HYKE-RP-LE-30024), submitted to comply with Condition 14, confirms that the biodiversity net gain from the development will greatly exceed the 10% value required. It is supported by the appropriate biodiversity metric calculation (Metric 3.1), condition assessments, and post-development information comprising the BNG Report and Proposed UK Habitats. That confirms that the legal requirement relating to biodiversity net gain is complied with in full.
- 1.13 LCC intends, subject to the decision on the Orders, to implement the NHRR at the earliest opportunity. The current programme expects construction to commence during the Autumn of 2025. LCC would wish to make it clear however that it intends to carry out early activity on the Site of the Scheme where such work is feasible and sensible in order to implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.
- 1.14 This Statement describes the land and interests to be acquired under the CPO as identified in the Schedule attached to it and sets out LCC's purpose in seeking acquisition and the justification for the use of compulsory purchase powers in general terms. The Statement describes the Scheme and explains the planning position and policy context within which the planning decisions will be taken. Other matters are also considered including the Human Rights and Equalities

implications and other special considerations. It will also describe the objections that have been received in respect of the proposals and the Council's response to them.

- 1.15 The Statement also describes the Side Roads Order and the requirements that arise to enable LCC to construct the NHRR. Given that part of the Scheme requires changes to be made to existing highway within the responsibility of National Highways as the responsible highway authority, this statement will describe the steps which have been taken to enable that to be considered as part of the overall Scheme. National Highways has been fully informed throughout the design process and has taken an active role within it. National Highways has, following that involvement with the design process and the acceptance of the Scheme as proposed, entered into an agreement with Lincolnshire County Council pursuant to section 6 and section 8 of the Highways Act 1980 relating to the highway works which form part of the Trunk Road located at the A46 Hykeham Roundabout to the south-west of Lincoln. The necessary powers to deliver the NHRR and which are ordinarily enjoyed by National Highways as the Strategic Highways Company have been delegated to the Council such that the scheme is able to come forward and the Council is able to promote the Orders.
- 1.16 In addition, the Council has been in discussions with the MOD following representations made to the Council in response to the Orders. The MOD do not object to the Scheme but have certain interests which require certain matters to be considered. Their interests, which represent the interests of the Crown, are limited in extent and location but they still require the Council to accommodate them. Discussions have taken place, and it is anticipated that prior to any public inquiry being held the position will be agreed so as to enable the Scheme to proceed without impediment.
- 1.17 LCC published a Statement of Reasons to accompany the CPO and the SRO and copies of it were served directly on all owners and occupiers directly affected by the NHRR as well as various statutory bodies. Copies were also placed on deposit at Lincolnshire County Council, County Offices, Newlands, Lincoln LN1 1YL. Copies of this Statement will be served directly on all outstanding objectors to the Scheme and will also be placed on deposit at the same location.

- 1.18 The purpose underlying the publication of this Statement is to explain LCC's proposals and to provide sufficient detail about the extent and nature of the land required for the proposals as well as the effects of the works on side roads, including those that are to be stopped up, to inform those affected as well as others of the effect of the NHRR.
- 1.19 All documents referred to in this Statement, which may be relied upon by the Council and details of how these can be inspected are set out in Section 17 below.

2. Description of the Land, its Location, Topographical Features and Use.

- 2.1 The Scheme for the NHRR requires the acquisition of land and interests in respect of which LCC has made the relevant CPO. The land and new rights proposed to be acquired (the “Order Land”) have an area of 191 hectares, the extent of which is shown on the plan to the CPO which is comprised of 6 sheets. The Order Land is in approximately 60 separate freehold/leasehold ownerships. The majority is in the freehold ownership of approximately 20 individuals and or companies, and with some of the land being occupied by agricultural tenants.
- 2.2 The Order Land for the route of the NHRR is located to the south of the City of Lincoln. The route starts at the existing roundabout on the A46 Hykeham Roundabout, which is under the control of National Highways as it is part of the Strategic Road Network and runs for approximately 8 km to join with the A15 Sleaford Road Roundabout at the western end of the recently constructed Lincoln Eastern Bypass (“LEB”). The Scheme runs largely through rural countryside from the A46 through to the A15. It runs south of existing conurbations of North and South Hykeham, crosses the River Witham, which is not a navigable river, crosses Station Road, where some residential property will need to be demolished before climbing the hill side connecting with Grantham Road and then progressing to the north of Waddington Airfield to join with Sleaford Road at the new LEB roundabout, which itself will be modified. The termination points are therefore at the existing roundabouts on both the A46 and the A15 which strongly influenced the route choice for the Scheme itself. Throughout the history of the development of proposals to provide for a scheme the terminal points have remained the same. The whole of the Order Land falls within the following six administrative areas, namely South Hykeham, Waddington, Bracebridge Heath, Thorpe on the Hill and Harmston Parish Councils, being five of the six and within the North Kesteven District Council area as the remaining one.
- 2.3 The topography of the landform along the route is essentially in two forms. The first, running from the A46 through to Station Road is essentially flat with only very minor variations, including in the vicinity of the River Witham. The second is that part of the route from Station Road up to the point where it joins with the A15. The landform rises steeply to the east of Station Road and the route crosses ground forming the scarp slope of the hillside climbing up towards Waddington Airfield. Some of that land is unstable, which has had an effect on the Scheme proposals

in that area. As the route reaches the top of that slope it becomes generally flat again up to the point it connects with the A15.

- 2.4 Land use in the immediate vicinity of the NHRR can be described as follows. From the A46 the route corridor runs across where the land use is currently agricultural. Fields are of some size and are separated by a series of hedges with trees in certain locations. The route avoids developed areas and runs south of the biodigester located in the southern part of South Hykeham. The route selected in that location, which is slightly different to the route originally protected for a potential scheme many years ago, was chosen and authorised by the Council, to avoid that biodigester plant. The route crosses the various roads that run north south through the area as well as the River Witham. The river is a well-used amenity resource, albeit not navigable, and the Scheme avoids direct intrusion into the “in-bank” area although the route has to cross it. After that the route continues to run through agricultural land until the point where it crosses Station Road, which is a linear feature where 6 residential properties need to be demolished, one of which has been removed, to accommodate the Scheme. The Council has acquired a number of properties within that location including all those that will need to be demolished. After that the NHRR will continue up the hillside where the land use remains agricultural all the way to the A15. The Scheme has therefore been developed and brought forward to minimise impact on buildings and property, including the River Witham, although the loss of agricultural land and associated features such as hedgerows and trees cannot be avoided.
- 2.5 One matter that requires particular mention is the existence of a pipeline at the western end of the proposals. That pipeline, although not a land use as such, as it is a subterranean feature, is a constraint that has to be accommodated as part of the Scheme proposals. It is situated in such a location that it will need to be moved as part of the proposals and the Scheme has been drawn up to accommodate it. Given the security implications arising from the pipeline the Council will not show or describe the details of such a diversion, despite the fact that they are known to the Council. Its alteration is part of the current proposals and will be undertaken as part of the works. It is anticipated that the works will be programmed to take place at the earliest realistic time so as to avoid any delay with the Scheme. The diversion will be located within the lands falling within the CPO.

- 2.6 Within the area crossed by the route there are a number of roads, small lanes, tracks and private means of access that are affected by the Scheme proposals. The Council, as part of the Scheme, has sought to address all such known facilities by providing for them using an alternative provision to cross the new carriageway, diversions, or by other means where appropriate. As part of that approach, the Council has taken the opportunity to improve some aspects, which has required the land to be acquired under the CPO not only for the main carriageway but also to enable the track or path to be altered, improved, or otherwise changed to accommodate various aspects required by the Scheme. The track, known as Meadow Lane, running west east from the properties in South Hykeham to the River itself is a clear example of that. That change will enable users to follow a route that will allow the new road to be crossed at a point alongside the River without having to cross the carriageway itself. Part of the Scheme will also improve the options for non-motorised users (“NMU”) to move throughout the area by providing additional routes for such users as well as diverting, where appropriate existing ones. Some of those have been achieved by making additional provision which meets one of the Council’s aims for enhancing the use of NMU within the County generally.
- 2.7 The principal watercourse in the vicinity of the NHRR is the River Witham, which has to be crossed by the Scheme, as would any proposal running between the A46 and the A15. The Council has chosen a square crossing of the River in order to minimise any potential effect, as it will be the most direct way to cross the river and therefore have the least effect on the water environment. In order to construct the works a temporary bridge will be required and that has been accommodated within the CPO as published and is located proximate to the permanent crossing point to the north. Additionally, there is a network of smaller streams, drains and ditches throughout the corridor.
- 2.8 Other items of note including matters of heritage value have been fully investigated as part of the Scheme development. These have been recorded in detail in the supporting documents which accompanied the planning application and were considered prior to the planning permission being granted. The location of and relevance to the Scheme to areas designated as Conservation Areas, the presence of Listed Buildings, land owned or used in a particular way, such as by the National Trust, as Common Land, land held for Ecclesiastical purposes or

Burial Grounds or Crown Land has been identified and considered; these are referred to in greater detail in Section 11 below under the Heading of Special Considerations.

2.9 There are a number of Public Rights of Way (“PRoW”) that are within, cross or are close to the NHRR boundary. The Scheme has a direct effect on a number of those rights of way, which will be diverted as part of the proposals. These are listed in Table 2-1 below:

Table 2-1 Public Rights of Way directly affected by the Scheme

PRoW Number and Description	Proposals during construction	Proposed reinstatement/diversion (Permanent)
Footpath TOTM/17/1 Originates at Middle Lane, continues through Lincoln Golf Centre, passes through farmland, terminating at the A46 crossing on North Hykeham Roundabout.	Public footpath is to be retained.	The footpath will be extinguished between the golf club and the A46. Re-routed new provision from the golf course to the NMU provision, provided by the Scheme.
Footpath TOTM/17/2 Originates at crossing of A46 at North Hykeham Roundabout, passes through streets of South Hykeham before terminating at A1434 Newark Road.	A small section, which runs along the east side of the A46, will be closed and temporarily re-routed around the new embankment works (approximately 3m away from the existing provision)	The footpath will be extinguished. It links to TOTM/17/1 which will be extinguished and therefore will be redundant. Users will now use current facilities on A1434 which connects to the new provision provided for within the Scheme.
Footpath SHYK/20/1 Originates as a split off from footpath SHYK/9/2 in farmland, continues through fields (crosses through the fields proposed for North Hykeham Relief Road.) terminates at A46.	The Footpath will be extinguished. Users will continue to use the existing footway/cycleway, and provision provided by the Scheme and SHYK/9/2, in lieu of the extinguished SHYK/20/1.	The footpath will be extinguished, as it will no longer be required, as the new provision for the Scheme (south of the A46) will allow users to access SHYK/9/2 to the north of the Scheme.

PRoW Number and Description	Proposals during construction	Proposed reinstatement/diversion (Permanent)
<p>Footpath SHYK/9/2</p> <p>Footpath is a continuation from footpath SHYK/5/1, begins at Boundary Lane, continues to cross through farm fields, terminates at North Hykeham roundabout A134 Newark Road.</p>	<p>The northernmost section of SHYK/9/2 will be extinguished (42m), with the remaining length to remain.</p> <p>Access from the current provisions to the east of A1434 will be provided to SHYK/9/2 for the duration of the works.</p>	<p>The final 42m of the footpath will be extinguished due to the Scheme proposals and is replaced by new provision provided by the Scheme, which provides access to the severed point of 9/2.</p>
<p>Footpath SHYKE/1/1</p> <p>Originates in farmland near Beacon Hill, passes through further farmland (including land required for North Hykeham Relief Road), terminates at Wath Lane (when met with SHYKE/2/2)</p>	<p>The northernmost section of SHYKE/1/1 shall be extinguished from the southern boundary of the Scheme to its connection with SHYKE/2/2.</p> <p>New provision, provided by the Scheme, will route users between SHYKE/1/1 to SHYKE/2/2 to the south of the Scheme.</p>	<p>The Footpath is to be severed with part being directly affected by the Scheme. The remaining part of the severed 1/1 will connect to new provision provided by the Scheme including the southern PMA and new Wath Lane Overbridge.</p>
<p>Public footpath/ bridleway SHYKE/2/2</p> <p>Originates at Blackmoor Road, passes over River Witham, continues up Wath Lane, terminates at Long Lane</p>	<p>Temporary closure for surfacing works (Wath Lane), no alternative diversion.</p> <p>During construction works including new overbridge, 2/2 (Wath Lane) shall be diverted around the works for Private means of access.</p>	<p>The extinguished section of the Bridleway will be replaced by the new Wath Lane overbridge connecting north and south to the existing 2/2.</p>

PRoW Number and Description	Proposals during construction	Proposed reinstatement/diversion (Permanent)
<p>Public Bridleway SHYK/906/1</p> <p>Originates in Meadow Lane, continues down the lane, until terminates at River Witham</p>	<p>Eastern end of 906/1 will be extinguished. Nothing proposed as it is not part of an ongoing route and doesn't provide access to the river.</p> <p>The western section (805m) of 906/1 will be maintained for access.</p>	<p>The Eastern end of 906/1 will be extinguished and connected to the re-routed section of PMA Bridleway for the Scheme.</p>
<p>Public footpath WDCN/9/1</p> <p>Originates at Somerton Gate Lane, passes through further farmland, terminating in Waddington.</p>	<p>Extinguished for its entire length (Somerton Gate Lane to 101 Station Road Farm) as it is not necessary however there are alternative routes in the area.</p>	<p>Extinguished for its entire length (Somerton Gate Lane to 101 Station Road Farm) as it is not necessary however there are alternative routes in the area.</p>

PRoW Number and Description	Proposals during construction	Proposed reinstatement/ diversion (Permanent)
Public footpath WDGN/3/2 (Viking Way) Originating in farmland West of Grantham Road, termination at Dowding Road	Extinguish from junction with WDGN 1122/1 and WDGN 3/3. Users will be re-routed along WDGN 1122/1, existing provision along Grantham Road and WDGN 13/1.	<p>On the North side of the Scheme the Footpath will be retained to its point of interaction with the Scheme, where a new PRoW will be provided to provide access to Station Road Facilities.</p> <p>On the North side of the Scheme it will also connect to the new provision provided by the Scheme, including The Viking way overbridge and re-routed section of the Viking Way (provided for by the Scheme) to the existing WDGN 3/2 south of the Scheme.</p> <p>The southernmost section, from its connection with WDGN/3/3, will be reopened to connect to the new footway / cycleway provision provided by the Scheme on the south of the Scheme.</p>

2.10 Table 2-2 shows PRoW's close to the Scheme boundary which are not affected by the Scheme; which are included for the purposes of completeness.

Table 2-2 Public Rights of Way not affected by the Scheme

PRoW Number and Description	Proposals during construction	Proposed reinstatement / diversion (Permanent)
Footpath SHYK/5/1 Originates from Long Lane, Crossing through farmland until termination at Boundary Lane crossing.	Public footpath is to be retained.	Public footpath is to be retained.

PRoW Number and Description	Proposals during construction	Proposed reinstatement / diversion (Permanent)
Public footpath NHYK/1/1 Originates at Russel Avenue, passes through further farmland, terminates at Meadow Lane.	Public footpath to be retained.	Public footpath to be retained.
Public footpath WDCN/3/3 Originating in Far Lane, terminating in farmland.	Public footpath to be retained.	Public footpath to be retained.
Public footpath WDCN/13/1 Originating on Mill Mere Road, continuing and terminating in farmland.	Public footpath to be retained.	Public footpath to be retained.
Public Bridleway WDCN/1122/1 Originates at Grant Road, continues through farmland, termination at Grantham Road.	Public bridleway to be retained.	Public bridleway to be retained.
Public footpath BRAC/3/1 Originating at A607 Grantham Road, continues down the path until terminated at Sleaford Road.	Public footpath to be retained.	Public footpath to be retained.
Public Bridleway BRAC/1200/1 Bloholm Lane.	Public bridleway to be retained.	Public bridleway to be retained.
Public Bridleway BRAN/6/1 Originates on Bloholm Lane.	Public bridleway to be retained.	Public bridleway to be retained.

- 2.11 The Scheme is not located within an Air Quality Management Area (“AQMA”). The nearest was Lincoln AQMA, located approximately 4.5km to the north of the site boundary. It is understood that this site last reported an exceedance in nitrogen dioxide (NO₂) in 2018. The AQMA achieved compliance with the 40µg/m³ Air Quality Strategy (“AQS”) objective in 2019, followed by full compliance (within 10% of the AQS objective) from 2020-2023. The City of Lincoln Council therefore revoked the AQMA in 2024. Whilst the City of Lincoln Council intends to keep air quality under review the potential beneficial effects of the Scheme remain relevant.
- 2.12 Concentrations of nitrogen dioxide and particulate matter as a result of the Scheme have been predicted for a number of worst-case locations that represent existing sensitive receptors close to the Affected Road Network (“ARN”). Predicted concentrations are below the relevant objectives at all of the existing receptor locations in 2028 with the Scheme in place. There is also predicted to be no significant effect on the designated habitats within the study area. The operational air quality effects of the Proposed Scheme are therefore considered not to be significant for both human health and ecological receptors.
- 2.13 The Scheme will redistribute traffic from other areas (and therefore improve air quality in those areas) improving off route areas in line with LCC’s aims and benefits of the Scheme is to ‘improve the quality of life in central Lincoln and surrounding area’. The Scheme will reduce traffic levels on local urban and rural roads in the South of Lincoln by the transfer of strategic traffic to appropriate routes, likely to improve air quality in those areas.

3. The Enabling Powers.

- 3.1 The Highways Act 1980, (“the 1980 Act”), empowers LCC to acquire land compulsorily which it requires to construct and improve the highway. The 1980 Act gives similar powers to National Highways to enable it to carry out proposals on the Trunk Road network. As stated above, those powers have been delegated to the Council by National Highways pursuant to an agreement made in accordance with Section 6 and Section 8 of the 1980 Act.
- 3.2 Section 239 of the 1980 Act enables the Council as the Highway Authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for the improvement of a highway. This section also enables the Strategic Highways Company to acquire land it needs for its purposes, which have been delegated to the Council in respect of this Scheme.
- 3.3 Section 240 of the 1980 Act provides that LCC as Highway Authority may acquire land required for the use in connection with construction or improvement of a highway.
- 3.4 Section 246 of the 1980 Act allows LCC to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.
- 3.5 Section 250 of the 1980 Act allows LCC as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 3.6 Section 260 of the 1980 Act allows LCC to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.7 Section 14 of the 1980 Act authorises LCC as the Highway Authority to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided.
- 3.8 Section 125 of the 1980 Act empowers LCC to deal with any private means of access affected by the new road including the provision of a new means of access.
- 3.9 Finally, the contents of Section 327 of the 1980 Act should be noted. That empowers LCC to enter agreements, including with other Highway Authorities so that powers to carry out activities rest with the Council.

- 3.10 The Town and Country Planning Act 1990 is identified within the list of documents, given its relevance as authorising the planning permission for the Scheme but no further reference is necessary in the context of the Orders.
- 3.11 The purpose of seeking to acquire land and new rights compulsorily is to enable the NHRR to be constructed. These proposals would enable LCC, using both the powers it enjoys as a Highway Authority and those delegated to it by National Highways, to provide the Scheme that would meet its statutory purposes. The purpose of seeking powers under the SRO is to ensure all other related aspects can be accommodated in a correct and lawful manner.

4. A Brief Description of Existing Land Ownership and the Council's Approach.

4.1 The Order land being the land and interests and new rights over land proposed to be acquired compulsorily pursuant to the CPO constitutes approximately 191 hectares. The Council has, so far, only obtained a limited amount of land required for the Scheme in addition to the land it holds as Highway Authority. The Council has acquired land at Station Road, Waddington. The properties acquired are as follows: -

- 46 Station Road (acquired 15 July 2009);
- 48 Station Road (acquired 20 August 2008);
- 50 Station Road (acquired 17 July 2008);
- 52 Station Road (acquired 24 August 2007);
- 56 Station Road (acquired 17 June 2024);
- The Lodge, 58 Station Road (acquired 6 February 2009);
- 58A Station Road (acquired 25 July 2008);
- 58B Station Road (acquired 5 August 2008);
- 67 Station Road (acquired 26 November 2010); and
- Parcel of Land adjacent 67 Station Road (acquired 17 October 2008).

4.2 LCC has let the properties acquired in the period August 2007 to November 2010 whilst the Scheme has been in development by way of Assured Shorthold Tenancy agreements. In doing so, LCC has relied on the exemption at paragraph 3 of schedule 1 to the Housing Act 1985, which will enable possession to be obtained. In November 2020, whilst in the process of marketing The Lodge, 58 Station Road, the property was significantly vandalised. Fixtures and fittings had been stripped out, fires lit, and outbuildings partly destroyed. After careful consideration, LCC decided to demolish the property. The Lodge, 58 Station Road was demolished in autumn 2021.

4.3 The Order land is in various ownerships, as shown within the CPO Schedule with the majority being in arable use, although it does also include highway and other uses. Full details of the Order land appear in the schedule to the Order. Details of known interests and new rights to be acquired are recorded in the schedule. All

land ownership information has been obtained from an inspection of Land Registry title documents and information provided by owners and occupiers following service of requests by LCC under the relevant powers using s16 inquiries. Further due diligence has been met by re-issuing to non-respondents and requesting if landowners adjacent to unregistered land had a claim of ownership. This was further validated through requesting any documentation and or evidence that the land was in their possession.

4.4 Further information gathering was undertaken to identify as far as possible nonregistered interests, this included but was not limited to gathering information from open-source data to identify, Public Rights of Way, Drainage interest and Adopted Highway status. Checks were undertaken for utilities using data gathered through enquires to Line Search. Further to these additional checks are/were undertaken to ensure any changes to HMLR in the design and consultation phase has been captured. During early scheme development, 3 public information exhibitions (“PIEs”) were held to update the local communities and affected landowners. Each PIE consisted of 3 separate events at Waddington, Bracebridge Heath and South Hykeham.

4.5 Details of the interest to be acquired and land over which rights are to be acquired are more particularly described in the schedule annexed to the Order. These include areas, sometimes referred to as licenced areas, where land is required to enable construction of the Scheme to take place but where the land is capable of being offered back to the owners on the completion of the works. The areas are set out in Table 4-1 below for the purpose of clarity. The table identifies each plot number in turn and the purpose for which freehold title is required. The purposes noted are generic, to cover in broad terms how the land is to be used.

Table 4-1 Areas required as part of the construction work for the Scheme which may be capable of being offered back to the owners

CPO Plot Number	Purpose for which freehold title is required
1	Construction Haul/Access Road, Construction Working Space
2	Construction Haul/Access Road
3	Construction Haul/Access Road, Construction Working Space
4	Construction Compound, Construction Haul/Access Road, Topsoil Storage
5	Construction Haul/Access Road, Topsoil Storage
11	Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
13	Construction Working Space
19	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond
20	Construction Working Space
23	Construction Working Space
25	Construction Working Space
27	Construction Working Space
28	Construction Working Space
32	Construction Haul/Access Road, Topsoil Storage, Material Storage
35	Material Storage, Construction Working Space
36	Construction Haul/Access Road
37	Construction Haul/Access Road
38	Construction Haul/Access Road, Topsoil Storage
41	Construction Haul/Access Road, Topsoil Storage
42	Construction Haul/Access Road, Topsoil Storage, Material Storage
44	Construction Haul/Access Road, Topsoil Storage, Material Storage
46	Construction Haul/Access Road, Topsoil Storage, Material Storage
47	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
48	Construction Haul/Access Road, Construction Working Space
49	Construction Haul/Access Road, Construction Working Space
52	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
56	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
57	Construction Haul/Access Road, Topsoil Storage, Construction Working Space
59	Construction Working Space
60	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
62	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
64	Construction Haul/Access Road, Construction Working Space
69	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
71	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
72	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
73	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
76	Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
82	Topsoil Storage, Material Storage, Construction Working Space
83	Topsoil Storage, Material Storage, Construction Working Space
85	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
88	Topsoil Storage, Material Storage, Construction Working Space
90	Topsoil Storage, Material Storage, Construction Working Space
91	Topsoil Storage, Material Storage, Construction Working Space
97	Topsoil Storage, Material Storage, Construction Working Space
98	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
101	Topsoil Storage, Material Storage, Construction Working Space
102	Topsoil Storage, Material Storage, Construction Working Space
105	Topsoil Storage, Material Storage, Construction Working Space
106	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
107	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
109	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
111	Topsoil Storage, Material Storage, Construction Working Space
114	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
118	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
119	Topsoil Storage, Material Storage, Construction Working Space
124	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
126	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
128	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
130	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
132	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
133	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
135	Topsoil Storage, Material Storage, Construction Working Space
137	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
140	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
141	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
142	Topsoil Storage, Material Storage, Construction Working Space
147	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
148	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
151	Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
153	Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
157	Topsoil Storage, Material Storage, Construction Working Space
163	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
165	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
166	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
168	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
171	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
174	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
175	Construction Haul/Access Road, Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
177	Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
179	Topsoil Storage, Material Storage, Crane/Piling Platform, Construction Working Space
180	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
181	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
182	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
183	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
184	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
189	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
190	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
191	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
198	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
199	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
203	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
207	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
211	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
213	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
217	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
218	Topsoil Storage, Material Storage, Construction Working Space
219	Topsoil Storage, Material Storage, Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
220	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
222	Topsoil Storage, Material Storage, Construction Working Space
224	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
225	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
227	Topsoil Storage, Material Storage, Construction Working Space
228	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
232	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
239	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
241	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
258	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
259	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
265	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
267	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
276	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
285	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
288	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
290	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
292	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
295	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
296	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space

CPO Plot Number	Purpose for which freehold title is required
297	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
298	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
299	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
301	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
302	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
309	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
310	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
312	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
313	Construction Compound, Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Crane/Piling Platform, Construction Working Space
315	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
316	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
317	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
318	Construction Haul/Access Road, Topsoil Storage, Material Storage, Temporary Water Pond, Construction Working Space
320	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space
324	Construction Haul/Access Road, Topsoil Storage, Material Storage, Construction Working Space

4.6 The areas required for site compounds/construction areas and for the temporary storage of topsoil referred to in Table 4-1 are necessary to provide the essential means for the Scheme to be constructed as authorised by the planning permission and as required to bring the Scheme forward.

4.7 The Council has no powers at present to seek to acquire land on a temporary basis and therefore to bring forward the proposals the land and rights shown in the CPO are required. The Council has carried out diligent enquiry to identify all persons with an interest in the land affected by the proposed compulsory acquisition.

- 4.8 The Council has engaged with owners of the land within the CPO in order to acquire any affected parties' interests voluntarily and is progressing such discussions. Although the Council remains committed to this approach, it is necessary for it to have the ability to acquire the land interests by compulsory acquisition, if necessary, to ensure that the Scheme can be delivered in an efficient and certain timescale so as to avoid delay in the Scheme. The Council is satisfied that the acquisition of all the land interests and new rights is necessary to enable the Scheme to proceed. The Council will continue to review the acquisition of land as the Scheme is progressed to ensure that remains the situation.
- 4.9 Following such discussions if final agreement is reached that will be followed but in the absence of such agreement in respect of the whole Scheme then following the decision to confirm the CPO the standard approach would be followed applying the Compensation Code in the usual way, although that is not a factor relevant to the confirmation of the Orders on the basis promoted.

5. The Need for the Scheme.

5.1 The purpose of this section of the Statement is to demonstrate the overall need for the NHRR and consequently the need to use compulsory purchase powers. This has been undertaken by considering the overall aims and benefits which arise from the proposals. These can be summarised in the following terms:

- 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 other nearby settlements.

5.2 It is not intended to set out all the detailed information supporting the promotion of the NHRR in this Statement but rather to provide a summary of the situation to enable the Council's reasons for promoting the CPO and the SRO following the successful grant of planning permission for the Scheme to be understood. The detail in respect of the promotion of the Orders can be ascertained from the various documents listed in Section 17 of this Statement as indicated earlier. These include all relevant documents including the application for planning permission and accompanying documents.

5.3 The NHRR, which historically was also known as the Lincoln Southern Bypass, has been a long-term aspiration of both the Council and the District Council over a period of many years. As long ago as 2005 authority was given by the Council to undertake public consultation in respect of a southern bypass to Lincoln. That work was undertaken and led ultimately to further work to seek to determine a preferred route for the bypass in 2006 and the adoption of such a route shortly thereafter.

5.4 Progress on that proposal was delayed as the matter was subject to further consideration as part of a wider solution to the transport and movement problems within and around Lincoln, which included proposals to build other roads and to provide other transport interventions, including traffic management and public transport measures. The Council therefore adopted an approach whereby the Lincoln Integrated Transport Strategy ("LITS") was developed and brought forward

to provide a comprehensive approach to the problems and needs facing Lincoln and Lincolnshire more generally. This included the movement into, through and around Lincoln including the desire to support the Lincolnshire Coastal Highway.

- 5.5 The NHRR is the last major highway scheme contained within the LITS. Further the NHRR will provide the last element of a complete ring road around greater Lincoln urban area comprising both Lincoln and North Hykeham. That ring road is formed from the Lincoln Western Bypass and the Lincoln Northern Relief Road, which both opened to traffic in 1985, and the recently completed Lincoln Eastern Bypass.
- 5.6 Once complete it will enable traffic approaching Lincoln to follow a route which avoids the need to enter the City, including the ancient medieval quarter, unless it needs to do so. It will cater for traffic from all directions in avoiding the City centre.
- 5.7 The principle of a relief road has been developed as part of various transport strategies, including those identified within not only LITS but also in the various Local Transport Plans and Transport Strategies as well as in Development Plan documents. Following the identification of the preferred route in 2006 the route was incorporated into the Development Plan as that was progressed as a protected route. It was identified in the Central Lincolnshire Local Plan adopted in 2017 and further it appeared in the replacement Plan adopted in 2023. The potential for such a route south of Lincoln has therefore been known about for many years and a route has been incorporated into the Development Plan for the area since at least 2017.
- 5.8 The route shown in the Development Plan was a broadly indicative line running from the A46 through to the A15. It was shown as crossing roads as well as the river but without showing any precise detail in the form of dimensions, connections into the local road network or any other detail. It was therefore a broad indication of an intention based on the work which had been carried out to that time but without any detail as to provision, layout, connection or precise location. Such a situation is entirely normal with the detail being brought forward when more information was to hand.
- 5.9 That information has now been obtained to the extent necessary to bring forward the planning application and further to be able to promote the CPO and SRO required to ensure the proposal, as authorised by the planning consent, can be brought forward. The alignment as indicated within the planning permission

granted shows a deviation from the broad indication given within the Development Plan, but such change is not material in planning terms and has been adopted to achieve the most advantageous route for the NHRR. That change of route was approved by the Council in October 2023, as a change to that previously adopted in 2006, and it was the route for which planning permission was obtained; to avoid doubt the recent Section 73 application and the approval of it do not alter that conclusion.

- 5.10 The NHRR provides economic, environmental, social and transport benefits which justify the grant of planning permission and the consequential use of CPO powers to acquire land and interests to achieve its ambitions as well as the SRO.
- 5.11 The Council identified certain key issues which exist within Lincoln and its environs and from that developed a robust set of objectives to use to identify the nature of the response required. This process formed an essential and integral part of the development of the Outline Business Case which had to be submitted to central Government to achieve financial assistance. That Outline Business Case sets out the detail but in essence the position can be summarised as follows.
- 5.12 The existing road network in Lincoln consists of a number of regionally important routes through and around the City as well as major routes into the City centre and local roads. Lincoln acts as a hub and resembles a wheel whereby the roads approach from all directions and meet at the hub before progressing through it to move beyond. The main orbital routes and strategic roads include the A46 Western and Northern Relief Roads, which are part of the strategic road network, along with the A57, the A15 and the A1434 as well as other roads that lead into the City centre.
- 5.13 The A46 is the responsibility of the strategic highway authority. The A57 provides a key east -west route into the City, whereas the A15 including the new LEB provides for major north-south movements including movements to the Humber Ports and airport. The A1434 is a further route into the City passing through largely residential areas on the way. The road network is therefore complex and heavily used in carrying the traffic it does.
- 5.14 Lincoln currently suffers from high levels of congestion from local and strategic traffic movements. That has an impact on the quality of life for local residents, acts as a constraint on the economy and reduces attractiveness of the City for visitors

and investors. Three key issues arise in that respect which act to justify the provision of the additional highway capacity in the location envisaged.

- 5.15 The first issue is the constraint from the network itself. There are few major, strategic routes through and around Lincoln with the majority of such routes being single carriageway. The effect of that is traffic is forced to use either the A46 or the A1434 and A15 to pass by or through the City. At peak times those routes operate at or close to capacity. That is compounded by the lack of crossing points of the River Witham and the Fossey Navigation which cut through the City in an north-south and east-west direction respectively as well as the location of the railway lines. The consequence is that use is made of local roads with many running through residential areas causing issues for local residents in terms of accessibility, noise, and air pollution. For example, several routes in the Hykeham area regularly carry circa 10,000 vehicles per day on roads such as Moor Lane, Mill Lane and Station Road where residential properties are located immediately adjacent to the carriageway.
- 5.16 The second issue relates to the network resilience. Events and closures on strategic routes result in long diversion routes through urban areas, including residential locations, which are unsuited to the large volumes of traffic with proportions of HGV traffic included. That has a negative impact on local communities including noise, air quality, severance and longer journey times to access employment and services.
- 5.17 The third issue is the network capacity. The A46, the original A15 and A1434 currently operate at or close to capacity during the peak hours and in some respects during the inter peak. The effect of that is the low average speeds, unreliable journey times and delays for all road users including those using buses.
- 5.18 Allied to the identification of those various issues is the fact that Lincoln has been identified as a location where growth is expected to take place, and the various Development Plan policy envisage that it will. Within Lincoln there are four Sustainable Urban Extensions (“SUE”) with planned growth amounting to a 50% increase in dwellings by 2036; two of those SUEs are proximate to the proposals.
- 5.19 The provision of the LEB, which historically was intended to be part of a road continuing from the A15 to cross to the A46, has provided some relief to the situation but that now needs additional infrastructure. The lack of a realistic

alternative to travel east-west from the A15 to the A46 remains a significant problem which continues to exacerbate the existing congestion problems on radial routes into Lincoln.

5.20 In addition to that there is the consideration of the anticipated travel demand increasing over the next twenty years. Forecasts produced at the time of the OBC, which will be kept under review, show an increase in vehicle trips by 20% by 2036 which will result in a further deterioration on key areas of the network, with the effect being manifested in terms of link capacity, junction capacity and average speed indicating a worsening of the congestion in the area.

5.21 Based on the work that has been undertaken, and which is described in the supporting documents the anticipated situation can be described as follows.

- There will be a lack of strategic connectivity between Lincoln and the wider economic areas such as the Humber ports and airport. Congestion will be exacerbated adversely affecting traffic movements through the area.
- Economic growth will be constrained as the transport network is forecast to face increasing congestion which will impact the areas ability to deliver sustainable economic growth.
- There will be an impact on housing targets with the ability to deliver more housing compromised.
- There will be an impact on the Major Road Network with congestion hindering the potential for routes to operate as part of that network.

5.22 From that identification of issues, problems and responding to forecasts the Council drew up a robust set of Objectives as part of the Outline Business Case to respond to the issues and development intentions up to 2036. Those Objectives have been identified as being.

- To improve east-west connectivity in the south of Lincoln for strategic and local traffic.
- To reduce traffic levels on local urban and rural roads in the south of Lincoln through the transfer of strategic traffic to appropriate routes.
- To reduce NMU severance in south Lincoln caused by heavy levels of traffic on the local road network and lack of east-west connectivity.
- To support the delivery of the SUE's by improving access to the identified sites.

- To support the delivery of the Southwest Quadrant through the provision of additional network capacity and NMU infrastructure necessary for the delivery of new housing.
- To reduce traffic levels and congestion around Lincoln and on key routes through the City to support improved access into central Lincoln, the improvement of access to the Humber Ports and Airport and of access to the Lincolnshire Coast.
- To improve the resilience of the orbital and key network through and around Lincoln and reduce the impact of major incidents.

5.23 In so doing it is anticipated that the Scheme will provide benefits. By providing an alternative route choice for the A46 users to travel around or to bypass Lincoln urban area, journey time savings are made for medium and longer trips on those routes. Congestion is reduced on some radial routes into the city centre, in particular on the A1434 and A15 corridors plus Brant Road and the A607 Grantham Road. Congestion is also reduced within the Lincoln urban area, in particular in North Hykeham and Waddington, which reduces travel time for shorter trips in those areas. Financial assessments of those various savings is forecast to be about £152.1m for business users and £179.6m for other users when discounted to the DfT's base year, which is 2010.

5.24 Benefits also arise from journey time reliability through providing additional network capacity and route choice. That arises in particular from an enhancement in the east-west movement and as an alternative route to one that would otherwise have to transit through the City.

5.25 An overall improvement in the performance and reliability of the local transport network will arise which will improve the efficiency 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.

5.26 The NHRR, as a vital link in the transport plans, will support the growth of its priority economic sectors related to agri-food, manufacturing and the visitor economy, and supported by other elements related to sustainable and renewable industry. This will be achieved by improving the efficiency of the strategic road network and the

links to the major national and international gateways as well as supporting the creation of new housing.

- 5.27 The Scheme unlocks the South West Quadrant SUE which is wholly dependent on the NHRR. It is a large scale multi use proposal of some significant size. The development will be led by the residential accommodation incorporating circa 2,000 dwellings. It also incorporates up to 5ha of additional employment land along with retail and community uses, including a new primary school, open space and formal sports pitches.
- 5.28 Overall, the NHRR is intended to address a large number of different issues and problems as well as open up large areas of land for development in accordance with the Development Plan for the area. It is a Scheme which is needed to enable that to be achieved, and the CPO and SRO should be considered on that basis.

6. Description of the Scheme.

- 6.1 The Scheme is an approximately 8km 120kph dual all-purpose 2 lane carriageway running from the A46 throughout to join to the A15. The route is south of Lincoln, runs primarily over rural farmland crosses the River Witham and climbs the hills side to the west of Waddington Airfield. Along that route the connection with the A46 roundabout requires some alterations including the means by which the Services at that junction are accommodated, some demolition of property at Station Road and a slight change to the A15 roundabout provided as a consequence of the construction of the LEB itself.
- 6.2 The route runs southeast as it leaves the A46 roundabout for about a kilometre before turning to head generally east until a point just after crossing of the River Witham and then heading northeast to meet with the A15. Along the route there are a number of facilities which influence the choice of route. A pipeline exists from the A46 roundabout for about 2km, which will need to be diverted as a consequence of the Scheme to ensure it is protected, which is why the diversion was included within the current planning application and is part of the planning permission granted. The route is located to the south of an existing flood storage area known as Witham Washlands, parallel with the Scheme between Wath Lane and the River Witham. This feature was installed by the Environment Agency originally and is comprised of a grassed embankment. The Councils approach is to avoid development and impact on this feature by leaving it in situ, as it currently reduces the potential for flood risk in the area in its function as a flood defence and storage feature.
- 6.3 The River Witham crossing is best achieved by a direct square crossing to minimise impact and the route across Station Road, which requires the demolition of residential properties, is in cutting and direct to minimise impacts. The route up the hillside requires unstable land to be crossed which necessitates a broad area of land being taken to ensure that construction, including the cutting, can be achieved in the most effective and acceptable way. The route avoids the concentration of known Roman remains that has been identified to the west of Grantham Road, north of Waddington, where a geophysical survey and subsequent trial trenching undertaken for the Scheme has identified archaeological features dating to the Roman period which has been interpreted as a probable Romano-British villa complex. A number of other archaeological

features dating to the prehistoric and Roman period have been identified to the east of Grantham Road. Site investigations (geophysical survey and trial trenching) undertaken indicate relatively low archaeological potential along the route and these archaeological features are likely to be of low (local) heritage significance. Then from the roundabout on Grantham Road to the roundabout at the end of the LEB the route is direct.

- 6.4 Throughout the route the horizontal alignment of the road follows a fairly level approach other than where it is necessary to avoid features or where headroom is required for particular actions. The Scheme Plans show all relevant details.
- 6.5 In terms of the key features on the Scheme, other than the main carriageway itself, they consist of the following on a west to east basis; footways, cycleways and bridleways are addressed separately below. The National Highways controlled roundabout on the A46 is where the Scheme commences. The Council has been in discussion with National Highways about the proposals for that junction. It currently experiences congestion, and the intention is, to ensure that it can accommodate the NHRR acceptably, for it to be enlarged and changed to accommodate the Scheme. The arrangement is that it will be increased in size with the number of circulatory lanes increasing as well. An additional arm will be connected into the roundabout to accommodate the Scheme and signalisation will be added to the roundabout to regulate flows. The NMU facilities at the roundabout have also been examined and the intention is to change them and increase the provision being made. All such matters are currently under discussion with National Highways. Furthermore, National Highways have been fully involved in the design of the Scheme as it effects their interests and support the Scheme.
- 6.6 The Scheme runs east from that roundabout and connects with the South Hykeham Road at a new priority roundabout to accommodate all movements. East of that point a further bridge will be constructed, solely for bats to cross the new carriageway safely and that bridge will be connected to local hedgerows to influence bat movement. The superstructure will comprise a single-span composite steel deck, supported by reinforced concrete abutments seated on reinforced concrete columns. The clear span of the deck will be approximately 33m. Following consultation with qualified ecologists and LCC's highways and maintenance teams, it has been determined that the bridge will have a maximum

- width of 8m, suitable to accommodate a double hedgerow with a minimum maintained 2m gap between the hedge lines and suitable access for maintenance.
- 6.7 Leaving South Hykeham, the route continues east and approaches Wath Lane. Proximate to Wath Lane a further bridge structure will be provided with a dual purpose. It will act to accommodate NMU usage for anyone using the lanes in that location and further as an accommodation bridge for other use.
- 6.8 The next feature to note will be the bridge being provided to cross the River Witham. A permanent structure will be provided to cross the river directly at right angles to minimise the effect on the river. The bridge underside will be at 6.8 metres above the river surface and will be over widened to allow access alongside the river itself under the bridge. The access includes for agricultural vehicles as well as for the Upper Witham Internal Drainage Board on both the western and eastern sides of the river. In addition, access is provided for the Environment Agency and the bridleway on the western side of the river. This will enable vehicles to pass under the bridge but further will act as a corridor for the movement of wildlife. No part of the bridge structure will be in the watercourse itself with works being limited to those necessary to ensure the bank is strong enough to cater for the works. In order to construct the works, a temporary crossing structure will be required. This will be provided north of the main permanent crossing point and will be in place for the duration of the construction works. Necessary measures will be in place to prevent pollutants escaping to the water course.
- 6.9 At the point where the Scheme crosses Brant Road a new priority roundabout will be constructed to allow for connection with the local road network and will cater for all movements. Two additional features will also be incorporated at this location. A crossing facility to the north of the roundabout will be provided and Somerton Gate Lane will be realigned to connect into it. Approximately 500 metres east of that roundabout a culvert is to be provided. That culvert, known as the Somerton Gate Lane Bat culvert, is intended to cater from bats crossing the line of the Scheme. Once again suitable connections with local vegetation and an increase in such provision will be put in place to encourage the use of the facility.
- 6.10 The replacement Station Road bridge is the next feature on the Scheme. The new Station Road bridge will be constructed to the west of the existing Station Road and further away from the current residential properties. Once available, traffic will

be taken by the new bridge, and the existing Station Road will be closed off and serve only to retain vehicular access to residential properties either side of the new main NHRR carriageway. The new bridge will also provide NMU use to be made of it as required. Space left between the old road and the new will be subject to landscape treatment.

- 6.11 Leaving Station Road, the route climbs the hillside and meets with Grantham Road. At that location provision is made not only for a priority roundabout to cater for all traffic movements but an additional provision for the NMU network. An existing signalised junction at the A607 Grantham Road / High Dyke is to be modified to incorporate a pedestrian crossing facility to enhance the safety of users at that location.
- 6.12 Finally, the route connects into the LEB at the A15 and includes alterations to accommodate the connection, a widening of 190 metres of the LEB and an associated crossing facility north of the roundabout.
- 6.13 The Scheme will be brought forward as described and as shown within the planning permission which has been granted. The Scheme has been designed using Sustainable Drainage Systems (“SuDS”) and other features to manage diffuse pollution in line with current standards and in accordance with the local authority’s requirements, such as the Design Manual for Roads and Bridges (“DMRB”) LA113 and CIRIA 753: The SuDS Manual. That includes a drainage system throughout the Scheme which will seek to catch surface water and ensure that it is treated by passing through appropriate treatment measures in line with SuDS guidance, including balancing ponds at relevant locations identified on the approved plans. The extent of the drainage system will be sufficient to cater for flows envisaged in the appropriate storm event and will follow a gravity led system meaning that different elements of the Scheme will follow different routes, discharging at rates that have been agreed with the relevant authorities. No surface water will discharge into the River Whitham or directly into any water course without first having travelled through the system itself. Drainage of the scheme will, therefore, be in accordance with relevant standards and will incorporate attenuation ponds where required; these are shown on the Scheme plans. Additional wildlife ponds, mitigation and enhancement features will also be incorporated as part of the Scheme as shown on the plans.

6.14 The junction areas described for the Scheme will be lit for safety reasons in accordance with the applicable standards. Noise attenuation bunds and barriers will be provided where the beneficial effect justifies the action, these are set out in Table 6-1 and as shown on the plans approved by the grant of planning permission.

Table 6-1 Location and description of noise attenuation features

Location (on NHRR)	Description
South Hykeham Road to Brant Road	2m barrier on 2m bund on the eastbound carriageway to the south of South Hykeham (CH1760-1810)
South Hykeham Road to Brant Road	2m barrier on 2m bund on the eastbound carriageway to the south of South Hykeham (CH1810-1990)
South Hykeham Road to Brant Road	2.5m barrier on 2m bund on the eastbound carriageway to the south of South Hykeham (CH1990-2090)
South Hykeham Road to Brant Road	2m barrier on 2m bund on the eastbound carriageway to the south of South Hykeham (CH2090-2485)
Brant Road to Grantham Road	2.6m barrier on 2m bund on the eastbound carriageway to the west of Station Road (CH5210-5305)
Brant Road to Grantham Road	2.6m barrier on the eastbound carriageway from the west of Station Road through the escarpment cutting (CH5305-6135)
Brant Road to Grantham Road	2.4m barrier on the westbound carriageway from the west of Station Road through the escarpment cutting (CH5400-5830)
Grantham Road to Sleaford Road	3m barrier on the eastbound carriageway to the south of Grange Farm (CH7100-7490)
Grantham Road to Sleaford Road	3m barrier on the eastbound carriageway on the immediate approach to Sleaford Road Roundabout (CH7620-8090)

- 6.15 The Council has agreed, as part of the planning application, to use low noise surfacing on the high-speed sections of the road to assist with the noise implications of the Scheme. Low noise surfacing is proposed for all dual carriageway (mainline) links, with the exception of the areas on the immediate approach to the junctions, due to lower speeds on exit and approach not offering the noise reduction benefits required and also adversely affecting the pavement life in the hard-wearing areas. Finally, landscape provision will be made in accordance with approved plans. These measures will be comprised of suitable treatment at the locations identified.
- 6.16 The final matter to mention as part of the overall description of the Scheme is that there is a need for and a benefit from areas, identified within the CPO to be used as compounds, storage of materials and in one respect the treatment of material to make it suitable for use as part of the construction. Seeking land for compounds and for storage of material that needs to be moved but is later required as part of the Scheme is common practice. Showing such areas and seeking acquisition of them is now a common feature of proposals such as this and the acquisition is justified by that need. The ability to obtain material from a scheme, to store it, alter it on site and then reuse it as part of the construction is not so common although it was an approach followed successfully on the construction of the LEB. That same approach, given that the excavation of material from the hillside is anticipated to provide suitable material to be used in the construction of the Scheme is being followed here. Land for that purpose has been identified within the CPO. The advantage of doing so in terms of movement of material is obvious and justifies the approach being taken.
- 6.17 The treatment of footways, cycleways and bridleways as part of the Scheme is of particular importance to the Council as the opportunity arises in carrying out what is required for the Scheme itself for a wider Council objective of enhancing such provision can also be met. There are a number of well known, highly regarded and attractive rights of way which local community groups and others wished to see protected. The Council's approach is to ensure in meeting the task that it has followed an approach whereby any further advantage that can be achieved is done so, provided the acquisition of any land required is justified by the Scheme itself.

- 6.18 To that end a combined footway/cycleway will run the length of the Scheme to connect the existing NMU facilities on the A46 with those provided on the LEB. The provision will run adjacent to the eastbound carriageway between the A46 and the Station Road bridge before crossing the new road on that bridge and continuing across the escarpment to connect into the network running towards Grantham Road. To the west of Grantham Road, the new route will cross the Scheme via a new bridge being provided to accommodate a re-routed Viking Way and then run through adjacent to the eastbound carriageway to the A15. Where the new provision runs alongside the new carriageway there will be a minimum separation between them of four metres except for the location where the route crosses the River Witham bridge where it will be 2.5 metres.
- 6.19 As for the Viking Way itself, which is a highly regarded local resource the intention is to ensure that its use and attraction remains. The intention is to re-route the path along the top of the cutting to the south of the Scheme to connect to the proposed bridge adjacent to Grantham Road. By doing that the long-distance views down over the plain below will be retained. Additional amenity footpaths will then be created within the overall land take for the Scheme to the north of the new road east of Station Road to ensure that connection is retained. All those rights of way are shown on the approved drawings. It marks an enhancement to the current provision and will ensure that a circular walk exists as part of the proposals.
- 6.20 The provision of the accommodation bridge at Wath Lane, required to ensure access exists for the movement north to south will also be available for use by NMU users. Associated access tracks will also be designated as a public bridleway between Wath Lane and the River Witham to create a circular route providing additional amenity facilities.

7. The Need and Justification for the Compulsory Purchase Order.

- 7.1 The purpose of seeking to acquire land and new rights compulsorily is to enable the NHRR to be constructed. These proposals would enable LCC to meet its statutory purposes within the shortest realistic timescale in the most appropriate way.
- 7.2 LCC recognises that a CPO for the NHRR can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here. A CPO is necessary and justifiable in the public interest.
- 7.3 LCC has made the Order to secure the outstanding interests and new rights required to enable implementation of the NHRR, which is necessary to achieve LCC's objectives for the area. Given the history of the development of the Scheme proposals, including the extensive public consultation exercises that have been undertaken, as well as other publicity of the proposals the Council's intentions will be well known. In fact, the Council has responded to the service of Statutory and Discretionary Blight Notices and has acquired some property directly affected by the Scheme as detailed in Section 4 above. In addition, discussions have taken place with others. This includes the known owners of land, statutory undertakers and others where possible. LCC intends to hold discussions with the owners of relevant interests in an attempt to reach agreement, but the CPO remains necessary to ensure that the NHRR can proceed.
- 7.4 The CPO is necessary to facilitate the NHRR and satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act.
- 7.5 As such the objectives established for the Scheme as set out above will be met. This is why it is necessary to acquire land as shown in the CPO now to allow the Scheme to proceed and without it the Scheme cannot be built.

8. The Need for and Justification of the Side Roads Order.

8.1 The purpose of the Side Roads Order is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works LCC is promoting the Side Roads Order.

9. The Planning Position.

- 9.1 The following paragraphs provide an overview of the various applicable planning and related policies as contained within the published documentation which demonstrate how the NHRR is consistent with and will contribute to meeting national and local priorities. Planning permission has been granted for the Scheme, including an updated full planning permission submitted under Section 73 of the 1990 Act referred to above. The applications, following a thorough assessment by the relevant planning authorities, have been found to be acceptable in planning terms, and the process now requires the adoption of the means necessary to bring the Scheme forward.
- 9.2 In respect of that examination by the planning authority, with input from subsidiary authorities, it is worth noting two particular matters of significance. The first is that the potential route for a southern bypass of Lincoln connecting the A46 at the Roundabout with the A15 has been known about for many years. It was indicated as a preferred route in 2006, after which it was incorporated into the Development Plan in 2017, following the promotion of the Plan for the area and it was further incorporated into the replacement plan in 2023. The fact that the 2006 preferred route alignment was adopted in one form and the subsequent planning documents adopted a slightly different route in part does not alter the support for it from the Development Plan. The grant of planning permission given that history is to be expected.
- 9.3 That position does not alter given that the final route selected and promoted for consideration under the planning application is slightly different from the 2023 identification. In respect of all such Planning Documents the indication is that a broad line shown on the plan would be the protected route and whereas the detail of the information obtained and taken into account in bringing forward a scheme is more extensive which often causes the detailed route to be slightly different.
- 9.4 In this case a route has existed since 2006, relevant standards to apply and the approach to be followed has changed and the Scheme itself now presents the most appropriate option and that is reflected in the grant of planning permission.
- 9.5 The second point is that even with that planning policy support behind the Scheme the assessment of the proposal, the application of the proper planning considerations and the consideration against policy was still undertaken

appropriately and with vigour. The fact that despite the original application being made in full and that it was supported by extensive information further details were required under the section 25 process before it was agreed to. All those various matters were identified in the Officer's Report to the Planning Committee and the Report itself is shown as being on the document list in Section 17.

9.6 It is not necessary to set out in this Statement the full and extensive detail in respect of the planning determination and the various planning policy references relied upon. All that is set out in detail in the planning application itself with emphasis drawn out within the Officer's Report. Duplication of all that material is not required in this Statement but rather an overview is necessary. That overview will start with reference to the National Policy approach followed by the indication given from the Development Plan. In this case the Development Plan policy is supported by reference to certain Neighbourhood Plans which are identified separately despite being essentially consistent.

9.7 Since the original planning permission was granted, national planning policy, in the form of the NPPF, has been updated with the publication of the revised NPPF in December 2024. The Statement of Reasons was written at a time when the 2023 version of the NPPF applied. At the time the Section 73 application was considered that had changed and that application was considered under the new NPPF, which will continue to be the applicable policy at the time the decision is made in respect of the Orders themselves. In order to avoid confusion, the contents of this Statement will continue to indicate what the 2023 NPPF set out but will seek to update any material changes that now arise. For the avoidance of doubt and to meet legal requirements the policy to apply is that which is current at the time a decision is made.

The National Planning Policy Framework ("the NPPF").

9.8 The NPPF was originally published in March 2012 and was updated subsequently including the one published in December 2023. The 2023 version provides guidance on national planning policy. It replaces the previous planning guidance, and it is supported by the National Planning Policy Guidance information. The NPPF places an emphasis on supporting sustainable development, advising that environmental conditions are to be considered alongside economic and social considerations as all three elements contribute to the approach.

9.9 The 2023 NPPF recognises the role which the planning system is to play as contributing to the achievement of sustainable development. The Core Planning policies contained within the NPPF are relevant to the promotion of the NHRR and were taken into account in granting planning permission for the Scheme. These include the following:

- Paragraph 7 of the Framework which explains that, ‘the purpose of the planning system is to contribute to the achievement of sustainable development’ which can be summarised as ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs’.
- Paragraphs 8 and 9 identifying 3 overarching objectives including an economic, a social and an environmental objective delivered through the preparation and implementation of plans. The principle of the NHRR is safeguarded in the Central Lincolnshire Local Plan 2023 by means of an indicative route running between the A46 and the A15.
- Paragraph 11 (c) noting that development proposals that accord with an up-to-date development plan should be approved without delay.
- Paragraph 86 (c) noting that planning policies should seek to address potential barriers to investment such as inadequate infrastructure. This paragraph in the 2023 version now appears as paragraph 86(d) in the 2024 version.
- Paragraph 108 from the 2023 version has been replaced but has been left in this Statement as indicating the position at the time the original consent was granted. The paragraph states: ‘Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a. the potential impacts of development on transport networks can be addressed;
 - b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c. opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate

opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

- e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places’.
- Paragraph 108 now reads “Transport issues should be considered from the earliest stages of plan making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:
 - a) making transport considerations an important part of early engagement with local communities;
 - b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;
 - c) understanding and addressing the potential impacts of development on transport networks;
 - d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage-for example in relation to the scale, location or density of development that can be accommodated;
 - e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and
 - f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure-including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains,”
- Paragraph 110 which confirms at sub-paragraph b) that planning policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils with the words “so that strategies and investments for supporting sustainable transport and development patterns are aligned” added by the 2024 version at para 111 which para 110 has become; at sub-paragraph c) that policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; and sub-paragraph d) provide for attractive and well-designed walking and cycling networks.

- 9.10 The NHRR fulfils the aims underlying the NPPF, in either the 2023 or the 2024 versions, as it supports the goal of sustainable development. The consideration by the Planning Authority in light of the description given within the Officer Report confirms that position. Amongst other factors the Scheme enables the South West Quadrant SUE to come forward with the benefits that has, it enables the provision of additional housing, commercial, retail and community facilities to be developed within that extension. Such provision will not otherwise be achieved and that is in accordance with the applicable planning policy for the area. In addition, the Scheme will provide traffic relief to the town centre and its historic core which will bring forward environment as well as transportation benefits both locally and further afield as access to the ports and airport.
- 9.11 The National Planning Policy is strongly supportive of the proposal.
- 9.12 **Development Plan Provisions.**
- 9.13 Although formally part of the Development Plan the Minerals and Waste Local Plan for Lincolnshire has nothing of direct relevance to the issues and as such attention should be directed to the Central Lincolnshire Local Plan 2023 (the CLLP).
- 9.14 There are a number of policies within the CLLP of relevance and these are set out in the Officer's Report.
- Policy S1: The Spatial Strategy and Settlement Hierarchy states that the focus is on delivering sustainable growth for Central Lincolnshire.
 - Policy S2: Growth Levels and Distribution seeks to meet the housing and employment needs of Central Lincolnshire.
 - Policy S10: Supporting a Circular Economy provides support to development proposals which are compatible and further a strong circular economy.
 - Policy S11: Embodied Carbon states that all development should, where practical and viable, take opportunities to reduce the development's embodied carbon content, through the careful choice, use and sourcing of materials. Full justification is required for development proposals which involve demolition of buildings.
 - Policy S21: Flood Risk and Water Resources requires that development proposals are not at risk from flooding and do not increase flood risk; that the development will be safe during its lifetime; and incorporates Sustainable Drainage Systems.

Development proposals are required to demonstrate protection of the water environment.

- Policy S45: Strategic Infrastructure Requirements states that all new development should be supported by, and have good access to, infrastructure.
- Policy S46: Safeguarded Land for Future Key Infrastructure seeks to ensure that development proposals on or near the preferred route of the North Hykeham Relief Road do not prejudice the efficient and effective delivery of the project.
- Policy S47: Accessibility and Transport supports development which contributes towards an efficient and safe transport network and offers a range of transport modes for the movement of people and goods.
- Policy S48: Walking and Cycling Infrastructure requires development proposals to facilitate active travel, with priority given to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- Policy S53: Design and Amenity requires all development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. The policy sets a range of criteria against which development proposals will be assessed.
- Policy S54: Health and Wellbeing states the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. For developments of 5 hectares or more, developers are required to submit a Health Impact Assessment and demonstrates how the conclusions have been taken into account.
- Policy S56: Development on Land Affected by Contamination requires development proposals to take into account potential environmental impacts of the development itself and impacts as a result of any former use of the site. Where development is proposed on a site which is known to be, or has the potential to be, affected by contamination, a preliminary risk assessment must be Undertaken.
- Policy S57: The Historic Environment states that development proposals should protect, conserve and seek opportunities to enhance the historic environment. The policy sets a range of criteria to be considered in relation to designated and non-designated heritage assets. Proposals affecting archaeological remains should take every practical and reasonable step to protect, and where possible, enhance their

significance and applications should be accompanied by appropriate and proportionate assessments and include appropriate mitigation strategies.

- Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting and Character sets out the key principles which proposed development in Lincoln should contribute to, including the protection of the dominance and approach views of Lincoln Cathedral, Lincoln Castle and uphill Lincoln on the skyline.
- Policy S59: Green and Blue Infrastructure Network seeks to safeguard green and blue infrastructure and integrate this within development proposals. It states that opportunities should be sought to improve and expand assets such as public rights of way, cycleways and bridleways.
- Policy S60: Protecting Biodiversity and Geodiversity states that all development should protect, manage and enhance biodiversity and geodiversity and deliver measurable and proportionate net gains in biodiversity. The policy sets out the expectations in relation to designated sites, species and habitats of principal importance and the mitigation of potential adverse impacts.
- Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains sets out the requirement for development proposals to deliver at least a 10% measurable net gain in biodiversity, with a preference for this to be delivered on-site where possible. The policy establishes the requirement for robust evidence to demonstrate biodiversity net gains and losses at pre- and post-development stages.
- Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value states that a high level of protection will be afforded to Areas of Great Landscape Value reflecting their locally important high scenic quality, special landscape features and sensitivity. Criteria are set within the policy against which development proposals will be assessed.
- Policy S63: Green Wedges establishes the function of Green Wedges and sets out the circumstances in which development in Green Wedges is allowable and what such development is expected to have regard to.
- Policy S66: Trees, Woodland and Hedgerows seeks to protect trees, woodlands and hedgerows, securing the retention and integration of these within development proposals where possible. Where appropriate, opportunities for new tree planting are encouraged.

- Policy S67: Best and Most Versatile Agricultural Land seeks to protect such land and requires the submission of an agricultural land classification report for sites of 1 hectare or larger involving the loss of the best and most versatile agricultural land, setting out the justification for such a loss and the benefits and / or sustainability considerations which outweigh the need to protect the land.
- Policy S68: Sustainable Urban Extensions sets out the expectations for the allocated Sustainable Urban Extensions.
- Policy S76: Residential Development on Sustainable Urban Extensions allocates Sustainable Urban Extensions of up to 3,400 dwellings at the South East Quadrant (NK/CAN/003) and up to 1,300 dwellings at the South West Quadrant (NK/NHYK/001).
- Policy S80: Housing Sites in Large Villages allocates housing sites at land south of Bracebridge Heath (NK/BBH/003) and land north of Waddington (NK/WAD/023).

9.15 In addition, there are three Neighbourhood Plans with relevant planning policy to apply.

9.16 **Thorpe on the Hill Neighbourhood Plan.**

9.17 The Thorpe on the Hill Neighbourhood Plan was made part of the development plan in March 2018. The following policies are of relevance in this case:

- Policy 3: Biodiversity seeks to protect and enhance biodiversity.
- Policy 4: Green Spaces and Green Infrastructure seeks to protect public rights of way and, where necessary to mitigate the impacts of development, seek improvements and new green spaces and green infrastructure.
- Policy 5: Landscape and Views seeks to ensure that the gap between the village curtilage and the A46 is not diminished and preserves important views.
- Policy 6: Design and Character of Development sets out the criteria against which new development proposals should be considered, including visual impacts and the use of Sustainable Urban Drainage.

9.18 **Hykeham Neighbourhood Plan.**

9.19 The Hykeham Neighbourhood Plan was made part of the development plan in September 2018. The following policies are of relevance in this case:

- Policy HNP1: Design of New Development seeks to secure high standards of design and sustainable construction techniques.
- Policy HNP5: Transport Plans requires development proposals with significant traffic impacts to demonstrate impacts can be effectively mitigated. This policy also encourages travel on foot and cycle.
- Policy HNP6: Pedestrians and Cyclists states that development proposals should aim to enhance cycling and walking networks and provides support for proposals which complete gaps in the network and encourage more localised walking and cycling journeys.

9.20 **Bracebridge Heath Neighbourhood Plan.**

9.21 The Bracebridge Heath Neighbourhood Plan was made part of the development plan in April 2022. The following policies are of relevance in this case:

- Policy 17: Protecting Existing and Establishing New Non-Vehicular Routes for Pedestrians and Cyclists encourage the incorporation of safe and direct routes for pedestrians and cyclists and states that development proposals should not restrict existing footpaths or cycle routes.

9.22 **Lincoln Transport Strategy.**

9.23 The new Lincoln Transport Strategy (“LTS”) has been developed by Lincolnshire County Council, City of Lincoln Council, North Kesteven District Council and West Lindsey District Council for the period 2020-2036. The LTS provides future-ready travel options that improve access and supports people, businesses and organisations to meet their daily needs. It builds on previous versions of LTS and LITS first endorsed by the councils in 2006. As with those previous versions, the strategy is delivered through a variety of initiatives and funding sources over several Local Transport Plan periods.

9.24 The LTS aims to improve accessibility across Lincoln and support the delivery of a number of economic activities and services. The strategy sets out a number of objectives which are shaped around the key elements of the strategy’s vision: supporting economic growth, rebalancing movement towards more sustainable modes and improving quality of life for all. The objectives are set out below:

- To prepare the strategy area for future mobility including electric, shared, connected and automated mobility as well as the business models that support them.
- To reduce traffic in the urban area.
- To deliver inclusive access by ensuring a customer-focussed approach and providing a wider choice in whether, when and how people travel.
- Promote technologies to allow more people the ability to work, learn, manage health care, shop and socialise without the need to travel.
- To support and help grow Lincoln's economy by improving access to employment, education, resources and markets.
- To increase partnership working and shared responsibility for the improvement of accessibility and transport.
- To improve rural accessibility to the wider strategy area and beyond.
- To provide an efficient strategic road and rail network for long-distance connections to other major centres and international gateways.
- To increase access to education while reducing the impacts of physical access to schools, colleges and universities.
- To rebalance movement towards walking, cycling and multi-occupancy, shared mobility and passenger transport options.
- To enhance the health and wellbeing of communities through improved air quality increased physical activity and safety.
- To protect and enhance the historic and cultural environment of Lincoln.
- To minimise the impact of transport on the natural environment and improve access to open space, particularly with green corridors.
- To reduce carbon emissions to enable the county council to reach its zero emission target in 2050 and mitigate the impacts of climate change.
- To manage and support new housing and employment sites, including the sustainable urban extensions, ensuring that they mitigate their impacts whilst also delivering exemplar sustainable infrastructure to connect with the wider strategy area.

- 9.25 The strategy is made up of a number of connected components that, together, help to achieve the vision and objectives. This includes both primary infrastructure interventions and primary service & policy interventions.
- 9.26 The NHRR is in fact the final major development within the original Strategy and is identified as a primary infrastructure intervention in the current LTS. The NHRR provides an east-west route for local and strategic traffic, reducing rat-running, improve resilience and route choice, and reduce traffic congestion of the existing network. The NHRR also unlocks land allocated for development. within the Lincoln Policy Area including the South West SUE.
- 9.27 In particular, the NHRR, as a pivotal part of the LTS, is an essential element in the continued growth and development of Lincoln. Lincoln currently suffers from a number of longstanding transport related problems and issues that have a significant impact on journey reliability, journey times and network reliability throughout the city. These, in turn, have a negative impact on the wider Lincoln economy and act as a restraint to regeneration and the city's development aspirations.
- 9.28 Lincoln's city centre currently suffers from high levels of congestion from local and strategic traffic movements which impacts on the quality of life for local residents, acts as a constraint to the economy and reduces the attractiveness of the city for visitors and investors.
- 9.29 The transport problems and congestion within central Lincoln are exacerbated by a lack of route choice for east-west movements and lack of alternative river crossings. At present several key routes converge on the city centre and with few viable alternative routes, this results in significant levels of strategic traffic, including HGVs, being channelled through the centre of Lincoln. It also results in strategic traffic, including HGVs, to rat-run, using inappropriate routes to the south of Lincoln and through villages including Aurborn and Harmston.
- 9.30 The NHRR is an intrinsic part of the Lincoln Transport Strategy and is an integral part of the plan to help alleviate the high levels of congestion that currently affects the centre of Lincoln. It will provide an additional crossing of the River Witham and an appropriate route for strategic traffic removing the need for much of this traffic to travel through the centre of the city. The Scheme is also fundamental in

providing the necessary infrastructure improvements that will unlock the city's development potential.

9.31 **Local Transport Plan 5.**

9.32 The publication of a local transport plan is a statutory duty for local transport authorities under the Local Transport Act 2008. The 5th Local Transport Plan ("LTP5") was adopted by LCC in 2022 and covers the period 2022-26. It focuses on what is needed to continue to support the sustainable growth agenda of delivering new houses and jobs, whilst reducing carbon emissions and supporting the recovery from the COVID-19 pandemic.

9.33 The LTP5 itself comprises four parts. At its core is the Lincolnshire Integrated Transport Strategy provides the context, evidence and the high-level policy and strategy content. Part 2 comprises the delivery and implementation plan. Parts 3 is supplementary and supporting modal strategies and road safety. Part 4 is monitoring and evaluation.

At the time the LPT5 was adopted, LCC had already received confirmation of funding for the NHRR. Nonetheless, the Scheme continues to support the key themes, in particular, supporting economic growth. This is achieved by:

- Improving connectivity within Lincolnshire and to the East Midlands, the rest of the UK and beyond;
- Providing a resilient and reliable transport system for the movement of people, goods and services;
- Supporting the vitality and viability of Lincoln city centre and rural communities;
- Improving connectivity to jobs and employment opportunities; and
- Providing a transport system that supports the priority sectors identified in the Lincoln Integrated Transport Strategy.

9.34 **Overall Conclusion.**

9.35 As identified within the Officer Report into the planning application there is a clear need for the proposal to go ahead and that informs the case for making the CPO and its related SRO. The Scheme is a top priority in order to reduce congestion, facilitate new development and provide better connections across Lincolnshire. The NHRR is part of the solution to the City's transport problems and is a key piece

of infrastructure required to facilitate the growth needed. Without this road the sustainable urban extension planned for south of Lincoln will not be achieved and the ambitions identified within the LTS will not come about.

- 9.36 Policy 46 of the CLLP safeguards a route for the proposed NHRR albeit slightly different to that now being pursued in some limited locations. Those changes have been explained and are justified by the fact that the Scheme as described achieves the best and most appropriate solution to the problem it is intended to address as described by the LTS. It is the final piece in the road system around Lincoln to allow for movement of traffic in the most appropriate way.
- 9.37 The question as to whether the alteration in the precise route to be followed from that shown in the CLLP was discussed within the Officers Report with the decision being that it was not a departure and as such consistent with the Development Plan.
- 9.38 The Scheme meets the requirements that might be said to apply in the context of the Transport and Active Travel implications and in addition to the road itself the opportunity to meet other Council objectives has been pursued. This applies in the context of PRow's, with accommodation of what exists at present with an enhancement of the provision where that is appropriate. All matters related to heritage considerations, flooding and the water environment (especially given the crossing of the River Witham) have been accommodated satisfactorily. In fact, the need to ensure that is the case some land has been identified within the CPO to ensure it can be carried out. Special provision to accommodate the movement of bats across the route of the Scheme has been incorporated into the Scheme to accommodate and facilitate the movement, by means of a dedicated landscaped bat bridge and also an underpass.
- 9.39 The Scheme will have a landscape impact which has been mitigated in the most appropriate way, again through the provision of land and further noise amelioration measures have been incorporated into the Scheme where an advantage can be achieved.
- 9.40 One final point to note is that treatment of stone removed from the line of the new road will be stored and treated on site for reuse. That is advantageous as it prevents unnecessary movement of material to and from the site as well as the need for it to be obtained elsewhere. All other consequences arising from the

proposals have been identified and considered during the planning application process.

- 9.41 In addition to those various consequences the financial case for the Scheme has also been examined. The overall conclusion to be drawn from that assessment is that the economic case, taking into account a monetary value for all the potential effects of the Scheme, allows for a conclusion to be drawn that the Scheme meets the High value for money category. It has a sound financial case and is affordable and the commercial case for pursuing the Scheme has been established to enable the conclusion to be drawn that it is commercially viable.
- 9.42 Based on that overall assessment, the NHRR will meet the policy ambitions as set out in the NPPF as to be applied now or in respect of its previous version. In addition, the NHRR, given that the proposal has been promoted through local planning documents and is widely supported, the principles of “Localism” have been met and the identification of the Scheme in not only the relevant planning document, namely the CLLP but further within the LTS indicates a Scheme with the justification given.
- 9.43 **Conclusion on Policy.**
- 9.44 The Scheme has been promoted through significant number of policy documents published by both the County Council and NKDC. The need for the Scheme, the benefits it will bring are widely recognised and that has been reflected in the grant of planning consent. The proposal fits well within the applicable policy and is supported at both local and national level.

10. Funding Including Scheme Costs.

- 10.1 The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review as required to do so during the preparation and pursuit of a Scheme of this sort. The Council has submitted its Outline Business Case and has been successful in seeking the consent to progress the Scheme and the matter will next be reviewed at the full business case stage after the CPO and SRO have been considered now that planning permission has been granted.
- 10.2 The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available. The financial case has demonstrated that the Scheme is affordable, that risks have been taken into account in the costings and are being actively managed with efficiency targets being in place and being managed.
- 10.3 The most likely cost of the Scheme is estimated at £193.9m within an overall range of £180.4 to £208.2m, which was reported to the Executive in October 2023. That reflected the Scheme as shown in the planning application itself.
- 10.4 The funding arrangements for the proposal are also known and will be delivered by relying on three sources of income. The first (currently shown as just over £110m) from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.
- 10.5 In addition, on the 4th of October 2023 the Government published “Network North: transforming British Transport” which altered the funding arrangements following the announcement of the withdrawal from parts of HS2. That indicated that for certain projects, including the NHRR whereas previously only a percentage of the costs indicated at outline business case stage would be allocated from the Department, in future 100% of the Outline Business Case costs would be awarded. Although the details of that arrangement are not yet known to the Council it is anticipated that the figure given above from the Department will be increased. The current position in respect of this is unknown but as the Council is not relying on the change to fund the Scheme the outcome is not determinative.
- 10.6 Following normal procedure and in order to prepare future reports the Council has kept the consideration of costs and funding under review. This will be updated once

the evidence is prepared to inform the Inspector of the most current position. At present the position that can be indicated is that the funding arrangements to meet the anticipated costs does not provide any form of impediment to the Scheme progressing given what is set out above in respect of funding matters.

- 10.7 Taken together the Council is aware of the proposals in detail, it is aware of the costs involved and has identified how those costs would be covered. The funding does not therefore present any impediment to the Scheme going ahead or to the consideration of either the CPO or the SRO required to enable it to do so.

11. Special Considerations.

- 11.1 Within this section of the Statement of Reasons various matters are brought together which are potentially relevant to the consideration of the Scheme as they relate to a number of different considerations. Each will be addressed in turn with an indication of the potential for the Scheme to effect each of them. It starts with those matters where there is no effect before moving onto consider various Heritage Assets where an element of judgment is required to assess the potential. The conclusion to be drawn is that in respect of all matters there is no impediment to the Scheme progressing and the grant of planning permission in respect of it confirms that position.
- 11.2 The Scheme does not impact on ecclesiastical or burial grounds.
- 11.3 The Scheme does not affect any Common Land, or any area identified as public open space, nor any land owned by the National Trust.
- 11.4 The Scheme avoids any land take from the Waddington Airfield and landscape mitigation measures have been developed in the knowledge of the airfield's requirements.
- 11.5 The Scheme does not affect any Crown Land that has not been accommodated for within the proposals.
- 11.6 Part of the Order Land is in the ownership of the Lincolnshire County Council, a statutory body charged with the provision of highway facilities in the area. LCC supports the Scheme and its statutory obligations, rights and powers have been taken into account in the development proposals. Parts of the route of the Scheme fall within land controlled by National Highways, the Strategic Highway Company charged with the control of the Truck Road Network. National Highways supports the proposals which affect its direct interests and further supports the Scheme.
- 11.7 Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme. The affected Statutory Undertakers consist of the bodies listed in Table 11-1 below. Enquiries with the affected parties has followed the process as defined in the New Road and Street Works Act 1991 ("NRSWA"). The current position in respect of each of these bodies is included in Table 11-1.

Table 11-1 Statutory Undertaker and NRSWA status

Statutory Undertaker	C2*Status	C3* Status	C4* Status
Anglian Water (Potable)	Received	Received	Received
Anglian Water (Sewer)	Section 185 application in progress		
Severn Trent Water (Sewer)	Section 185 application in progress		
Cadent (Gas)	Received	Received	Received
National Grid (400KV)	n/a - no conflict with apparatus	n/a - no conflict with apparatus	n/a - no conflict with apparatus
Openreach (Telecom)	Received	Received	Received
Virgin Media (Telecom)	Received	Received	Received
National Grid Electricity Network	Received	Received	Received
UPP Telecoms	Not Received	Not Received	Received

***Note:**

C2 = Scheme Identification and Preliminary Enquiries – obtain details of apparatus being considered for alteration from the statutory undertakers.

C3 = Budget Estimates – submit details of the proposals to the statutory undertakers who respond with preliminary details of the effects including any special requirements and a budget estimate to include all likely costs.

C4 = Detailed Estimates – submit final design to the statutory undertakers who respond with details and specifications of the necessary measures, detailed estimate, provisional programme, and all other necessary information.

11.8 The Council will continue to liaise with all affected Statutory Undertakers as the Scheme progresses. In so far as objections have been received to the Scheme from such bodies they are identified below. Having examined those objections, which appear to be holding objections pending agreement, the Council is confident that they are capable of resolution.

11.9 The Exolum Pipeline does not appear in that list as that is not considered to be a Statutory Undertaker in the form envisaged. In any event specific and detailed

discussions have been held with them to identify what is required and how it can be accommodated. The diversion is permitted by the grant of the planning permission and the detail of how it will be undertaken will continue to be developed with the operators themselves. The land on which the diversion is to take place is within the CPO and must therefore be acquired to enable that to take place. The CPO is justified to allow that to happen. The Council has entered into an agreement with Exolum to undertake the detailed design for the pipeline and procure long lead in time materials. That agreement also includes for land and legal matters with a view to securing the necessary rights to undertake the diversion by negotiation with the affected landowners. Discussions will continue with Exolum but they do not affect the CPO or SRO itself.

- 11.10 The next matter relates to the potential for the Scheme to affect Heritage Assets and this is addressed in more detail given that an element of judgment is required, and that judgment can only be exercised if factors relevant to informing it are known and are taken into account. That exercise was undertaken in detail as part of the consideration of the planning application and prior to its approval. It is not intended to repeat the contents of the information supplied as part of that process especially as it is listed as being available through the documents referred to in *Section 15* of this Statement.
- 11.11 The approved Heritage Statement, submitted as part of the Planning Application for the Scheme concluded that there will be a moderate adverse effect on known and as of yet unknown archaeological remains, prior to any mitigation works. That information was available to and considered prior to the grant of planning permission for the Scheme. Conclusions can be drawn from the analysis which has been undertaken and the decision to give consent following it.
- 11.12 There will be no designated heritage assets, namely those aspects of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural, or artistic interest, directly affected by the Scheme. The Scheme has therefore avoided any direct physical effect on any such asset.
- 11.13 The potential for related affects remains and any such affect needs to be taken into account. In that regard the approach the Council has followed is one where if there is a possibility of the Scheme falling within the setting of either conservation

areas and/or buildings that has been identified so that it can be taken into account as well.

- 11.14 The Scheme has been treated as located within the setting of eight listed buildings and three conservation areas, even though some of those designated buildings and areas are some distance from the Scheme with intervening built form, vegetation and other activity.
- 11.15 In addition, given that much of the land required to be used for the Scheme is undeveloped agricultural land the potential would exist for other finds to be made. The condition included within the planning permission related to further heritage-based investigation will address that.
- 11.16 The first point to note is that there are no scheduled monuments or listed buildings directly affected by the Scheme.
- 11.17 The view has, however was taken that it can be considered that the Scheme is located within the setting of the following listed buildings, with each of them being assessed at the stage the Environmental Statement was produced, these were:
- Grade II* Church of St Michael's;
 - Grade II Church Farmhouse;
 - Grade II Grange Farmhouse;
 - Grade II The Manor House;
 - Grade II Gates and Walls at the Manor House;
 - Grade II Farm Buildings at the Manor House;
 - Grade II Beacon Hill Cottage; and
 - Grade II Mere Hall Farmhouse.
- 11.18 Each of them has been looked at although in respect of Mere Farmhouse the combination of distance from the Scheme at 2km, large established trees and vegetation would mean that there was no alteration to its setting and as such was judged not to be within the setting of the Scheme.
- 11.19 In addition to those listed buildings three Conservation Areas were assessed against the Scheme. Although none of them were directly affected three were

identified where it was considered that there was the potential for the Scheme to be judged as being within the setting of the designated area. These were:-

- Waddington Conservation Area;
- Cathedral and City Centre Conservation Area; and
- Harmston Conservation Area.

11.20 Each of those listed buildings and Conservation Areas is addressed in turn, for a full and detailed assessment the supporting Heritage Statement should be looked at.

11.21 **Grade II* Church of St Michael and Grade II Church Farmhouse.**

11.22 The Church is located some 285 metres north of the Scheme and is set within its own grounds set back from the adjacent road and accessed from a path. The surrounding graveyards gives the location a sense of peace which is supported by the heavily treed and landscaped grounds, which separates it from the adjacent school and village properties. The tower provides a landmark feature. The Church Farmhouse is slightly closer to the Scheme but is still some 245 metres away within the village itself.

11.23 A change to the current situation is acknowledged as arising from the Scheme but in respect of both the construction phase and following that once the Scheme becomes operational, that effect is assessed as being at the lower end of the scale. That arises from the distance from the Scheme, the fact that there is no direct effect on the buildings or grounds and that embedded mitigation in the Scheme proposals will have a beneficial effect.

11.24 **Grade II Grange Farmhouse.**

11.25 Grange Farmhouse is approximately 400 metres north from the Scheme located in a mixed urban/rural location. It is assessed that the listed building may experience a temporary change during construction, arising principally from noise but with no effect during the operational phase. The potential effect, given the distance from the Scheme, intervening vegetation and built form will be at the lower end of the scale.

11.26 **Grade II The Manor House and associated buildings and gates and walls.**

- 11.27 This group of buildings and structures is approximately 70 metres north of the Scheme on Sleaford Road, where the current setting is formed from a mixture of open fields, modern residential development, light industrial units along with the recently constructed LEB, with some parts enclosed by walls and vegetation. Temporary affects during construction are recognised arising principally from dust, noise and vibration which may give rise to some effect at the lower end of the scale, but almost no change is anticipated to occur with the Scheme in operation due to existing vegetation and the enclosed nature of the asset. The overall operational effect being judged, once again to be at the lower end of the scale.
- 11.28 **Grade II Beacon Hill Cottage.**
- 11.29 This asset is located some 780 metres from the Scheme and is enclosed by large mature trees with additional vegetation between the building and the Scheme itself. It is not assessed that due to distance and the current circumstances that there will be any change to the existing setting with both construction and operational effects to be negligible.
- 11.30 **Grade II Mere Hall Farmhouse.**
- 11.31 This was addressed earlier.
- 11.32 **Waddington Conservation Area.**
- 11.33 The boundary for the Conservation Area, which was established by the local planning authority as an area of special architectural or historic interest, is located some 180metres south of the Scheme. The setting is comprised of a mix of elements, including rural fields, modern residential development and the airfield itself. It is therefore an area subject to change with features of modern development and the effects arising from them in terms of activity, noise, dust and vibration. Mitigation measures embedded in the Scheme will address construction activity although a residual effect is acknowledged. There is one important aspect which arises that the Council has paid specific attention to and that is the view (see RV9 in the LVIA) which was identified within the conservation area appraisal, which will be altered. Following the construction of the Scheme, including the embedded mitigation measures an adverse effect will remain which has been judged to be moderate adverse (permanent, long term) significance of effect.
- 11.34 **Cathedral and City Centre Conservation Area.**

- 11.35 Although located some 3km north of the Scheme and separated from it by built form, existing vegetation and roads the potential affect has been assessed. That affect has been assessed as being at the lower end of the scale, which arises from a combination of those factors mentioned, arising in part from the importance and significance of the asset itself. The conservation area sits on a high topographical location, with prominent and significant buildings, including the cathedral and castle, and forms a prominent and identifiable landmark feature. The Scheme is therefore taken to be within the setting of such an important feature but the effect of it is judged to be at the lower end of the scale.
- 11.36 **Harmston Conservation Area.**
- 11.37 This conservation area is located approximately 1.9km to the south of the Scheme and is essentially in a rural setting, although modern development has eroded that character somewhat. There is a long-distance view from the Lincoln Edge which will overlook the Scheme which will be affected by construction activity for a short period of time with the operational phrase also creating some changes to the view. Overall, such changes were assessed to be at the lower end of the scale.
- 11.38 **Conclusion on Heritage Asset.**
- 11.39 Following a thorough assessment of the potential for the Scheme to affect interests of Heritage value the conclusion can be drawn that the approach identified not only the assets potentially affected but also the potential effect of the Scheme on them. In essence the majority of these assets will experience only a minor or negligible change in their setting. It is only in respect of the Waddington Conservation Area, the Cathedral and City Conservation Area and the Grade II* Church of St Michael's where the potential arise for there to be a change in the setting that has the potential to affect the significance and in respect of each of them embedded mitigation measures will reduce the harm.

12. Draft Orders and Programme.

- 12.1 The Scheme will be implemented by the Council. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in the Autumn of 2025. The works are currently programmed to take approximately three years from starting on site with completion by 2028. The Council does intend to carry out preliminary pre-commencement works on land for which planning permission exists and which is within its ownership or control at the earliest opportunity to bring forward the completion date for the overall Scheme where that is feasible.
- 12.2 The Council is of the view that Autumn 2025 is the earliest possible start date allowing for the successful completion of the Orders and that is the timescale that the Council has been using in discussions with land and business owners affected by the Scheme.
- 12.3 The Council is satisfied that there are no foreseeable barriers to the implementation of the Scheme and that funds will be available to secure the Scheme as shown within the planning permission granted. All relevant considerations are in place to achieve the start date subject to the successful outcome of the consideration of the Orders.

13. The Human Rights Act 1998 and The Equality Act 2010.

13.1 The Council has addressed the implications arising from the 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.

13.2 Paragraph 12 of the DLUHC Guidance sets out how applicants should approach the issue of human rights. It states: -

“An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

13.3 In resolving to make the Orders, the Council has carefully considered the rights of property owners under the Convention against the wider public interest, having particular regard to the following Articles from the Convention.

13.4 Article 1 of the First Protocol to the Convention.

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

13.6 Article 6.

13.7 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.

13.8 Article 8.

13.9 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.

13.10 Article 14.

- 13.11 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.
- 13.12 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.
- 13.13 In light of the significant public benefit which would arise from the implementation of the Scheme, the Council has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.
- 13.14 In addition to the publicity and consultation on the planning application for the Scheme, during which anyone with an interest in the land would have had the opportunity to comment on the proposals, all known owners, and occupiers of land within the Order Land have been contacted regarding the Scheme. The Council has had regard to landowner feedback in both the initial design of the Scheme and in iterative design decisions and changes made throughout the life of the development of the Scheme.
- 13.15 Further representations can be made by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.
- 13.16 The Public Sector Equality Duty (“the PSED”) was introduced by the Equality Act 2010 (“the 2010 Act”) as part of the government’s aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on the 5th of April 2011 and means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.
- 13.17 Section 149 of the 2010 Act established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster

good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.

- 13.18 The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However, principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time that a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision making process, exercising the duty in substance, with rigour and with an open mind.
- 13.19 In the light of this, an Equality Impact Assessment (“EqIA”) screening was undertaken in June 2023, using the National Highways Equality, Diversity and Inclusion Tool (EDIT) and Equality Impact Assessment Screening Analysis and Monitoring Template. It was conducted in accordance with National Highways’ guidance for EqIAs, dated 2017. The guidance provides information on:
- how to deliver an EqIA that enables decision makers to give 'due regard' to their equality duty in the decisions they take regarding the built environment and demography;
 - screening, in order to detect the likelihood of impacts on certain protected characteristic groups based on aspects such as age, disability, sex or religion; and
 - how to use the Equality, Diversity and Inclusion Tool (EDIT) as a means of understanding whether there are any high-density areas of protected characteristic groups in the surrounding area and undertake a full analysis of the impacts.
- 13.20 The screening analysis concluded that a full EqIA is not required for NHRR, as NHRR proposals were robust in terms of equality. The impact on different groups

was considered to be 'neutral' with no risk of discrimination and the proposals will not have a disproportionate impact on persons with protected characteristics.

- 13.21 Nevertheless, the Council considers that any potential negative impact that might be seen to arise from the Scheme can be outweighed significantly by the benefits. Further the Council is confident that it can mitigate any potential issues to minimise impacts on those with protected characteristics and the public generally.

- 14. Objections made to the Orders and the Council's current response to the objections.**
- 14.1 A total of twelve Objectors have made objections to the proposals within the Orders which have been received by the Department of Transport. Three of those twelve objectors object to the CPO and the remaining nine object to both the CPO and the SRO. Of those twelve objectors one has, at the time of publication, withdrawn the Objections made.
- 14.2 The Council has considered all of the objections made and has responded to each of the Objectors in writing or has otherwise been in discussion with them. The Council remains committed to the pursuit of the Scheme as it is described in this Statement (and previously in the Statement of Reasons), subject only to the matters mentioned below. The Council is satisfied that the acquisition of land to undertake the works envisaged remains justified and meets the necessary tests.
- 14.3 Some objectors have suggested that the Council does not need all the Order Land, in particular with regard to land required temporarily for construction purposes to accommodate various activities. The Council considers that all of the Order Land is so required, and it is essential in that respect that the Council has all necessary land as well as SRO powers required to ensure that the Scheme can be built. The current position is therefore that all of the Order Land is required until a contrary position can be established. The Council is actively considering if some alternative mechanism could achieve the same result. Until that is established and guaranteed the Council intends to pursue the CPO as published. The Council has considered all of the objections and remains satisfied as to the justification of the Orders and that all the Order Land is required to guarantee that the Scheme can proceed. The Council will keep this under review in light of private treaty negotiations that are ongoing.
- 14.4 The points of objection which have been made together with the Council's response to the points is set out below. The Council will address all such matters within the evidence it will produce for the public inquiry. The Council will be presenting evidence at the public inquiry to substantiate its responses as indicated. The Council reserves the right to add to or alter the response given if additional information is brought forward in support of an objection.

14.5 The Council will continue to engage with all objectors up to and including at the public inquiry. That process has already commenced with the Council seeking to engage with all objectors or their agents to identify the Council's position and to discuss matters by way of a written response to the objection made or via other direct means, with the intention, if possible, to lead to points of objection being met. The Council will seek to continue that approach to examine whether points of objection can be resolved with objections withdrawn. The Council will keep the DfT informed in respect of those various matters especially where objections are met.

14.6 The following list of objectors follows the order that the objections were delivered to the DfT. Wherever possible the Council will identify objections followed by the Council's initial response to them. All written responses to the Objectors will be available on the website and will be forwarded to the DfT. The objections were received from:

- i. Mrs Smith and Mrs Garfoot
- ii. National Grid Electricity Distribution (East Midlands) Plc. ("National Grid")
- iii. Rontec Service Station 1A Limited ("Rontec")
- iv. Margaret Lilly and Geoffrey Bishop as Trustees for the JF Lilly Will Trust, Paul Robert Lilly, Margaret Lilly, Christine Lilly, and Grange Farmers Ltd. ("Lilly")
- v. Mrs Burgess
- vi. Quay Bronze Ltd.
- vii. TL Propco1
- viii. Mr O'Boyle
- ix. Travelodge Hotels Limited ("Travelodge")
- x. Mr and Mrs James
- xi. Network Rail Infrastructure Limited ("Network Rail")
- xii. Wolfson Trago Ltd.

14.7 **Mrs Smith & Mrs Garfoot.**

- 14.8 The concerns raised in respect of Mrs Smith and Mrs Garfoot were identified and related to five matters. The Council has responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that the Scheme removes the access point to your client's land and effectively sterilizes the balance of their holding.
 - 1.1. This concern appears to arise from a misunderstanding of the Scheme proposals as well as the Council's legal obligation to maintain access to property.
 - 1.2. It is necessary to remove the existing access point to the land in order to bring forward the Scheme. The existing access point will be stopped up, as shown on the Side Roads Order Plan 1 at XI.
 - 1.3. A new, reasonably convenient, Private Means of Access to the site is provided off Newark Road approximately 20 metres to the north-east of the existing access point. This is shown on the Side Roads Order Plan 1 at Ia. By providing this replacement access, the Scheme design ensures that access continues to your client's retained land on a like-for-like basis.
2. Your second concern is that an additional access point could be provided into your client's land from the Newark Road roundabout.
 - 2.1. This is not required as the Scheme proposals address the situation with a replacement access being provided on a like-for-like basis as discussed in point 1.3 above.
 - 2.2. In any event, an access from the A46 Hykeham Roundabout, would not comply with the Design Manual for Roads and Bridges ("DMRB"). The DMRB contains the relevant standards for highways and is published by National Highways, which is relevant authority for the A46 Hykeham Roundabout.
3. Your third concern is that the land is described as "grassland, shrubbery, pond, and unnamed track" whereas you state it should be, "undeveloped commercial land."
 - 3.1. The description in the CPO schedule is, "grassland, shrubbery, pond, unnamed track and public right of way (SHYK/9/2) east of Hykeham Roundabout, North Hykeham, Lincoln and overhead cables."
 - 3.2. The brief description of the land in the CPO schedule is based on the location, topographical features and present use of the land. The description in the CPO schedule is accurate.
 - 3.3. It is acknowledged that the land interest questionnaire you returned to the Council on behalf of your client described the land as "vacant commercial development land", however, there is no evidence that the Council is aware of to support your assertion that the land is undeveloped commercial land. The land does not benefit from the grant of planning permission, and it is not allocated in the Central Lincolnshire Local Plan. There are no national or local planning policies which would

support the prospect of obtaining planning permission for commercial use on this specific site. In contrast, the NHRR does benefit from the grant of planning permission, in the form that it is, having been promoted through a significant number of policy documents published by both LCC and North Kesteven District Council.

3.4. In those circumstances for planning permission to be granted for this land it would need to respond to the potential existence of the NHRR given that it is a long-standing proposal which has been identified in broad terms in the local plan documents as a protected route.

4. Your fourth concern is that by acquiring only part of the site (Plot 34) on a permanent basis, the opportunity to develop the balance of the site is significantly reduced.

4.1. The acquisition of part of the land holding is required to bring forward the Scheme. If there were to be an adverse effect on the retained land, this would be a matter for compensation and is not a factor that is of direct relevance to the Orders being considered.

5. Your fifth concern is that by temporarily acquiring Plot 35 for the duration of the Scheme, this reduces the opportunity to develop the balance of the site.

5.1. In seeking to promote the Scheme, the Council must ensure that it has all the land and rights it needs to allow the Scheme to be built. Plot 35 is essential for material storage and for construction working space. The Statement of Reasons which accompanied the Orders identifies this plot as being one which is required for the construction of the Scheme but also one which may be capable of being offered back to the owners upon completion of the works. The Council has no powers at present to seek to acquire land on a temporary basis and therefore to bring forward the proposals the land and rights in Plot 35 within the CPO is required. Nevertheless, the Council is committed to acquire any affected parties' interests voluntarily. This approach extends to the temporary occupation of land and as such the Council will continue discussions to negotiate licences where possible.

14.9 Mrs Smith and Mrs Garfoot removed their objection on the 8th of January 2025 and the Department for Transport has confirmed that the objection is withdrawn.

14.10 **National Grid.**

14.11 The concerns raised in the objection have been identified and are under discussion between the Council and National Grid. It is anticipated that an agreement to

resolve all issues may be forthcoming. As such it is not necessary, given that the Inspector will have the objection letter to go into any further detail at this time.

14.12 Rontec.

14.13 The concerns raised by Rontec were identified and related to three matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there have been insufficient attempts to acquire the land by negotiation in advance of the CPO.
 - 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 1.2. The council has engaged with your client and their representatives at both CBRE and Peter Evans Partnership throughout the scheme development. This has resulted in changes to the design to accommodate your client's requirements and, more recently, initial negotiations to acquire and occupy land by agreement.
 - 1.3. The Council remain committed to securing Rontec's interests in the land by agreement and remain open to negotiation.
2. Your second concern is that if the land identified is acquired then it is unclear how access to your client's property will be maintained.
 - 2.1. There are currently two junctions which serve your client's property. The western junction provides access into and egress from the site, whilst the eastern junction provides access only into the site.
 - 2.2. Western Junction
 - 2.2.1. The Scheme provides for improvements to the western junction which will create a larger junction to improve its operation and provide for safe pedestrian facilities.
 - 2.2.2. The existing junction will be maintained and enlarged as shown on the Side Roads Order Plan 1 at NI.
 - 2.2.3. By maintaining and improving this access, the Scheme ensures that access continues to your client's retained land directly from the public highway and further your client will benefit from the improvements to the junction.
 - 2.3. Eastern Junction
 - 2.3.1. It is necessary to amend the eastern junction in order to bring forward the Scheme in a form which complies with the Design Manual for Roads and Bridges ("DMRB") and which National Highways, who are the responsible authority for the A46 Hykeham Roundabout, would accept. This is essential given the proximity of the junction to the roundabout.
 - 2.3.2. Part of the existing access point nearest the A46 Hykeham Roundabout will be stopped up, as shown on the Side Roads Order Plan 1 at X1a.
 - 2.3.3. A new, reasonably convenient, means of access to the site is

provided off Middle Lane immediately adjacent, and to the west of, the existing access. This is shown on the Side Roads Order Plan 1 at li.

2.3.4. This revised layout was developed with your client and their representatives during the Scheme design. This design forms part of the Scheme which benefits from the grant of planning permission.

2.3.5. By providing this replacement access, the Scheme ensures that access continues to your client's retained land directly from the public highway on a like-for-like basis.

2.4. During construction of the works, the Council will ensure that access is maintained to your client's property. Disruption will be reduced by careful planning of the works and the use of traffic management in accordance with the relevant Code of Practice and guidance documents. The details of the proposed phasing are still under development, and will be subject to approvals, but the Council remains committed to the principle of continued public access to the service station throughout the construction phase.

3. Your third concern is that the permanent acquisition of plots 27 and 28 cannot be justified.

3.1. In seeking to promote the Scheme, the Council must ensure that it has all the land and rights it needs to allow the Scheme to be built. Plots 27 and 28 are essential for construction working space. The Statement of Reasons which accompanied the Orders identifies these plots as being ones which are required for the construction of the Scheme but also ones which may be capable of being offered back to the owners upon completion of the works. The Council has no powers at present to seek to acquire land on a temporary basis and therefore to bring forward the proposals the land and rights in Plots 27 and 28 within the CPO are required. Nevertheless, the Council is committed to acquire any affected parties' interests voluntarily. This approach extends to the temporary occupation of land and as such the Council will continue discussions to negotiate licences where possible.

14.14 **Lilly.**

14.15 The concerns raised by Lilly were identified and related to seven matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first point of discussion is that details of the noise mitigation fencing to the south of the farmhouse are required.

1.1. The noise mitigation adjacent Grange Farm is provided by a reflective acoustic fencing adjacent to the eastbound carriageway, 3.0m in height and 390m in length. Between the acoustic fencing and the highway boundary are, a grassed embankment, drainage ditches, a hedgerow comprising native planting and the boundary fence. Within the hedgerow, there will also be native hedgerow tree planting. This is shown on the Landscape Masterplan sheets 13 and

14 attached at Appendix A.

2. Your second point of discussion is that there are irrigation mains to the east of and west of the A607 which will be cut off by the Scheme. The irrigation mains need to be extended under the Scheme to the retained land for the benefit of irrigation.
 - 2.1. All statutory undertaker's apparatus has been identified and will be diverted by the appropriate authority as part of the Scheme. Searches with statutory bodies did not reveal the existence of any such mains and no other information has been supplied either to demonstrate the evidence of such mains.
 - 2.2. Should the irrigation mains referred to be in private ownership, these will need to be assessed by the Council, designed, and then constructed in accordance with that assessment and agreed design.
 - 2.3. The Council has not previously been made aware of any such mains but if that is the case it will take the necessary steps to deal with it.
 - 2.4. Discussions to locate and identify the irrigation mains are ongoing.
3. Your third point of discussion is that the CPO shows the Council obtaining title to all the plots whereas there have been indications that some plots may only be required temporarily and therefore can be entered by way of licence. You confirm that your client would wish to enter into an agreement whereby those plots not required on a permanent basis are occupied on a licence basis.
 - 3.1. In seeking to promote the Scheme, the Council must ensure that it has all the land and rights it needs to allow the Scheme to be built. As set out in the Statement of Reasons, the Council has no powers at present to seek to acquire land on a temporary basis and therefore to bring forward the proposals the land and rights shown in the CPO are required.
 - 3.2. Nevertheless, the Council is committed to acquire affected parties' interests voluntarily. This approach extends to the temporary occupation of land and as such the Council will continue the ongoing discussions to negotiate licences.
4. Your fourth point of discussion is that further detail is required on the type of fencing and hedging and confirmation as to who will be responsible for the maintenance of those features once the scheme is complete.
 - 4.1. The Scheme boundary will generally be demarked by a post and rail fence. This fence protects a hedge which is planted within the Scheme boundary. Over time that hedge will form a suitably robust boundary feature between the road and the adjacent land, making the fence redundant from a highway perspective. Should the landowner require the fence to be maintained (for example where stockproof fencing is supplied), this will need to be undertaken by the landowner.
5. Your fifth point of discussion is that there is a proposal to link plot 297 to the Viking Way with a cycle route, however the Viking Way in itself is a footpath not a path open to cycles. The proposed access does not allow for the farm access to the retained land to the west of plot 316.
 - 5.1. This point of discussion arises from a misunderstanding of the Scheme proposals. The route referred to as linking plot 297 to the Viking Way, is a footpath not a cycle route and is necessary to

continue the Public Right of Way. It has been granted planning permission in the form that it is following extensive public engagement and discussion with the Council's Rights of Way officers.

5.2. The footpath is located in plot 297 which is identified in the Statement of Reasons as being land which is capable of being offered back and, as described in point 3.2 above, is subject to ongoing negotiations to occupy by way of licence.

5.3. That being the case, there will be a strip of land in your clients' ownership which can be used to access the retained land west of plot 316. That strip of land is approximately 22m wide, which is wide enough to allow for all modern farm vehicles.

6. Your sixth point of discussion is that the Council has not clarified how access will be obtained to the land to the south of plot 316. It is assumed plots 305, 311 and 313 will be returned to your clients.

6.1. Access to all of the land to the south of the new road has been taken into account and will be provided as part of the Scheme. Access to the land is taken from the A15 Sleaford Road and is provided by PMA 13 as shown on SRO Plans 11 and 12.

6.2. For clarity, plots 305 and 311 are required for the Scheme on a permanent basis. Plot 313 is identified in the Statement of Reasons as being land which is capable of being offered back and, as described in point 3.2 above, is subject to ongoing negotiations to occupy by way of licence.

7. Your seventh point of discussion is that the Council has not considered the effect of the scheme on the field drainage.

7.1. Accommodation works are not matters for the Public Inquiry to consider as they will be the subject of private arrangements with the landowner as appropriate at a subsequent stage.

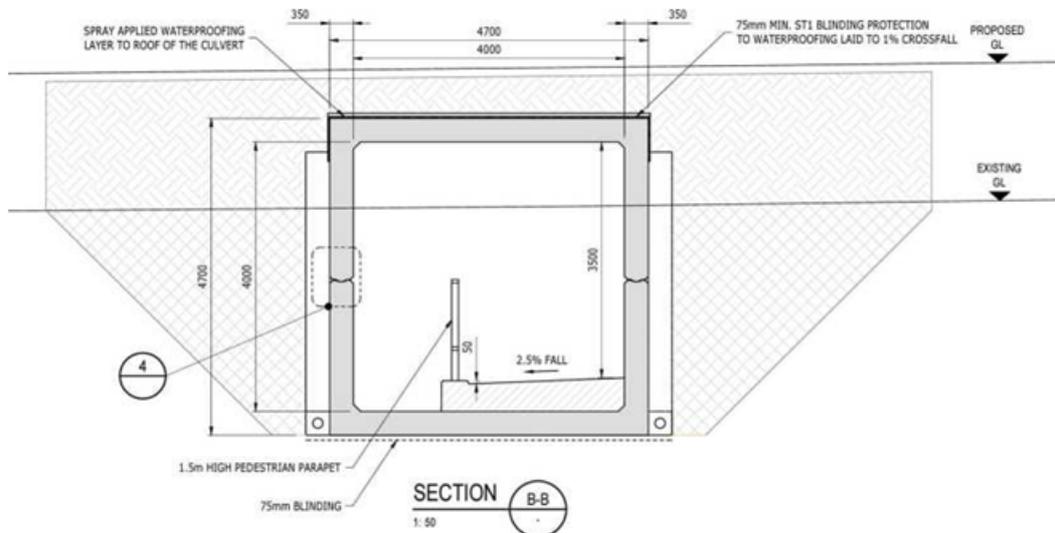
However, the Council has considered field drainage and that will form part of the accommodation works. In addition, and following discussions with you, the Council has appointed a land drainage specialist to identify and design those accommodation works being the reinstatement of field drainage.

14.16 Mrs Burgess.

14.17 The concerns raised by Mrs Burgess were identified and related to three matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that the 'bat tunnel' adjoining plot 216 is a missed opportunity in respect of safety and access and that if the tunnel were enlarged to accommodate tractors and trailers it would remove the majority of farm traffic from the public highway.

- 1.1. The 'bat tunnel' is 4m x 4m box culvert with a headroom of 3.5m as shown in the section below



The arrangement of the culvert is such because the culvert serves a dual function, being essential mitigation for the impact of the Scheme in the population of barbastelle bats and forming part of the drainage strategy for the Scheme.

- 1.2. Barbastelle bats are a rare species of bat which are typically only found in southern England and Wales. They are protected in the UK under the Wildlife and Countryside Act 1981 and are a Priority Species under the UK Post-2010 Biodiversity Framework. They are a European Protected Species under Annex IV of the European Habitats Directive and listed as Near Threatened on the global IUCN Red List of Threatened Species.
- 1.3. The culvert is also necessary to divert existing ditches at Somerton Gate Lane, which is severed by the Scheme, to allow water to pass under the new road and follow a new route along the NHRR before discharging into the River Witham in the same way as they currently do.
- 1.4. The 'bat tunnel' has been designed to fulfil this dual function and has been granted planning permission in the form that it is.
- 1.5. Amendments to the approved design would require additional approvals and would be more expensive.
- 1.6. A new, reasonably convenient, Private Means of Access is provided to your client's land via PMA 8 and the realigned Somerton Gate Lane as shown on Side Roads Order Plans 6 and 7.
2. Your second concern is that the area around Brant Road and plot 196 is liable to flooding in periods of heavy rain and that this existing problem will be exacerbated by run off from the Scheme. You suggest the flow will be too fast to be collected by the drainage for the new road resulting in an increased risk of flooding.
- 2.1. The Flood Risk Assessment does not identify this area as being at high risk of flooding, although it is noted that these areas, amongst others, have experienced flooding in the past.
- 2.2. The principles of the drainage strategy are as follows:
- Carriageway Surface Water is collected and treated by the Sustainable Urban Drainage system with the last measure of

treatment being attenuation. The attenuated water outfalls at flow rates agreed with the Internal Drainage Board and the Environment Agency. The full plan has been submitted, reviewed and approved through the formal planning process.

- Water within the scheme, (e.g. verges, embankments, etc.) is collected by cut off ditches, which stop any surface water runoff into private land. This water is directed to new or existing outfalls.
- Areas outside of the Scheme such as fields and other areas, that will remain in private ownership, will continue to have surface water runoff, however these will be collected by existing and/or realigned ditches, including new cut off ditches at the scheme boundary (where fields fall towards the Scheme). These are directed to existing outfalls at agreed discharge rates, being greenfield runoff rates.

2.3. The design, in line with the drainage strategy, represents no worsening effects with regards to surface water management when compared against the existing situation.

3. Your third concern is that the detail for the accommodation works have not been agreed as indicated by the following matters listed (a) to (d):
- a. Provision of access to the south of the farm during the course of construction. The provision of an access road has been discussed but we have no undertaking that this will be provided.
 - b. Fencing details have been discussed but no undertaking has been supplied with regard to the fencing or who will be responsible for its maintenance post construction.
 - c. There will be a need to remove hedges and tracks in order to make the remaining fields viable. This has been discussed but no undertakings provided.
 - d. The Council has not considered the effect of the Scheme on the field drainage.
- 3.1. Accommodation works are not matters for the Public Inquiry to consider as they will subject of private arrangements with the landowner as appropriate at a subsequent stage.
- 3.2. However, the Council has met with you and your client to discuss the accommodation works:
- a. Access to the south of the farm will be available during construction.
 - b. Stockproof fencing will be provided in the locations discussed in accordance with the fencing drawing at Appendix A.
 - c. There are ongoing discussions about the hedgerows and tracks within the farm holding.

Field drainage has been considered and will form part of the accommodation works. In addition, and following discussions with you, the Council has appointed a land drainage specialist to identify and design those accommodation works being the reinstatement of field drainage.

14.19 The concerns raised by Quay Bronze were identified and related to four matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there has been a failure to adhere to government guidance. In particular, you highlight that, the council has not engaged with your client to seek the voluntary acquisition of land and rights required for the scheme; that your client was not aware of publicly available guidance in relation to the compulsory purchase process; nor were they aware of professional advice available to them.
 - 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 1.2. Initial discussions have been held regarding the acquisition of your client's interests and these discussions are ongoing.
 - 1.3. The Council remain committed to securing Quay Bronze's interests in the land by agreement and remain open to negotiation.
 - 1.4. The council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.
 - 1.5. The council has made your client aware of the professional advice available to them. Specifically, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter." In any case, it is evident from your representations to the Secretary of State, that your client has now obtained professional advice from Carter Jonas.
2. Your second objection is that no description of the purpose for which Quay Bronze's land is required is included in the schedule and therefore the Council has not complied with the requirements of the Department for Transport's Circular 2/97.
 - 2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
 - 2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.
3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory

purchase powers exercised.

3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.

3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.

4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.

4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.

4.2. There is no reliance on Network North: Transforming British Transport. The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.

4.3. The funding arrangements for the Scheme rely on three sources of income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.

The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

14.20 TL Propco 1.

14.21 TL Propco 1 do not object to the purposes of the Orders, which is to provide for the Scheme, but have a number of concerns regarding the Orders as promoted. The concerns raised by TL Propco 1 were identified and related to four matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there has been a failure to adhere to government guidance. In particular, you highlight that, the Council has not engaged with your client to seek the voluntary acquisition of land and rights required for the scheme; that your client was not aware of publicly available guidance in relation to the compulsory purchase process; nor were they aware of professional advice available to them.

- 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 1.2. TLP is a company incorporated 2 January 2024 and is part of the property holding group held separately but part of the Travelodge brand. The property known as Travelodge and Little Chef Premises at Middle Lane, Thorpe of the Hill, was transferred to TLP on 28 February 2024 from SIR Trustee 21 Limited and SIR Trustee 22 Limited as trustees of Grove Property Unit Trust 15, represented by London Metric.
 - 1.3. The Council has engaged with landowners during the scheme development. This included discussions with London Metric and subsequently Carter Jonas as representatives of TLP. As part of the Travelodge brand, it is also worthwhile noting that discussions also took place with hotel management and the Travelodge Estates Team during the scheme design and planning process. Furthermore, initial discussions have been held regarding the acquisition of your client's interests and these discussions are ongoing.
 - 1.4. The Council remain committed to securing TLP's interests in the land by agreement and remain open to negotiation.
 - 1.5. The Council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.
 - 1.6. The Council has made your client aware of the professional advice available to them. Carter Jonas made the Council aware that it acted on behalf of TLP, 2 months prior to the making of the above Orders. Since then, discussions have taken place with Carter Jonas which demonstrates that your client has received professional advice. Furthermore, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter."
2. Your second concern is that no description of the purpose for which TLP's land interests is required is included in the schedule and therefore the Council has not complied with the requirements of the Department for Transport's Circular 2/97.
 - 2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
 - 2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.

3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory purchase powers exercised.
 - 3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.
 - 3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.
4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.
 - 4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.
 - 4.2. There is no reliance on Network North: Transforming British Transport. The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.
 - 4.3. The funding arrangements for the Scheme rely on three sources of income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.
 - 4.4. The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

14.22 **Mr O'Boyle.**

14.23 The concerns raised by Mr O'Boyle were identified and related to four matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there has been a failure to adhere to government guidance. In particular, you highlight that, the council has not engaged with your client to seek the voluntary acquisition of land and rights required for the scheme; that your client was not aware of publicly available guidance in

relation to the compulsory purchase process; nor were they aware of professional advice available to them.

- 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
 - 1.2. The council has engaged with your client during the scheme development. This includes negotiations to access your client's land for site investigations for which the council made payment to your client. In addition, initial discussions have been held regarding the acquisition of your client's interests and these discussions are ongoing.
 - 1.3. The Council remain committed to securing Mr O'Boyle's interests in the land by agreement and remain open to negotiation.
 - 1.4. The council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.
 - 1.5. The council has made your client aware of the professional advice available to them. Specifically, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter." In any case, it is evident from your representations to the Secretary of State, that your client has now obtained professional advice from Carter Jonas.
2. Your second objection is that no description of the purpose for which Mr O'Boyle's land is required is included in the schedule and therefore the Council has not complied with the requirements of the Department for Transport's Circular 2/97.
 - 2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
 - 2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.
 3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory purchase powers exercised.
 - 3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice

the consideration of the Orders themselves.

3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.

4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.

4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.

4.2. There is no reliance on Network North: Transforming British Transport. The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.

4.3. The funding arrangements for the Scheme rely on three sources of income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.

The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

14.24 **Travelodge.**

14.25 Travelodge do not object to the purposes of the Orders, which is to provide for the Scheme, but have a number of concerns regarding the Orders as promoted. The concerns raised by Travelodge were identified and related to four matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there has been a failure to adhere to government guidance. In particular, you highlight that, the Council has not engaged with your client to seek the voluntary acquisition of land and rights required for the scheme; that your client was not aware of publicly available guidance in relation to the compulsory purchase process; nor were they aware of professional advice available to them.

- 1.1. CPO guidance requires reasonable steps to be taken to acquire interests by agreement. However, the CPO guidance does not require that an Acquiring Authority wait until negotiations fail before starting the compulsory purchase process and in fact provides that it may be sensible for an Acquiring Authority to initiate the CPO process in parallel with stakeholder discussions.
- 1.2. The Council has engaged with your client during the scheme development. This included discussions during the design and planning processes, in addition to the preparation of the above Orders. These discussions took place with hotel management, Travelodge Estates Team and latterly Carter Jonas. Furthermore, initial discussions have been held regarding the acquisition of your client's interests and these discussions are ongoing.
- 1.3. The Council remain committed to securing THL's interests in the land by agreement and remain open to negotiation.
- 1.4. The Council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.
- 1.5. The Council has made your client aware of the professional advice available to them. Carter Jonas made the Council aware that it acted on behalf of Travelodge in March 2024, some 6 months prior to the making of the above Orders. Since then, discussions have taken place with Carter Jonas which demonstrates that your client has received professional advice. Furthermore, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter."

2. Your second concern is that no description of the purpose for which THL's land interests is required is included in the schedule and therefore the

Council has not complied with the requirements of the Department for Transport's Circular 2/97.

2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.

2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.

3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory purchase powers exercised.

3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.

3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.

4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.

4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.

4.2. There is no reliance on Network North: Transforming British Transport.

The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.

4.3. The funding arrangements for the Scheme rely on three sources of income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.

4.4. The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

14.26 **Mr and Mrs James.**

14.27 The concerns raised by Mr and Mrs James were identified and related to four matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that there has been a failure to adhere to government guidance. In particular, you highlight that, the Council has not engaged with your client with regards to what mitigation could be put in place to reduce the impact of the Scheme on their property; that your client was not aware of publicly available guidance in relation to the compulsory purchase process; nor were they aware of professional advice available to them.

1.1. Mr & Mrs James reside at 44 Station Road, Waddington, Lincoln, LN5 9QN. This property is outside the planning red line boundary for the Scheme, which benefits from the grant of planning permission, and is also outside the extent of the CPO. Mr & Mrs James' interest in the CPO is at plot 264. The entirety of plot 264 is contained within an existing public highway and Mr & Mrs James' interest arises as a result of the "ad medium filum rule" whereby it is presumed that an adjacent landowner owns the subsoil of the road, which is Station

Road in this case, up to the middle of the road.

- 1.2. The Council has engaged with your client during the scheme development.
 - 1.2.1. The Council initially wrote to your client in July 2021 about the Scheme due to the close proximity of their property to the new road. Following this, telephone conversations took place in August 2021 in which it was explained that the property was not physically impacted by the scheme but that the Council would keep the situation under review.
 - 1.2.2. An initial round of Public Information Events were held September 2022 and these were widely advertised by the Council, including by way of a leaflet to your client's property. Mrs James attended the event and discussed the Scheme with the Council's representatives.
 - 1.2.3. In September 2022, the Council wrote to your client's following a telephone conversation requesting access to the property for the purposes of carrying out a bat survey. Your client's permitted access to their property for this purpose.
 - 1.2.4. A second round of Public Information Events were held in March 2023 and these were widely advertised by the Council, including by way of a leaflet to your client's property. Mr James attended the event and discussed the Scheme with the Council's representatives.
 - 1.2.5. Also in March 2023, the Council was informed that Ray Phillips of Walter's Rural Chartered Surveyors had been asked to represent your clients. Walters Rural represent several landowners across the Scheme. The Council has held numerous meetings with Walters Rural on a wide range of matters throughout the scheme development which is intended to inform their various clients in the normal way.
 - 1.2.6. In April 2023, there was a further exchange of correspondence between the Council's representative and Mr James which outlined the engagement carried out to that date. That correspondence included an acknowledgement that Ray Phillips of Walter's Rural was acting on their behalf and furthermore included an offer from the Council of a meeting to discuss the Scheme in more detail. Despite the Council's offer, no meeting request was made, and no further queries were raised by your client or their representative, Walters Rural.
 - 1.2.7. A third round of Public Information Events were held in June 2023 and these were widely advertised by the Council, including by way of a leaflet to your client's property.
 - 1.2.8. The Council has received your written comments dated 22 November 2024 having only very recently become aware that Carter Jonas is now representing Mr and Mrs James.
- 1.3. The Council have always been and continue to be open to engagement and a meeting between the Council and Carter Jonas has now taken place in December 2024 with dialogue ongoing.
- 1.4. The council has made your client aware of publicly available guidance in relation to the compulsory purchase process. Specifically, the covering letter accompanying the Notices states that, the government has published guidance aimed at people affected by compulsory purchase orders, and then provided weblinks to the

Compulsory Purchase and Compensation Guide 1, 2, 3 and 4, published on the gov.uk website.

- 1.5. The Council has made your client aware of the professional advice available to them. Specifically, the covering letter accompanying the Notices states that, "You may also wish to take advice from a solicitor or property specialist about the documents accompanying this letter." In any case, it is evident from your representations to the Secretary of State, that your client has now obtained professional advice from Carter Jonas.
2. Your second concern is that no description of the purpose for which Mr & Mrs James' land is required is included in the schedule and therefore the Council has not complied with the requirements of the Department for Transport's Circular 2/97.
 - 2.1. The Council has complied with the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Downs Rules July 2019, and the Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular 2/97.
 - 2.2. The Statement of Reasons which accompanies the Orders justifies and explains the need for the CPO. This includes for your client's land insofar as it is within the extent of the CPO.
3. Your third concern is that the timescales for the construction of the Scheme do not provide sufficient time for a CPO to be confirmed and compulsory purchase powers exercised.
 - 3.1. As set out in the Statement of Reasons, the current programme expects construction to commence during the Autumn of 2025 and further, the Council intends to carry out early activity on the site of the Scheme where such work is feasible and sensible which will implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.
 - 3.2. Work carried out prior to commencement of the main construction contract would be undertaken on land for which planning permission exists and which is within the Council's ownership or control. The Council has been in discussions with land and business owners affected by the proposals and is confident that the timescales are achievable.
4. Your fourth concern is that there is a potential funding shortfall of circa £15m and a lack of clarity as to how this would be bridged. In addition, you note that there is an apparent reliance on Network North: Transforming British Transport, which is document published by the previous Conservative Government.
 - 4.1. The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available.
 - 4.2. There is no reliance on Network North: Transforming British Transport. The proposals contained in this document, if enacted, would serve to reduce the funding requirement from the Council, but no increase in government funding has been confirmed at this stage.
 - 4.3. The funding arrangements for the Scheme rely on three sources of

income. The first just over £110m from the Department for Transport, the second just under £74m from LCC itself and thirdly £10m from developer contributions. Taken together the anticipated cost of the Scheme is covered by the combination of the three sources of income.

The Council will keep the funding arrangements, which includes the costs projections and the means by which the Scheme is to be funded under review. Further, the Council will underwrite and forward fund developer contributions. The Council's use of prudential borrowing or other funding sources to provide the developer contributions up front will be managed as part of the Council's overall treasury management strategy and subject to Local Authority accounting rules, codes and standards.

14.28 Network Rail.

14.29 The concerns raised by Network Rail are matters of a technical nature related to private rights arising from a disused railway line. The letter of objection is before the Inspector and there are ongoing discussions between the Council and Network Rail in respect of it. The expectation is that an agreement can and will be reached before the public inquiry is to take place. There is no objection to the Scheme provided suitable protections are in place.

14.30 Wolfson Trago.

14.31 The concerns raised by Wolfson Trago were identified and related to two matters. The Council responded in writing, having identified the concern being raised with a written response being given to each concern in turn. The letter sent stated:-

1. Your first concern is that the Scheme has the potential to adversely affect the access arrangements and consequently the trading performance of your client's roadside restaurant.

1.1. During construction of the works, the Council will ensure that access is maintained to the Service Area, including your client's restaurant. Disruption will be reduced by careful planning of the works and the use of traffic management in accordance with the relevant Code of Practice and guidance documents. The details of the proposed phasing are still under development, and will be subject to approvals, but the Council remains committed to the principle of continued public access to the service station throughout the construction phase.

1.2. There are currently two junctions which serve your client's property. The western junction provides access into and egress from the site, whilst the eastern junction provides access only into the site.

1.3. Western Junction

1.3.1. The Scheme provides for improvements to the western junction which will create a larger junction to improve its operation and provide for safe pedestrian facilities.

- 1.3.2. The existing junction will be maintained and enlarged as shown on the Side Roads Order Plan 1 at NI.
- 1.3.3. By maintaining and improving this access, the Scheme ensures that access continues to your client's retained land directly from the public highway and further your client will benefit from the improvements to the junction.

1.4. Eastern Junction

- 1.4.1. It is necessary to amend the eastern junction in order to bring forward the Scheme in a form which complies with the Design Manual for Roads and Bridges ("DMRB") and which National Highways, who are the responsible authority for the A46 Hykeham Roundabout, would accept. This is essential given the proximity of the junction to the roundabout.
- 1.4.2. Part of the existing access point nearest the A46 Hykeham Roundabout will be stopped up, as shown on the Side Roads Order Plan 1 at Xla.
- 1.4.3. A new, reasonably convenient, means of access to the site is provided off Middle Lane immediately adjacent, and to the west of, the existing access. This is shown on the Side Roads Order Plan 1 at li.
- 1.4.4. By providing this replacement access, the Scheme ensures that access continues to your client's restaurant directly from the public highway on a like-for-like basis.

- 1.5. A meeting has taken place in which the matters have been discussed and there is ongoing dialogue between the Council's representatives and Tim Hancock Associates.

2. Your second concern is that you client needs assurance in relation to the provision of advanced warning signs to alert motorists to the facilities.

- 2.1. There is currently directional signage to the services on the A46 both on the northbound and southbound approach to the A46 Hykeham Roundabout as well as on the roundabout itself at its junction with Middle Lane.
- 2.2. It is necessary to bring forward the Scheme in a form which complies with the DMRB and which National Highways, who are the responsible authority for the A46 Trunk Road, including the A46 Hykeham Roundabout, would accept.
- 2.3. The Circular 01/22 published by the Department for Transport explains how National Highways will engage with the planning system and fulfil its remit to be a delivery partner for sustainable economic growth whilst maintaining, managing and operating a safe and efficient strategic road network. Specifically, it addresses the requirement for roadside facilities. At paragraph 73, it states that, "the operation of all signed roadside facilities will be the subject of a legal agreement between the company [National Highways] and the operator of these facilities."
- 2.4. The Council has enquired with National Highways about the signage to the services. National Highways have confirmed that there are no policy compliant Trunk Road Service Areas on the A46 and further that there are no Traffic Signs agreements in place.
- 2.5. Consequently, existing signage which will be replaced by the Scheme will have directional signage for 'Services' removed. This is to comply

with National Highways' requirements.

2.6. The Council has no objection in principle to the continued signage of the Service Station but must comply with National Highways standards and policies in relation to work on the Trunk Road Network.

2.7. Should your client be able to secure the necessary agreements with National Highways, the Council will provide that signage which is approved. In so far as it is able to, the Council can facilitate discussions with the relevant contacts at National Highways for the purpose of securing the necessary agreements.

Furthermore, the Council has asked National Highways to review their position on the matter and discussions with National Highways are ongoing.

14.32 Conclusion in Respect of Objections Made.

Matters raised as objections to the proposals are being considered by the Council with the intention of seeking to resolve matters before the public inquiry is held. If any matter remains, then it can be considered at the public inquiry where the Council will present evidence in support of its position.

15. Overall Conclusion.

- 15.1 This Statement sets out why compulsory powers have been sought in the CPO and explains why the Council considers such powers to be necessary, proportionate and justified. It further explains and confirms the need for the SRO.
- 15.2 In determining the extent of the compulsory acquisition powers proposed in the CPO, the Council has had regard to the requirements of the relevant legislation and to the advice in the DLUHC Guidance and the DfT Guidance. The Council is content that the scope of the powers sought and the extent of the interests in the land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Council to construct, operate and maintain the Scheme.
- 15.3 The Council has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the Scheme. Attempts to acquire interests in land by agreement have been undertaken wherever practicable within the confines of the overall Scheme.
- 15.4 The Council has considered the human rights of the individuals affected by the compulsory acquisition powers. It is satisfied that there is a compelling public interest case for compulsory acquisition and that the public benefits arising from the Scheme will outweigh the harm to those individuals.
- 15.5 Without the granting of the compulsory acquisition powers, the Council considers that it will not be possible to construct the Scheme or realise the public benefits arising from it.
- 15.6 The Scheme has strong support through the DfT and related funding. Further support for the Scheme is found in the NPPF, which both emphasises the importance of and indeed the critical need for projects such as the Scheme. Local planning policy is supportive of the Scheme with the District Council recognising the need for improvements to transport infrastructure to enable planned development to come forward. That development will provide significant numbers of additional residential property as well as commercial, educational and other uses.
- 15.7 The Council considers that there is a compelling case in the public interest for confirmation of the CPO and that the CPO, if confirmed, would strike the appropriate balance between public and private interests.

15.8 In respect of the SRO, this is required to stop up existing side roads and PMA's affected by the Scheme, to improve existing side roads and to create new side roads and PMAs required as a consequence of the Scheme. Confirmation of the SRO will ensure the Scheme can be implemented and completed in full.

16. Contacts and Additional Information.

- 16.1 Owners and Tenants of properties affected by the Orders who require information about the Council's intentions, or the process itself, can contact Lincolnshire County Council, County Offices, Newlands, Lincoln LN1 1YL, or telephone 01522 782070.
- 16.2 Copies of the Orders, the Order Maps, Schedule to the Orders and this Statement along with the previous Statement of Reasons for making the Orders can be inspected during normal office hours at the following locations:

Lincolnshire County Council
Newland
Lincoln
LN1 1YL

North Kesteven District Council
District Council Offices
Kesteven Street
Sleaford
NG34 7EF

- 16.3 The Order documents will also be made available on LCC's website at www.lincolnshire.gov.uk/nhrr

17. Documents, Maps or Plans Relied on.

17.1 If relevant and applicable objections are received to the various Orders and a public local inquiry is held, LCC may refer to some or all of the documents set out below. Copies of these documents (or relevant extracts) will be available for inspection by members of the public and can be inspected during normal office hours at LCC'S offices at County Offices, Newland, Lincoln LN1 1YL and also North Kesteven District Council, District Council Offices, Kesteven Street, Sleaford, NG34 7EF. Details will also be made available on LCC's website www.lincolnshire.gov.uk/nhrr

17.2 The Council reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Orders and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such inquiry. Further LCC may update this list of documents at the time that any Statement of Case is produced.

17.3 List of Documents

- Order Documents
 - Compulsory Purchase Order and maps
 - Side Roads Order and plans
 - Engineering drawings
- Legal Documents
 - The Highways Act 1980 (<https://www.legislation.gov.uk/ukpga/1980/66>)
 - The Acquisition of Land Act 1981 (<https://www.legislation.gov.uk/ukpga/1981/67/contents>)
 - The Compulsory Purchase Act 1965 (<https://www.legislation.gov.uk/ukpga/1965/56/contents>)
 - The Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/contents>)
 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (<https://www.legislation.gov.uk/uksi/2017/571/contents>)
 - The Humans Rights Act 1998 (<https://www.legislation.gov.uk/ukpga/1998/42/contents>)
 - The Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>)

- National Policy Documents
 - Major Road Network and large Major Programme (<https://www.gov.uk/government/publications/major-road-network-and-large-local-majors-programmes-investment-planning/major-road-network-and-large-local-majors-programmes-investment-planning-guidance>)
 - Compulsory Purchase Process and the Crichel Down Rules (<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>)
 - The Department of Transport Local Authority Circular 2/97
 - The Department of Transport Circular 01/22 (<https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>)
 - Transport Analysis Guidance (<https://www.gov.uk/guidance/transport-analysis-guidance-tag>)
 - National Planning Policy Framework December 2024 (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)
 - National Planning Policy Framework December 2023 (archived pdf version) (<https://webarchive.nationalarchives.gov.uk/ukgwa/20231228093504/https://www.gov.uk/government/publications/national-planning-policy-framework--2>)
- Local Policy Documents
 - Central Lincolnshire Local Plan (<https://www.n-kesteven.gov.uk/central-lincolnshire>)
 - Lincoln Transport Strategy (<https://www.lincolnshire.gov.uk/directory-record/64728/lincoln-transport-strategy>)
 - Local Transport Plan 5 (<https://www.lincolnshire.gov.uk/directory-record/61695/local-transport-plan>)
 - Greater Lincolnshire Local Enterprise Partnership Local Industrial Strategy (<https://www.greaterlincolnshirelep.co.uk/priorities-and-plans/strategies-and-plans/local-industrial-strategy>)

- Thorpe on the Hill Neighbourhood Plan (<https://www.n-kesteven.gov.uk/your-community/localism-your-community/neighbourhood-plans/thorpe-hill-neighbourhood-plan-made>)
- Hykeham Neighbourhood Plan (<https://www.n-kesteven.gov.uk/your-community/localism-your-community/neighbourhood-plans/hykeham-neighbourhood-plan-made>)
- Bracebridge Heath Neighbourhood Plan (<https://www.n-kesteven.gov.uk/your-community/localism-your-community/neighbourhood-plans/bracebridge-heath-neighbourhood-plan-made>)
- Decision Making
 - Report to Executive dated 5 December 2006 "Preferred Route for Lincoln Southern Bypass" (<https://lincolnshire.moderngov.co.uk/ieListMeetings.aspx?CommitteeId=121>)
 - Report to Executive dated 2 October 2018 "North Hykeham Relief Road" (<https://lincolnshire.moderngov.co.uk/documents/s23624/NH%20RR%20-%20Cover%20Report.pdf>)
 - Report to Executive dated 5 April 2022 "North Hykeham Relief Road (NHRR)" (<https://www.lincolnshire.gov.uk/downloads/file/6501/nhrr-executive-report>)
 - Report to Executive dated 3 October 2023 "North Hykeham Relief Road" (<https://lincolnshire.moderngov.co.uk/documents/s59146/North%20Hykeham%20Relief%20Road.pdf>)
 - Report to Executive dated 6 February 2024 "North Hykeham Relief Road (NHRR) - Land Assembly Preparation and Highways Matters" (
 - <https://lincolnshire.moderngov.co.uk/documents/s60786/North%20Hykeham%20Relief%20Road%20-%20Land%20Assembly%20Preparation%20Highways%20Matters.pdf>)
 - Report to Planning and Regulation Committee dated 13 May 2024 "County Council Development - 23/1447/CCC"

https://lincolnshire.moderngov.co.uk/documents/s62182/1.%202023_1447_CCC%20North%20Hykeham%20Relief%20Road.pdf

- Report to Executive dated 2 July 2024 “North Hykeham Relief Road (NHRR) – Compulsory Purchase Order and Side Roads Order”
<https://lincolnshire.moderngov.co.uk/documents/s62835/North%20Hykeham%20Relief%20Road%20-%20Compulsory%20Purchase%20Orders%20and%20Side%20Roads%20Orders.pdf>
- Design Documents
 - Design Manual for Roads and Bridges
<https://www.standardsforhighways.co.uk/dmr/b>
 - Lincolnshire County Council Highway Design
<https://www.lincolnshire.gov.uk/highways-planning/Guidance-for-developers>
 - CIRIA SUDs Guidance Manual (C753)
https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C753
- Planning Application Documents (all items below available at:
<https://lincolnshire.planning-register.co.uk/Planning/Display?applicationNumber=PL%2F0087%2F23>)
 - Planning Application including:
 - Application Form
 - Cover Letter
 - Design and Access Statement
 - Health and Impact Assessment
 - Landscape and Ecology Management Plan
 - Landscape Strategy
 - Planning Statement
 - Public Engagement report
 - Transport Assessment
 - Water Quality Assessment
 - Written Scheme of Investigation for Archaeological Works
 - Environmental Statement Volume 1 Non-technical Summary
 - Environmental Statement Volume 2
 - Environmental Statement Volume 3

- Environmental Statement Volume 4
- Red Line Boundary Location Plan
- Location Plan
- Location Plans 1 to 17
- Detailed Planting Plans 1 to 17
- Ecological Mitigation Details
- General Arrangement Sheets 1 to 18
- Lighting Layout Sheets 1 to 6
- Landscape Masterplan Sheets 1 to 17
- Cross Sections
- Plan and profile for Main Carriageway
- River Witham General Arrangement Sheets 1 to 2
- Scheme Plan and Long Section
- Somerton Gate Lane Bat Culvert
- Station Road Overbridge General Arrangement
- Viking Way Footbridge General Arrangement
- Wath Lane Footbridge General Arrangement
- Regulation 25 Notice / Request
- Regulation 25 Response Part A
- Regulation 25 Response Part B
- Increase in Noise Barrier Height Note
- Committee Report 13 May 2024
- Decision Notice
- Section 73 Planning Application Documents (all items below available at <https://lincolnshire.planning-register.co.uk/Planning/Display?applicationNumber=PL%2F0102%2F24>)
 - Planning Application including:
 - Application Form
 - Cover Letter
 - Design and Access Statement
 - Health and Impact Assessment
 - Landscape and Ecology Management Plan
 - Landscape Strategy
 - Planning Statement

- Public Engagement report
- Transport Assessment
- Water Quality Assessment
- Written Scheme of Investigation for Archaeological Works
- Environmental Statement Volume 1 Non-technical Summary
- Environmental Statement Volume 2
- Environmental Statement Volume 3
- Environmental Statement Volume 4
- Red Line Boundary Location Plan
- Location Plan
- Location Plans 1 to 17
- Detailed Planting Plans 1 to 17
- Ecological Mitigation Details
- General Arrangement Sheets 1 to 18
- Lighting Layout Sheets 1 to 6
- Landscape Masterplan Sheets 1 to 17
- Cross Sections
- Plan and profile for Main Carriageway
- River Witham General Arrangement Sheets 1 to 2
- Scheme Plan and Long Section
- Somerton Gate Lane Bat Culvert
- Station Road Overbridge General Arrangement
- Viking Way Footbridge General Arrangement
- Wath Lane Footbridge General Arrangement
- Regulation 25 Notice / Request
- Regulation 25 Response Part A
- Regulation 25 Response Part B
- Increase in Noise Barrier Height Note
- Decision Notice
- Other Documents
 - Outline Business Case
 - Agreement between National Highways Limited and Lincolnshire County Council pursuant to section 6 and section 8 of the Highways

Act 1980 relating to highway works at A46 Hykeham Roundabout to the south-west of Lincoln