



The Planning Inspectorate

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# Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 30 April 2014

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## **HIGHWAYS ACT 1980 ACQUISITION OF LAND ACT 1981**

**THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)  
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2013**

**THE LINCOLNSHIRE COUNTY COUNCIL (RIVER WITHAM BRIDGE) SCHEME  
2013**

**THE LINCOLNSHIRE COUNTY COUNCIL (A15 LINCOLN EASTERN BYPASS)  
COMPULSORY PURCHASE ORDER 2013**

Inquiry opened on: 4 February 2014

Ref: DPI/Q2500/13/30

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## ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AADT	Annual Average Daily Traffic
AOD	Above Ordnance Datum
BaFB	Best and Final Bid
BCR	Benefit to Cost Ratio
CIL	Community Infrastructure Levy
CPO	Compulsory Purchase Order
CTC	Lincolnshire Cyclists Touring Club
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
EoI	Expression of Interest
ES	Environmental Statement
GLTM	The Greater Lincoln Transport Model
ha	Hectare
HGV	Heavy goods vehicle
JPC	Central Lincolnshire Joint Planning Committee
kph	Kilometres per hour
km	Kilometres
LCC	Lincolnshire County Council
LDF	Local Development Framework
LEB	Lincoln Eastern Bypass
LILO	Left in left out junction
LITS	Lincoln Integrated Transport Strategy
LPA	Lincoln Policy Area
m	Metres; million pounds
MOU	Memorandum of Understanding
mph	Miles per hour
NMU	Non motorised users (pedestrians, cyclists and equestrians)
ODPM	The Office of the Deputy Prime Minister
PMA	Private means of access
Sq m	Square metres
SRO	Side Roads Order
SSD	Stopping Sight Distance
SSSI	Site of Special Scientific Interest
TEMPRO	Trip End Model Program
The 1980 Act	Highways Act 1980 as amended
The Framework	The National Planning Policy Framework

**CASE DETAILS****The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2013**

- The Order was made by Lincolnshire County Council in exercise of its powers under sections 14 and 125 of the Highways Act 1980 and was sealed on 22 July 2013.
- The Order, if confirmed, would authorise the Council to stop up of lengths of highway and private means of access, to improve highways, to construct new highways and to provide new private means of access.

**Summary of Recommendation: That the Order is not confirmed.**

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**The Lincolnshire County Council (River Witham Bridge) Scheme 2013**

- The Scheme was made by Lincolnshire County Council in exercise of its powers under section 106(3) of the Highways Act 1980 and was sealed on 22 July 2013.
- The Scheme, if confirmed, would authorise the Council to construct over the navigable waters of the River Witham the bridge specified in the Schedule to the Scheme as part of the proposed A15 Lincoln Eastern Bypass.

**Summary of Recommendation: That the Scheme, as modified, is confirmed.**

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**The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2013**

- The Order was made by Lincolnshire County Council pursuant to powers under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and was sealed on 22 July 2013.
- The Order, if confirmed, would authorise the Council to purchase compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of:
  - i. The construction of a highway between the A158 Wragby Road East roundabout and the A15 Sleaford Road (to be known as the A15 Lincoln Eastern Bypass);
  - ii. The construction of highways to connect the above mentioned highway with the existing road system;
  - iii. The construction of other highways and improvement of existing highways in the vicinity of the route;

- iv. The provision of new means of access to premises in pursuance of the Side Roads Order;
- v. The diversion of watercourses and the carrying out of other works on watercourses in connection with the construction of the A15 Lincoln Eastern Bypass;
- vi. The use of land in connection with the construction or improvement of highways or with the carrying out of works authorised under the Side Roads Order; and
- vii. Mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.

**Summary of Recommendation: That the Order is not confirmed.**

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## **1 INTRODUCTION**

- 1.1 The proposed Lincoln Eastern Bypass (the LEB), located to the east of the City of Lincoln, would provide a new 7.5 kilometre (km) single carriageway relief road to link the existing Northern Relief Road (A158) at Wragby Road East to the A15 to the south of Lincoln. The LEB would be routed through predominantly arable land and involve the construction of a new bridge over the River Witham and the provision of crossings to two railway lines and a number of arterial roads. The main purposes of the LEB are to help relieve congestion, to remove strategic through traffic and improve the environment of the centre of Lincoln and to support the growth strategy for the city. Planning permission for the LEB was granted on 10 June 2013.
- 1.2 No objections were made to the Bridge Scheme. A total of 96 objections were made in response to the publication of the Side Roads Order (SRO) and the Compulsory Purchase Order (CPO). A total of 8 objections were withdrawn by the close of the Inquiry. Objections from land owners and tenant farmers primarily focused on two issues, (i) whether there is justification to compulsorily acquire land that is required for a temporary period during construction, and (ii) the adequacy of alternative means of access to farmland and agricultural buildings. The main objection by Cherry Willingham and Reepham Parish Councils and by residents is to the proposed stopping up of Hawthorn Road (a radial route into the city) at the intersection with the LEB and the omission of a previously planned over bridge from the current scheme. In response, a planning application was submitted by Lincolnshire County Council (LCC) to enable the construction of a bridge for the use of non motorised users (NMU). Planning permission was granted on 15 January 2014.

- 1.3 Alternative proposals were put forward by objectors. Five Alternatives related to the Hawthorn Road intersection and include the most favoured over bridge scheme (Alternative 1). In addition, an alternative form of intersection was proposed at Heighington Road and at Bloxholm Lane (Alternatives 6 and 7 respectively). Alternative 8 proposed an accommodation works bridge between Canwick Manor Farm and Westfield Farm. The Alternative proposals were published in the Lincolnshire Echo on 30 January 2014. Subsequently Alternatives 6 and 8 were withdrawn.
- 1.4 The Inquiry opened on Tuesday 4 February 2014 at the Bentley Hotel, South Hykeham. The Inquiry sat for six days and closed on 12 February 2013. Time was dedicated within the programme to hear the objections of landowners and farmers, the case of Reepham and Cherry Willingham Parish Councils and residents against the stopping up of Hawthorn Road and the concerns of the Lincolnshire Cyclists Touring Club and Mr Stratford, primarily about the provision for cyclists and pedestrians.
- 1.5 Most of the objections to the proposal for the Hawthorn Road intersection expressed a grievance about the consultation on the planning application for the LEB. Objectors were expecting to give evidence on their concerns at the Inquiry. I expressed the view that the matter was not relevant to consideration of the Orders and therefore it was outside the scope of the Inquiry. I confirmed my intention to treat the objections as written representations that would be reported to the Secretary of State.
- 1.6 The accompanied site visit took place on the morning of Tuesday 11 February. The itinerary<sup>1</sup> allowed for seeing the morning peak traffic conditions on the southern approaches into Lincoln, the crossing facilities at roundabouts, the alternative routes between the eastern villages and Lincoln, the locations of the proposed intersections towards the southern end of the LEB and private means of access to farm holdings. I made unaccompanied visits to the area affected by the route, when I walked along public rights of way, including the Sustrans route by the proposed bridge crossing. At the request of objectors I visited the Carlton Centre<sup>2</sup> and the surrounding residential area and ensured I was in the Hawthorn Road area at the end of the school day and in the morning peak hour to observe traffic conditions. I also familiarised myself with the alternative routes identified by LCC and residents, the highway network through the centre of Lincoln and the western bypass.
- 1.7 LCC confirmed that to the best of its knowledge and belief all necessary statutory procedures and formalities in connection with the promotion of the Orders have been complied with.
- 1.8 The report contains a brief description of the LEB route and its

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<sup>1</sup> Document LCC/PI/42

<sup>2</sup> LCC/PI/20 (below paragraph 3) has a map showing the location of the Carlton Centre.

surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents form Appendices 1 and 2. Proofs of evidence are identified but these may have been added to or otherwise altered at the Inquiry by the witness. My report takes account of the evidence as given, together with points brought out through cross examination or in answers to questions of clarification.

## **2 DESCRIPTION OF THE LEB ROUTE**

- 2.1 The historic City of Lincoln developed on the southern face of a limestone escarpment interrupted by the River Witham. The most striking landmark remains the Cathedral that occupies a prominent position on the edge of the escarpment slope. The location of the city is at the intersection of a number of historical routes and Roman roads. A ring road now extends around its perimeter from the south west to the north and links with the radial routes serving the city. The LEB would continue the route to the eastern side of the city<sup>3</sup>. The land along the northern and southern extents of the route corridor is raised on a plateau, with the land sloping into the valley of the River Witham along the central portion of the route. Arable farmland is the predominant land use. A number of public rights of way are within, cross or near to the LEB boundary.
- 2.2 The northern end of the route is in close proximity to the edge of the built-up area, where suburban housing has developed along Bunkers Hill and industrial units lie to the north of the Lincoln to Market Rasen railway line. To the east, separated from the city by open farmland, are the villages of Cherry Willingham and Reepham. Hawthorn Road and Greetwell Road provide means of access to and from the city. A Site of Special Scientific Interest (SSSI) Greetwell Hollow Quarry, designated for its geological interest, abuts the western edge of the proposed Greetwell Road roundabout.
- 2.3 To the south of the railway the flat, low lying Lincolnshire fenlands typify the character of the landscape. The River Witham is accompanied by Delphs (ditches), which run parallel to the north and south. The flood embankments and the railway corridors form distinctive features in the low lying area. The valley is also a recreational resource, where the navigable watercourse is complemented by footpaths, a cycleway (a Sustrans route) and bridleways. The urban fringe influence is seen to the south of the river, where the city cemetery and the sewage works are located to the north of the B1190 Washingborough Road. To the east, the village of Washingborough, and Heighington adjacent, are bounded to the south by the Lincoln to Spalding railway line.
- 2.4 The land to the east of Canwick represents a transitional zone area between the fens and the open elevated arable landscape that extends to the south.

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<sup>3</sup> LCC/01/01 Appendix 1 is a plan of the route. Route plans are also in CD/29 and CD/30 Appendix A.

The woodland and tree planting in and around Canwick is a distinctive landscape feature in the area. The pattern of large intensively farmed fields is intersected by the main routes radiating from Lincoln to Branston (B1188) and Bracebridge Heath (A15). Isolated farmsteads and properties are scattered throughout the area. Typically they are set back from the primary routes and are accessed by long tracks.

### **3 THE CASE FOR LINCOLNSHIRE COUNTY COUNCIL**

#### **Background to the Scheme**

- 3.1 The need for an Eastern Bypass has been considered by LCC since the mid 1990s and the delivery of this 'missing link' has been supported formally since the adoption of the City of Lincoln Local Plan in 1998<sup>4</sup>.
- 3.2 Initial feasibility work commenced in 2004 for a road to the east of Lincoln connecting the A15 to the south and the A158 to the north of the city. A scheme was granted planning permission in April 2005<sup>5</sup>. Subsequently Lincoln was granted Growth Point status and the alignment of the route was reviewed to accommodate the strategy for expansion. There then followed consideration of broad corridors and consultation on route options within the preferred corridors<sup>6</sup>. A route was selected that moved the alignment of the southern section of the route (between Washingborough Road and Sleaford Road) further to the east. In 2010 planning permission was granted for a dual carriageway, with a separate combined pedestrian and cycle right of way along the full length of the highway<sup>7</sup>.
- 3.3 Following a Government Spending Review, the dual carriageway scheme was not taken forward to Programme Entry for funding. However an opportunity was available to secure funding through the development pool process for schemes that revised the total funding required from the Department for Transport (DfT). A number of design options were evaluated. A single carriageway scheme, incorporating design changes to the size and type of junctions and crossings along the route, was considered to offer significant cost savings without affecting the ability to deliver the overall scheme objectives. An Expression of Interest (EoI) submission resulted in approval from DfT to prepare a Best and Final Bid

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<sup>4</sup> CD/09 page 25 paragraph 3.25.

<sup>5</sup> CD/24

<sup>6</sup> A more detailed account of this stage in the process is described in LCC/00/04 paragraphs 6.3.1-6.3.4.

<sup>7</sup> CD/26 – CD/28



(BaFB) Business Case<sup>8</sup>.

- 3.4 A value engineering process and design reviews were undertaken in the period leading to the BaFB submission in September 2011. The layout, junction design and bridge structures were amongst the design issues considered<sup>9</sup>. A decision was made to provide a left in left out junction at Hawthorn Road in order to remove the need for a bridge and associated earthworks. The BaFB scheme was successful and achieved Programme Entry status. In subsequent design development of the single carriageway scheme measures were incorporated to minimise where possible the costs and impacts of future dualling<sup>10</sup>.

### **The Planning Permission**

- 3.5 In view of the changes to the dual carriageway scheme granted planning permission in 2010 a planning application for the revised single carriageway LEB scheme was submitted in December 2012. The proposed single carriageway scheme was subject to an Environmental Impact Assessment (EIA) and the findings were reported in an Environmental Statement (ES). A Transport Assessment was among the documents accompanying the application<sup>11</sup>.
- 3.6 Planning permission, subject to conditions, was granted on 10 June 2013<sup>12</sup>. The decision reflected the strategic importance of the scheme, its positive impact on the transport network around Lincoln, the environmental benefits to the city's heritage and air quality and the encouragement that would be given to investment and regeneration. The development plan provided clear support and policy justification for the bypass proposal in accordance with key principles of the National Planning Policy Framework<sup>13</sup>. The existence of the planning permission is a reflection of the considerable support for the proposal.

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<sup>8</sup> This stage of the process is described more fully in LCC/00/04 paragraphs 6.3.5-6.3.6.

<sup>9</sup> Details of a range of key decisions are set out in LCC/01/01 page 9 paragraph 3.14.

<sup>10</sup> The future proofing elements are listed in LCC/00/04 paragraph 6.3.9.

<sup>11</sup> Volume 1 of the ES and the Transport Assessment form part of CD/29. A summary of the ES is included in LCC/00/04 paragraphs 6.4 to 6.14.

<sup>12</sup> Relevant documents in relation to the planning application comprise CD/29 to CD/32.

<sup>13</sup> The development plan consists of the City of Lincoln Local Plan 1998 (CD/09), the West Lindsey Local Plan 2006 (CD/11 paragraphs 2.79 to 2.81 Policy ECON 30) and the North Kesteven Local Plan 2007 (CD/10 page 79 Policy T7). LCC/02/01 in paragraphs 21 to 35 details the relevant paragraphs in the Framework and the relevant saved policies in the Local Plans. Even though the route of the proposed bypass did not conform to that protected by the North Kesteven Local Plan, the alignment was essentially the same as that approved in 2010, which had responded to the changed planning circumstances.

- 3.7 LCC is satisfied that the proposals for which planning permission was granted are sound. The planning application was processed in accordance with current Council procedures and statutory requirements. A lawful planning permission exists. The timescale to challenge the permission has passed. The matters before the Inquiry are related to the three Orders, not the planning permission. The Orders being promoted pursuant to that permission are lawful.
- 3.8 Following the publication of the Orders and receipt of objections the proposal for the Hawthorn Road junction arrangement was re-examined. The vehicular arrangements were not altered but additional NMU provision was considered appropriate as an enhancement for those wishing to travel by foot or cycle. A planning application was submitted to enable the construction of a bridge connecting the two ends of Hawthorn Road for use by all non-motorised users. Planning permission was granted on 15 January 2014<sup>14</sup>.
- 3.9 The 2013 and 2014 planning permissions provide for all the necessary works to be undertaken to construct the new highway. The Orders presented for examination provide the means to bring the planning permissions into effect.

### **The Objectives of the LEB**

- 3.10 When considering the Bridge Scheme, the SRO and the CPO it is essential to give due weight to the reason why these elements are being brought forward and to the significance of the overall development.
- 3.11 The Lincoln Integrated Transport Strategy (LITS) presents a plan for long term transport investment in Lincoln and its surrounding area. The aim is to deliver improved and integrated transport policies, services and infrastructure to support economic development and prosperity of the area. The LEB is a fundamental part of LITS and a key priority for Lincoln<sup>15</sup>.
- 3.12 The LEB is so important because Lincoln suffers from high levels of congestion from local, regional and strategic traffic travelling into and through the city centre. The transport problems within central Lincoln are exacerbated by a lack of route choice for north-south movements and a lack of alternative river crossings. The congestion has an impact on the quality of life for residents, acts as a constraint to the economy and reduces the attractiveness of the city for visitors and investors.
- 3.13 Traffic levels are forecast to continue to grow. Significant levels of housing

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<sup>14</sup> CD/41 and CD/41A contain the documents in relation to the planning application and permission for the NMU bridge.

<sup>15</sup> Further information about LITS, its 12 objectives and the range of transport improvements are set out in LCC/04/01 (proof) at paragraphs 2.1 to 2.5.

and economic development are targeted for the Lincoln area. Residential urban extensions have been identified to the east of Lincoln, known as the North East and South East quadrants<sup>16</sup>. Delivery of this growth will be progressed through a new Local Plan for Central Lincolnshire and also project planning and implementation groups<sup>17</sup>. Without major infrastructure improvements the increase in travel demands are expected to increase congestion on the network, result in longer peak periods and increase suppressed travel demand. Deterioration in conditions would have a detrimental effect on the local and regional economy and development aspirations. The 4<sup>th</sup> Lincolnshire Local Transport Plan identifies the LEB as one of the key proposals in the Transport Strategy and a priority major scheme in the short to medium term<sup>18</sup>.

3.14 The LEB Scheme has three clear objectives:

- To support the delivery of sustainable economic growth and the Growth Point agenda within the Lincoln Policy Area (LPA) through the provision of reliable and efficient transport infrastructure.
- To improve the attractiveness and liveability of central Lincoln for residents, workers and visitors by creating a safe, attractive and accessible environment through the removal of strategic through traffic (particularly HGVs).
- To reduce congestion, carbon emissions, improve air and noise quality within the LPA, especially in the Air Quality Management Area in central Lincoln, by the removal of strategic through traffic (particularly HGVs).

3.15 The LEB would provide an additional crossing of the River Witham and an appropriate route for strategic traffic, therefore removing the need for much of this traffic to travel through the centre. This would allow the introduction of traffic management measures and infrastructure improvements to enhance the environment, increase accessibility and options to travel and reduce community severance. By linking a number of radial routes, the LEB would improve route choice for drivers wishing to access the city centre from the east.

3.16 There is significant and consistent support for the principle of a bypass from the relevant local authorities, the Parish Councils, the major landowners and large sections of the community. In looking at the objections to the Orders, and in particular those that have the potential to delay the LEB Scheme, the importance of the proposals and the potential for it going

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<sup>16</sup> CD/08 pages 191-200 and 351-352 identify the residential expansion areas.

<sup>17</sup> The withdrawal of the Core Strategy and the commencement of the new Local Plan are described in LCC/02/01 at paragraphs 39 and 40 and paragraphs 3 to 9 in LCC/02/02.

<sup>18</sup> CD/15 pages 34 and 43.

ahead cannot be ignored.

### The LEB Scheme

- 3.17 The LEB would provide a new 7.5 km single carriageway relief road that will link the junction of the A15 and A158 Wragby Road East to the A15 Sleaford Road<sup>19</sup>. The Greater Lincoln Transport Model (GLTM) was used to facilitate the design and inform the assessment of the Scheme<sup>20</sup>. The route is designed to the current standards as described in the Design Manual for Roads and Bridges (DMRB). The design speed of the road is 100 kph (with an understanding there will be a 60 mph speed limit). The cross section is a standard 7.3 m wide carriageway with a verge width of 3.5 m, except where climbing lanes are incorporated on the section between Washingborough Road and the Lincoln Road roundabout. The route also satisfies statutory requirements for forward visibility in terms of stopping sight distance (SSD), as well as providing overtaking opportunities<sup>21</sup>. A separate 3 m wide combined cycle and pedestrian right of way will be provided on the western side of the carriageway along the full length of the route to link up with existing public rights of way (the NMU route).
- 3.18 The junction strategy was developed in accordance with DMRB and reassessed in the change from a dual to a single carriageway scheme. At the major road junctions (A158 Wragby Road, Greetwell Road, B1190 Washingborough Road, B1188 Lincoln Road and A15 Sleaford Road) at-grade roundabouts are most appropriate for the form of route, a semi-rural bypass providing access to radial routes and development sites. The roundabouts have been designed to provide capacity to accommodate the predicted relatively high traffic flows and therefore to minimise delays<sup>22</sup>. The junctions are forecast to operate with little queuing in the morning and evening peaks and the maximum predicted queue is 10 vehicles<sup>23</sup>.
- 3.19 In relation to the minor roads crossed by the line of the LEB, the guidance indicates three options – stopping up, provision of a left in left out junction or grade separation without connection. The junction at Hawthorn Road was changed from the original design of grade separation without

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<sup>19</sup> A detailed description of the elements of the scheme is provided at LCC/03/01 paragraph 2.12.

<sup>20</sup> Details of the traffic model are found in CD/29 The Transport Assessment section 10 and Appendix C Local Model Validation Report. A summary on the GLTM is in LCC/04/01 paragraphs 2.19 to 2.29

<sup>21</sup> Details of aspects of highway engineering are described in LCC/03/01 section 3.

<sup>22</sup> The forecast opening year (2017) flows are up to 26,000 vehicles per day on the busiest section between the Greetwell Road and Washingborough Road junctions (2 way 24 hr Annual Average Traffic Flows (AADT)). In the design year the corresponding flow is forecast to be 33,400 vehicles AADT. The forecast flows on all sections of the route are shown on Figures 1 and 2 LCC/04/02.

<sup>23</sup> The results of the ARCADY testing of the junctions are provided in Appendix C of LCC/04/01.

connection to a left in left out to contribute to savings in the scheme. The grade separation without connection was retained at Heighington Road on grounds of safety and value for money. At the Bloxholm Lane junction the minor road would be realigned to meet with the proposed Sleaford Road roundabout in order to ensure safety.

- 3.20 The dualling of the LEB remains a long term aspiration of the LCC. Accordingly, in bringing forward the current Scheme the approach adopted seeks to minimise any future changes if dualling was to take place and to avoid design decisions that would prevent such future provision. Therefore the design has incorporated future proofing measures in order to minimise where possible the costs and impacts of future dualling<sup>24</sup>.
- 3.21 There would be a positive impact for NMUs in the route corridor. The design of the Scheme incorporates crossing facilities to maintain continuity of the existing NMU routes where possible and provides suitable diversions of other routes. Grade separation has been adopted at Bloxholm Lane, Lincoln Road, Greetwell Road and Hawthorn Road to minimise the impact on community severance. The NMU route along the length of the bypass will provide a new link to the public rights of way network, particularly the Sustrans route and the Viking Way, and increase the accessibility of these routes. The conditions for NMUs within Lincoln would be improved by the reduction of traffic on the A15. The Scheme would encourage people to maintain and increase the level of walking and cycling in the region.
- 3.22 In terms of the wider traffic impacts, a number of city centre routes would be expected to experience a significant reduction in average daily traffic in the opening year and the design year. The most notable reduction would be on the A15 Broadgate, which is forecast to see a reduction in average daily traffic flows of up to 27% in 2017 (-13,000 AADT) and 21% in 2032 (-11,000 AADT)<sup>25</sup>.
- 3.23 Over a 60 year evaluation period 1,138 accidents would be saved including 5 fatal and 110 serious casualties. The monetised benefit is forecast to be nearly £40m<sup>26</sup>. The scheme has a Benefit to Cost Ratio (BCR) of 8.435, which represents high value for money. The most significant benefits (over £603m) would be generated as a result of journey time savings for vehicles travelling on the network<sup>27</sup>.

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<sup>24</sup> The future proofing elements are described in some detail in LCC/00/04 paragraphs 7.5 to 7.17.

<sup>25</sup> LCC/04/01 paragraph 2.43 details forecast traffic flow changes.

<sup>26</sup> LCC/04/01 paragraphs 2.45 and 2.46.

<sup>27</sup> LCC/04/01 paragraph 2.50.

## **The need for and justification of the Bridge Scheme**

- 3.24 The River Witham is a main river that runs west to east through the Lincoln Gap between Washingborough Road and Greetwell Road. The river is navigational and is currently used by leisure craft. The Bridge Scheme is being promoted to provide the statutory authority for the construction of the bridge across the river.
- 3.25 At the crossing point the river runs parallel to the South Delph, also a main river, and the North Delph. Between the river and the South Delph is an earth embankment that was a former railway line and is now a Sustrans route. Soak Dyke runs parallel to and to the south of the South Delph and drains into it further to the east where it becomes known as Longstrongs Delph. There are a number of other smaller drainage ditches in the vicinity.
- 3.26 The River Witham bridge would be formed as a five span bridge crossing the various water courses. The overall span of the structure is 215.92 m. The design allows for a headway of not less than 5.20 m above the normal water level of 2.90 m Above Ordnance Datum (AOD). This headway is to be maintained over 50% of the River Witham width at normal water level. The spans and clear height are sufficient to cater for existing usage. The bridge would carry a 7.3 m wide carriageway and a 4.0 m wide cycle/footway on the west side. The bridge has been designed at the appropriate standard for the road provision required. The land take is no more than required to allow for the bridge to be built and maintained.
- 3.27 The Sustrans cycle route and other footpaths located alongside the North Delph and River Witham would not be affected directly by the construction of the bridge and would remain on their existing horizontal alignments.
- 3.28 The proposals were submitted to the Environment Agency, the Canal and River Trust and the Witham First and Third District Internal Drainage Boards as responsible authorities. There have been no objections to the Bridge Scheme at any stage. The responsible authorities have confirmed they raise no objections<sup>28</sup>.
- 3.29 The reasonable requirements of navigation over the waters affected by the Scheme have been met in accordance with section 107 of the 1980 Act. There is no need for a special Parliamentary procedure to be used.

## **The need for and justification of the SRO**

- 3.30 In order to build the new road granted planning permission it will be

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<sup>28</sup> LCC/PI/50. The Environment Agency drew attention to the planning conditions attached to the 2013 planning permission and the need for Flood Defence Consent. The Canal and River Trust referred to certain legal requirements and the District Internal Drainage Boards referred to the written consents in respect of temporary and permanent works within their Byelaw distance.

necessary to improve or stop up existing highways and to construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access (PMA) to land or premises and to replace where necessary with new means of access. The purpose of the SRO is to maintain access to all land and property directly affected by the scheme and to make the necessary changes to the highway network.

- 3.31 On the northernmost section of the LEB (Wragby Road roundabout to Greetwell Road) the bypass will tie in as a fourth arm to the existing roundabout. To the south the route will cut across Hawthorn Road. The proposal is to stop up the western side of the Hawthorn Road and provide a turning head. On the eastern side a left in left out only junction will form a link to the bypass. An auxiliary diverge lane and tapering merging lane will be added to ease traffic movement and reduce the risk of collisions. A segregation island will block right turns in and out of the junction. It is now proposed that a bridge will connect both sides of Hawthorn Road to maintain NMU access. Changes will be made to public rights of way. A section of Greetwell Fields, a single track road, will be stopped up and a bridleway created on the same line<sup>29</sup>. A new PMA would be provided to land to the north of Hawthorn Road.
- 3.32 The next section, Greetwell Road roundabout to Washingborough Road roundabout, requires the stopping up of short lengths of Greetwell Road. To maintain vehicular access a new four arm roundabout will be provided. A new footbridge over the bypass will provide access to the NMU route and maintain current NMU provision along Greetwell Road. Further south, a new PMA is proposed to maintain access to agricultural land and a new cycle and pedestrian facility would link the NMU along the bypass with the Sustrans route that runs parallel to the River Witham.
- 3.33 East of the Washingborough Road roundabout field access will be maintained by a new PMA, which also will provide access to the new balancing ponds. South of the roundabout the bypass continues in a deep cutting under Heighington Road. There will only be NMU access to Heighington Road from the LEB.
- 3.34 Where the bypass crosses Lincoln Road, a new four arm roundabout will be constructed and an underpass provided for NMU. North of the junction PMA provision would involve a new length of track running along the western side of the bypass and a new short length of track on the eastern side of the bypass. South of the junction five PMAs would be stopped up and replaced by a new PMA (1029m long) on the eastern side of the bypass.
- 3.35 The final section of the LEB continues south to the A15 Sleaford Road. Bloxholm Lane would be stopped up where the bypass crosses its route. Bloxholm Lane would be realigned to link into a new four arm roundabout

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<sup>29</sup> LCC/00/04 paragraphs 8.1 to 8.22 explain the provisions of the SRO (subject to proposed modifications).

and a new footbridge constructed for NMU. A link from the footbridge would be provided to the NMU route along the bypass. New PMA provision is included to replace the field accesses that would have to be stopped up.

- 3.36 The SRO is the single and most contentious issue, generating the most representations. The objections largely relate to the Hawthorn Road junction. Those giving evidence have expressed their fears and concerns honestly and strongly, relying on local knowledge. However, it is necessary to concentrate on the actual information that is available and to carry out an objective assessment using a consistent approach. This LCC has done and the results are robust.
- 3.37 A purpose of the SRO is to make the changes to the highway network that are necessary to meet the requirements arising from the planning permission granted. Most objectors have been clear in their desire to see the planning permission changed and for an over bridge to be incorporated into the scheme. That will not happen as a direct consequence of these Orders. That could only occur if it is found that the alternative routes that do exist do not meet the statutory test and therefore the SRO should not be made.
- 3.38 The submitted plans show a variety of means by which access can be maintained<sup>30</sup>. Going east, three use the left in left out arrangement, another Wragby Road and the third Greetwell Road. Heading west, the reverse is available, although use of Hawthorn Road would necessitate a short detour to the south.
- 3.39 All parties agree that there will be alternatives. The argument is that the alternatives are unsafe, not reasonable to the particular user or not convenient. The criticisms now rely on local knowledge and are no longer based on challenges to the traffic information and assessments<sup>31</sup>. Full confidence may be placed in the information supplied by the traffic model. The results demonstrate that the Scheme is perfectly acceptable. Flows on Hawthorn Road west of the bypass will see a 70% reduction in both peak periods in 2017. As a result the residential area will benefit from improvements to noise and air quality, severance will be reduced and movements made easier. The Scheme will reduce traffic flows in all time periods on Bunkers Hill and remove nearly all the queuing at its junction with Hawthorn Road. To the east of the bypass the advantages of the Scheme are also evident. Traffic flows will be consistently lower, especially in the morning peak period when children are travelling to school. The over bridge alternative promoted by the objectors does not offer such advantages.

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<sup>30</sup> LCC/PI/34

<sup>31</sup> This submission reflected the acceptance of LCC evidence at the Inquiry by Mr Lake on behalf of Reepham Parish Council.



- 3.40 The traffic analysis has identified rat running<sup>32</sup>. Cherry Willingham Parish Council also has identified that traffic leaves the A158, travels through the village before joining Greetwell Road. The attractiveness of this route will be removed by the Scheme. To suggest, as Mr Lake has done, that traffic will travel from the A158 along Kennel Lane, Hawthorn Road and then join the bypass is untenable when the signed route will be direct from the A158 through Wragby Road roundabout onto the bypass.
- 3.41 The safety concerns about the routes are based on residents' observations, perception and reaction to a number of small incidents. Weighed against that is the information gathered over a considerable period, the records kept by the Lincolnshire Road Safety Partnership and the view of the County Council as the authority responsible for the roads. None of the roads have been identified as an accident hot spot and there is nothing in the road geometry, the traffic flows or the weather that would indicate a particular problem. All the objective information supports a different conclusion to that presented by the residents.
- 3.42 In order to meet the statutory test the various options do not have to be the same as being changed, nor do they have to be the same length or the same level of convenience. If they did then no road would be capable of being changed. The words 'reasonably convenient' should be given their usual meaning and the judgement should be made on a sensible basis.
- 3.43 In LCC's judgement the alternative routes are available and safe to use. The statutory test has been met. That conclusion is supported by the three local authorities, the Parish Councils directly affected and the relevant emergency services. The SRO should be made as drafted including the modifications.
- 3.44 All costs to achieve the Scheme have been subject to rigorous scrutiny. The money for an over bridge is not available. Any additional cost associated with the over bridge cannot be justified in the context of the advantages that will be achieved by the Scheme. Furthermore, the Scheme will not proceed if the Alternative 1 suggestion is pursued. A start on the ground has to be made before March 2015 to ensure that the monies remain available. The indicative timetable<sup>33</sup> proves that the Alternative cannot be achieved within the strict timetable that exists. If the SRO fails in order to look at an over bridge solution there is insufficient time to meet the timetable to start on site in time. The funding round would have to start again.

### **The need for and justification of the CPO**

- 3.45 The principles that apply to the use of compulsory purchase powers are set

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<sup>32</sup> LCC/04/03 paragraphs 1.3 to 1.8 set out Dr Billington's evidence on the issue.

<sup>33</sup> Attached to LCC/PI/46

out in ODPM Circular 06/2004. The Order land is predominantly arable farmland and extends to 104 hectares. It is held in some 25 separate ownerships, although the majority of land belongs to two landowners. LCC does not own any of the land apart from the land forming part of the public highways crossed by the LEB. The land that is required falls into several categories<sup>34</sup>.

- 3.46 Land is required to construct the permanent highway, which includes land for essential environmental mitigation and to accommodate access to adjacent lands. The route has been developed to make the most efficient use of existing features to minimise land take (for example, tie-ins to existing routes that enable cost efficient construction and efficient operation of the junctions). In addition, Plot 1/9A, a severed corner of a field, would be for a habitat pond to enhance environmental mitigation.
- 3.47 Rights will be required on land that would be used for drainage and flood compensation works, the construction of bridges and the permanent regrading of land adjacent to the LEB. A small number of plots would be dedicated as public rights of way.
- 3.48 Land would also be required to accommodate temporary works essential for the LEB to proceed, such as for topsoil storage, site compounds and in connection with the PMA. On completion of the LEB the land would be offered back to the owners subject to the highway authority retaining any necessary rights to enable future maintenance of the highway.
- 3.49 The future proofing of the Scheme has been achieved largely within the land acquisition requirements that are justified by the single carriageway scheme. The main exception is the acquisition of land to permit future widening in the cut running up to Heighington Road, which would be very difficult and costly to achieve in the future. The acquisition of the land now would avoid future substantial disruption to the operation of the LEB and enable ecological gain to be secured. No point has been taken on future proofing. It is a correct and lawful use of the powers available.
- 3.50 The CPO has been drawn to reflect the position as shown in the planning permission and provides the means by which the land and new rights can be acquired to enable the Scheme to proceed and be constructed. The tight timescales on the LEB project meant that an offer to acquire by agreement could not be made to all landowners until planning permission was granted. The making of the CPO in parallel with conducting negotiations with landowners is in accordance with the guidance in Circular 06/2004.
- 3.51 The matters raised in the objections to the CPO are very specific. The objections by the Church Commissioners and Mr Ward relate not to whether the land should be acquired but the method of acquisition. They argue that

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<sup>34</sup> Details of the land required are set out in LCC/03/01 paragraphs 5.1 to 5.13 and Appendix 3.

the areas of land LCC has identified as being for a temporary purpose should be removed from the CPO and be subject to a licence. However, the 1980 Act does not provide for the temporary acquisition of land and therefore the land has to be acquired or not. Once the purpose has ended LCC would be in a position to offer the land back but all the land must be acquired in the first place in order to ensure the Scheme can proceed, otherwise there would be an impediment. The remedy for the landowners is to allow the CPO to proceed as drafted but then to take advantage of the undertaking being offered. The use of an undertaking is a valid consideration, in accordance with Government advice.

- 3.52 If the landowners' approach in respect of the temporary use of the land was to be adopted an impediment would be built into the Scheme. There potentially would be physical or legal factors to block the progress of the Scheme and disrupt the timescale. Therefore the landowners' argument must be rejected.
- 3.53 The LEB is an integral component of the LITS. The Scheme will help alleviate the high levels of congestion currently affecting the centre of Lincoln by providing an additional river crossing and appropriate route for strategic traffic. The removal of through traffic will enable improvements to public transport and pedestrian facilities to increase accessibility and options to travel. The LEB will also act as a catalyst for further development by providing the necessary infrastructure to support proposed housing and economic growth in and around Lincoln. There is overwhelming support for the LEB from a wide range of stakeholders. The support has existed for a significant period of time, as demonstrated by its inclusion in the relevant development plan documents dating back over ten years. The LEB is essential to the delivery of local policy and strategy objectives. Careful consideration has been given to the implications arising from the Scheme in respect of the Human Rights Act 1998. There is a compelling case in the public interest to justify the acquisition and the disturbance of the owners' rights.
- 3.54 The acquiring authority has a clear idea of how it is intending to use all of the land within the CPO. The land acquisition justification relates exactly to the detail of the areas contained within the planning permission. The history of the development of the Scheme and the ongoing support are relevant in this respect. The landowners have not raised any contrary view.
- 3.55 The resources to carry out the plans within a reasonable timescale exist. The planning permission is in place. Detailed design work is ongoing in order to comply with the planning conditions and work has progressed to the issue of tender documents. All considerations are in place to achieve the target commencement date of autumn 2014, subject to the outcome of the Inquiry. This programme of implementation will ensure securing the funding arrangements that are in place and apply to the end of the financial year 2014/15.
- 3.56 The LEB will be implemented by LCC. The estimated overall cost is £95.858m. Central Government funding would amount to £49.950m, LCC

will contribute £11.914m and there will be third party contributions from District Councils of £33.994m<sup>35</sup>. The intention was to recover third party contributions through the Community Infrastructure Levy (CIL). However, policy development was interrupted when the Central Lincolnshire Joint Planning Committee (the JPC) on 6 January 2014 decided to withdraw the Core Strategy. Preparation is to commence on a Local Plan for the Central Lincolnshire Area, with a view to adoption by 2016. As a result, the adoption of the CIL charging schedule, and formalisation of the CIL contributions that will be recovered for the LEB, have been delayed. The three District Councils comprising the JPC<sup>36</sup> continue to fully support the LEB and measures are being put in place to provide a formal funding mechanism in advance of any agreement on CIL. Letters have been received from the three Councils setting out their intention to enter into a Memorandum of Understanding (MOU). The MOU will ensure in the short term developer contributions through section 106 planning obligations are prioritised to the LEB funding strategy. LCC is intending to underwrite all the necessary costs confident that funding will be in place. Funds will be available and there are no foreseeable barriers and no known impediments to the implementation of the LEB.

## Conclusion

- 3.57 The LEB is key to mitigating current and future traffic issues and in facilitating housing and economic growth. It is fundamental to achieving key planning objectives and delivering the LITS. The Scheme conforms to national design standards and the benefits to traffic flow have been demonstrated by the rigorous modelling. The three Orders are required to acquire the land, amend the existing highway network and provide navigation rights under the River Witham Bridge. One Order cannot stand without the other two. Objections have either been accommodated or otherwise dealt with. There is no impediment to the implementation of the scheme. The LEB has planning permission, funding is in place and there is full support from stakeholders, including the local authorities and business. There is a compelling case in the public interest to confirm the Orders, subject to the following modifications.

## Modifications requested to the Orders

- 3.58 As a result of representations following the publication of the Orders on 25 July 2013, a number of modifications are proposed<sup>37</sup>. The modifications fall into four categories:

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<sup>35</sup> These are the figures provided by Mr Rowley – LCC/01/01 paragraph 5.1.

<sup>36</sup> The three Councils are West Lindsey District Council, City of Lincoln Council and North Kesteven District Council.

<sup>37</sup> LCC/00/05

- i. Modifications arising from consideration of the draft orders by the DfT.
- ii. Modifications as a result of the grant of planning permission for the NMU bridge.
- iii. Modifications as a result of ongoing discussion with landowners and objectors.
- iv. Minor points of clarification.

### ***The Bridge Scheme***

- 3.59 The Schedule to the Order identifies the points of commencement and termination of the bridge with reference to the Sustrans cycle route. The bridge is stated to pass over the North Delph, the River Witham, the South Delph, Soak Dyke/Canwick Fen Drain. On the plan the points of commencement and termination are not clear. The Sustrans cycle route and the Soak Dyke/Canwick Fen Drain are not labelled. Modifications are proposed to the plan to address these matters and improve clarity.
- 3.60 In addition, a descriptive change is required to the Schedule. This has arisen from ongoing detailed design development. The bridge needs to be widened by 1.17m to accommodate a widened verge necessary to achieve the required forward SSD. As originally designed the bridge parapet would have blocked a driver's view. The change would enable drivers to see far enough ahead to stop safely in the event of an incident.

#### Proposed modifications to the Plan

- 3.61 The proposed modifications are:
- i. Show a clear point of commencement and a clear point of termination, label the Sustrans route, label the Soak Dyke/Canwick Fen Drain.
  - ii. Substitute the amended plan incorporating these modifications (plan ref B/1054738/1700/RW/D001 Rev 0.2).

#### Proposed modification to the Schedule to the Order<sup>38</sup>

- 3.62 Amend the section annotated 'Overall Dimensions' to read '*The overall **square** Bridge width will vary from 15.800 metres excluding parapets **at the south abutment end to 16.970 metres excluding parapets at the north abutment.** The Bridge will carry a 7.3 metre wide carriageway, bordered on either side by hard strips of one metre in width. A 4.0 metre*

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<sup>38</sup> The text in bold identifies the amendments to the wording.

*wide cycle / footway will be provided on the west side. On the east side, there will be a hardened verge **that varies in width from 2.500 metres at the south abutment to 3.670 metres at the north abutment.***

3.63 The proposed to be modified Schedule and Plan form document LCC/00/06.

### ***The Side Roads Order***

#### *The Order*

3.64 The Order in paragraph 1(3) explains the references in the Schedule to each new highway. For clarification the words 'bridleway or cycleway' should be added after the word 'footpath'.

#### Proposed Modification<sup>39</sup>

3.65 Amend paragraph 1(3) to read: Each new highway is given a reference letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word footpath **bridleway or cycleway** appears beneath its reference letter in that Schedule, in which case it will be a footpath **bridleway or cycleway**. Each new access is given a number on a Site Plan, which is also placed in the respective Schedule.

#### *Schedule 1 and Site Plan 1*

3.66 The addition of the NMU bridge north of Hawthorn Road has required:

- i. the creation of a bridleway (Reference letter C) over the bridge to connect to the NMU route either side of the Scheme, and
- ii. a slight realignment of the eastern NMU route adjacent to Hawthorn Road to allow the NMU bridge to connect to the NMU route. No additional land take is required.

3.67 These changes have been incorporated on an amended Site Plan 1.

3.68 The original intention was to create by other means the new section of bridleway between Hawthorn Road and the new bridleway along the route of Greetwell Fields. For reasons of clarity it is proposed to include the new section of bridleway as part of the modifications required for the NMU bridge. As a result highway reference B will be extended to tie in to Hawthorn Road along the line of the new bridleway, as shown on an amended Site Plan 1.

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<sup>39</sup> Additional words highlighted.

- 3.69 An objection was received to the stopping up of Footpath 140. After discussions with the objector and the landowner, LCC proposes to keep Footpath 140 to the east of the Scheme, with a connection provided to the NMU route along the bypass<sup>40</sup>.
- 3.70 For reason of accuracy dimensions in relation to the stopping up of highways require to be amended.

#### Proposed modifications

- 3.71 Substitute amended Site Plan 1 and in Schedule 1:
- i. Under the heading 'Reference letters of new highway' insert 'C (bridleway)' in relation to the stopping up of Hawthorn Road.
  - ii. Under the heading 'Highways to be stopped up' delete the existing wording in respect of Public Footpath PF140 and substitute the words: Public Footpath PF140 from a point 227 metres from its junction with the south side of the A158 Wragby Road East for a distance of 63 metres in a south-westerly direction
  - iii. Under the heading 'Highways to be stopped up' with reference to Public Footpath PF139 substitute '120 metres' for '142 metres' and with reference to public highway Greetwell Fields Track substitute '680 metres' for '624 metres'.

#### *Schedule 2*

- 3.72 For clarity, the new highway referenced A within the boundary of the classified road should be described as a footway, not a footpath. For reasons of accuracy dimensions in relation to the stopping up of highways require to be amended.
- 3.73 Proposed modifications:
- i. Under Reference Letter of new highway substitute 'A (footway)' for 'A (footpath)'
  - ii. Under Highways to be stopped up, with reference to Greetwell Road substitute '80 metres' for '73 metres';
  - iii. With reference to private means of access to be stopped up (a) substitute

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<sup>40</sup> OBJ/21/04 provides written confirmation that the Church Commissioners as landowner does not object to not stopping up public footpath 140 where it lies to the east of the LEB to join up with Wragby Road.

'84 metres' for '30 metres' and '174 metres' for '120 metres'.

#### *Schedule 4*

- 3.74 For clarity, the status of the new highway A, a cycleway, should be included. For reasons of accuracy dimensions in relation to the stopping up of highways require to be amended.

#### Proposed modifications

- 3.75 With reference to Highways to be stopped up, Lincoln Road, substitute '320 metres' for '308 metres' and under Reference Letter of new highway A add '(cycleway)'.

#### *Schedule 5 and Site Plan 5*

- 3.76 Through discussions with the agents for the Church Commissioners it has been agreed to shorten the stopping up of Bloxholm Lane to allow for access to possible future development to the rear of Manor Farm. Minor amendments are necessary to the layout of the NMU route in the vicinity of the access. No additional land take is involved.
- 3.77 In response to the objection from Mr Nelstrop, a new means of access is proposed along the route of the bypass (Reference 5 on Plan 5).
- 3.78 For reason of accuracy dimensions in relation to the stopping up of highways require to be amended in respect of Sleaford Road.
- 3.79 Proposed modifications:
- i. With reference to Highway to be stopped up, Sleaford Road, substitute '90 metres' for '80 metres'.
  - ii. With reference to Highway to be stopped up, Bloxholm Lane from a point at its junction with the access to Westfield Farm Bungalows, substitute '316 metres' for '350 metres' and Reference Letter of new highway to read 'A and B C and D (bridleway)'.
  - iii. With reference to Highway to be stopped up, Bloxholm Lane from a point 60 metres south-east of its junction with the access to Westfield Farm Bungalows, substitute 'south-easterly' for 'north westerly' and Reference Letter of new highway to read 'A and B C and D (bridleway)';
  - iv. With reference to private means of access to be stopped up (a), add '5' as the reference number of new accesses.
  - v. Substitute amended Site Plan 5.



- 3.80 The proposed to be modified Order, Schedules and Site Plans 1 and 5 form document LCC/00/07.

### ***The Compulsory Purchase Order***

- 3.81 No modifications are proposed.

## **4 THE CASE FOR THE SUPPORTERS**

- 4.1 ***Karl McCartney JP MP*** expressed his full support<sup>41</sup>. He stated the long awaited road scheme is essential for the future prosperity of the City and surrounding area. Its construction would immediately improve existing traffic conditions, significantly improving ingress and egress to the City. The Scheme is technically and economically sound and the need for the provision and implementation of the bypass is clear. With the exception of some local concern over the arrangements at a particular junction, local public support is almost universal.
- 4.2 ***Lincolnshire Chamber of Commerce*** confirmed its full support for the proposed Scheme and looked forward to an early start of this most important strategic route. Any minor inconvenience to local residents was said to be fully justified having regard to the cost savings and the massive benefits of the Scheme as a whole<sup>42</sup>.
- 4.3 ***Councillor Renshaw*** supports the plans for the LEB and withdrew his objection<sup>43</sup>.
- 4.4 ***Mr and Mrs Lemon*** welcomed the proposed stopping up of Hawthorn Road because it would make the road safer. Reference is made to speeding cars and an increase in commuters using the road as a rat run. Another resident supported the Scheme and the closure of Hawthorn Road because it would reduce the rat run affecting Blackfriars Road on the Carlton estate. Another resident considered the LEB would benefit everyone and encourage investment. The proposal for Hawthorn Road would stop the use of Carlton Boulevard as a rat run and improve its safety, especially now there is an infant school<sup>44</sup>.

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<sup>41</sup> W/15

<sup>42</sup> W/09

<sup>43</sup> Councillor Renshaw's position was confirmed by email dated 16 January 2014, filed in OBJ/00/02 at OBJ 30.

<sup>44</sup> Mr and Mrs Lemon's representation is in OBJ/00/02 at OBJ 95, the second representation is at OBJ 97 and the third representation is found at W/17.

## 5 THE CASE FOR THE OBJECTORS

- 5.1 The objections fall into three main categories: the statutory objections from landowners and tenant farmers, the statutory and non-statutory objections to the proposals for Hawthorn Road and the non-statutory objections from interest groups and individuals (which also included objections about Hawthorn Road).

### **The Case for The Church Commissioners for England (OBJ 21).**

- 5.2 The Church Commissioners own a large area of land in the Lincoln area, much of which comprises let farms. Six holdings would have land taken by the proposed scheme. Since the original objections were made to the CPO and SRO the Church Commissioners have been working with LCC to resolve outstanding matters. The current position is confirmed in the amended statement of case dated 6 February 2014<sup>45</sup>. The outstanding objection is to the proposed acquisition of freehold land required for temporary use<sup>46</sup>.
- 5.3 The area of the Plots is considerable amounting to some 20.3 ha. LCC has made clear that the Plots are required for temporary purposes but there is no statutory power in the 1980 Act by which the Acquiring Authority can take land for such purposes. The effects of sections 239 and 240, the principal powers of compulsory acquisition relied on by LCC, is to take land permanently. Furthermore, because on its own case there is no need to acquire the Plots permanently, LCC is unable to show a compelling case to compulsorily acquire the Plots having regard to the guidance in Circular 06/2004 (paragraphs 14, 16 and 17). Taking land under permanent powers, but in fact in reality for temporary purposes, results in an unsatisfactory and uncompensated position for the Church Commissioners. The Plots should be removed from the CPO.
- 5.4 The objection in relation to Hall Farm, Greetwell centred on the acquisition of Plot 2/3A for regrading purposes. This objection is withdrawn subject to an undertaking from LCC regarding the details of the works (such as the amount of material to be deposited and finished levels) and the investigation of the possibility of depositing some of the material elsewhere, including Greetwell Quarry.
- 5.5 The objections relating to access at St John's Farm, Bracebridge Heath are withdrawn subject to an alteration to the SRO plan and an undertaking by LCC to liaise during design development.

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<sup>45</sup> OBJ/21/03

<sup>46</sup> The written submissions are detailed in OBJ/21/02.

### **The Case for Mr J Ward (OBJ 15)**

- 5.6 Mr Ward is an agricultural tenant of Greetwell Hall. His combined holding amounts to some 295 ha, extending from the A158 Wragby Road roundabout in the north to the River Witham in the south.
- 5.7 Mr Ward's holding will be the most adversely affected by the Scheme by reason of the loss of over 10% of the land and the difficulties that would be encountered in farming severed land to the west of the bypass. LCC are seeking to acquire the freehold of a number of plots, yet the statement of reasons indicates the plots will be offered back to the owner on completion of the works. There is a conflict between the CPO and Statement of Reasons and title is potentially being acquired for land when only a licence is required.
- 5.8 LCC has failed to supply information to justify the areas stated to be required for topsoil and compounds. There is concern about the method of working and reinstatement of these areas. In addition, Plot 2/3A is part of the most productive arable land on the holding. No details have been provided as to why the land is necessary and why it needs to be regraded. It should not be used for such a purpose.
- 5.9 Matters regarding access have to a large extent been resolved, subject to receiving an undertaking the agreement will be honoured<sup>47</sup>.
- 5.10 The proposed location of an outfall for a catchment pond on Plot 2/7 would result in severance of the land lying between Plots 2/7D and 2/7C. Consequently the land would not be able to be grazed, increasing the amount of land lost to the Scheme. The proposed revised route for the water main serving the farm and farm buildings would involve two 90 degree bends. This would cause excessive pressure, leading to leaks and ruptures.
- 5.11 A draft undertaking provided by LCC (regarding the land required for a temporary period, Plot 2/3A and the water main diversion) could form a basis for agreement subject to a clause on independent arbitration<sup>48</sup>.

### **The Case for Robert Nelstrop Farms Ltd (OBJ 49)**

- 5.12 Mr Nelstrop farms land that lies mainly to the east of the LEB route<sup>49</sup>. His primary objection relates to the stopping up of the metalled farm road that

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<sup>47</sup> Oral evidence of Mr Bishop (Escritt Barrell Golding) at the Inquiry on behalf of Mr Ward.

<sup>48</sup> OBJ/15/03

<sup>49</sup> OBJ/49/01 provides information about the farm business and the implications of the loss of the farm road.

joins Canwick Manor Farm to Westfield Farm. He explained the road was constructed in 1965 with Government funding. In 2007 the crop storage and drying facilities were upgraded and centralised at Canwick Manor Farm, requiring expenditure of over £100,000. In addition there are facilities for potato storage and grading and a sugar beet storage area. The farm road has a high level of usage in terms of tonnage and trips by tractors, other farm machinery and HGVs. In the SRO no specific provision is made for a new PMA and each trip to Canwick Manor Farm is estimated to result in an additional 6.7 km (a return journey of 13.4 km). The accommodation track now proposed along the side of the LEB would reduce the additional journey from 6.7 km to 1.8 km. Mr Nelstrop initially considered this would have a big impact on the farm business, as well as placing the neighbouring farmer at a disadvantage by taking additional land from him.

- 5.13 Mr Nelstrop promoted Alternative 8, a new accommodation bridge to take the PMA over the LEB. He subsequently confirmed the withdrawal of this Alternative because he was content with the plans to provide him with a sensible access route<sup>50</sup>.
- 5.14 At the Inquiry Mr Nelstrop expressed concern about the possibility of pollution to the water supply to the farm as a result of surface water runoff from the bypass.

#### **The Case for Flintham and Scoley Ltd (OBJ 48)**

- 5.15 Mr Scoley is a tenant farmer of land near the A15. He understood the need for the LEB but believed that it should not be at a cost to existing businesses. He objected to the proposed realignment of Bloxholm Lane to link in with the new roundabout on Sleaford Road because it would create a very awkward shaped piece of land that would not be worth farming. The proposed footbridge would also encroach into the field rather than following the existing line of Bloxholm Lane. More land would be acquired than necessary. Mr Scoley also was concerned that no provision was being made to replace the stopping up of the road between Westfield Farm and Canwick Manor Farm.
- 5.16 To overcome these problems Mr Scoley proposed a road bridge on the line of the existing Bloxholm Lane, Alternative 7.

#### **Written representations by statutory objectors**

- 5.17 **Jesus College Oxford** (OBJ 07) objected to the CPO and SRO on two grounds: the premature use of compulsory purchase powers and secondly that the construction and use of the works may cause disruption to the interest in property. On 12 February 2014 the agent anticipated the objection would be withdrawn once confirmation had been received from

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<sup>50</sup> OBJ/49/02 withdraws Alternative 8.

LCC about rights of access<sup>51</sup>.

- 5.18 **National Grid's** objection (OBJ 02) focused on the presence of National Grid apparatus in the vicinity of the proposed works and the possible reduction in the level of protection currently afforded to the apparatus.
- 5.19 **Anglian Water** (W/14) expressed concerns about the proximity of the proposed new road boundary to the biofilters on its land and also sought assurances that the road scheme would not hinder/obstruct/close an exit gate.

### **Withdrawn statutory objections**

- 5.20 **Network Rail** (OBJ 01) withdrew its objections to the CPO and SRO by letter dated 25 November 2013 having agreed Clearance conditions and other matters related to the CPO with LCC.
- 5.21 **Greetwell Developments Limited** (OBJ 04) confirmed on 30 January 2014 that it withdrew its objection to the CPO as a result of receiving information from LCC about proposed drainage work.
- 5.22 **Mrs Seelig** (OBJ 16) on 13 January 2014 withdrew her objection to the CPO having received additional information from LCC on proposed accommodation works.

### **The Stopping Up of Hawthorn Road**

#### **Planning process and consultation**

- 5.23 Reepham Parish Council, Cherry Willingham Parish Council and many others were angry that they had not been consulted by LCC on the proposed change to the proposals for Hawthorn Road at the time of the planning application. Reference was made to a public meeting attended by over 400 residents where the strength of feeling was demonstrated. A number of objections made to the SRO were received after that meeting.
- 5.24 Reepham Parish Council considered LCC did not comply with its own Code of Conduct and described the frustration and grievance caused. Cherry Willingham Parish Council, whilst accepting that the planning application may have been processed in accordance with the minimum statutory requirements, considered the good practice objectives of LCC's Statement of Community Involvement were not adhered to. Mrs Robinson, in an individual capacity, believed that the Orders are illegal because they relate to an invalid planning permission based on flawed consultation. The Reverend Mason felt that the decision not to consult the three villages was

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<sup>51</sup> LCC/PI/59 (contained in OBJ/00/01 under OBJ 07)

based on an invalid assumption about the use of Hawthorn Road. There was a moral obligation not to exclude interested parties from the consultation process.

- 5.25 Most of the written objections were adversely critical of the fairness of the consultation process at the time of the planning application and the lack of or difficulty in finding information about the proposal for Hawthorn Road.

### **The Case for Reepham Parish Council (OBJ 78)<sup>52</sup>**

- 5.26 The Parish Council supports the LEB, but not the left in left out junction at Hawthorn Road. The east villages are the principal losers of the LEB Scheme on all counts including community severance, direct costs, user delay costs, road safety risks and emergency service response. Nearly all of the disbenefits are as a direct consequence of the loss of the Hawthorn Road over bridge. The LEB will be damaging to the quality of life of residents by removing the most direct route to the city.
- 5.27 Hawthorn Road is not a short cut but is the principal route to the Carlton Boulevard area for the villages of Reepham and Cherry Willingham. It is used to access schools, local amenities, places of work and provide a more amenable route for elderly drivers to gain access to Lincoln. It is also the principal route for the parents in the Carlton Boulevard area to access the schools at Cherry Willingham. Traffic to and from Cherry Willingham that turns into St Augustine Road and onto Carlton Boulevard is not rat running but more likely to be accessing the Carlton Centre. Objections to the stopping up are not only from residents of the villages but also from many of those living on the Carlton estate and in the residential part of Hawthorn Road. The proposal would isolate the nearby communities by severing this vital route to Lincoln and its services.
- 5.28 The Scheme would displace traffic into other residential areas such as north Greetwell, Kennel Lane, Cherry Willingham High Street and potentially Monks Road. The negative impact on these communities appears not to have been recognised by LCC.
- 5.29 LCC applies whole scheme economics to argue the case for alterations to elements of the Scheme. The decision to omit the over bridge fails to take account of the needs of the east villages and Hawthorn Road into the balance.
- 5.30 Outstanding matters on transport and traffic. Inevitably the traffic flow will increase on Kennel Lane as traffic from Bardney, Fiskerton, Cherry Willingham and Hawthorn Road will be unable to use their normal route

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<sup>52</sup> The Parish Council's proof of evidence OBJ/78/01 was supplemented by Mr Lake's overview of LCC's evidence and associated documents OBJ/78/02. A number of questions were asked and through the responses by LCC some common ground was established. The Parish Council's case for the over bridge is reported in section 6 under Alternative 1.

towards Lincoln. The junctions at each end of Kennel Lane are already difficult and long backlogs are evident at busy times. The problem significantly increases during the summer months as the A158 is the main access route to the coast. Increases in traffic turning in and out of Kennel Lane will compound the problems at this dangerous junction. Local residents and businesses will be deprived of an invaluable alternative route into Lincoln that avoids such tailbacks. The proposal fails to meet LCC's key objective of minimising traffic congestion.

- 5.31 Greetwell Road has been treated as a major junction and a roundabout solution proposed. The traffic flows on Hawthorn Road are greater and yet a minor junction solution has been adopted. The proposed left in left out junction is dangerous and will place additional traffic onto country lanes that are less safe.
- 5.32 The Parish Council has concern that the Wragby Road roundabout will not be upgraded and will remain of a similar diameter and circulatory capacity as roundabouts on the Western Bypass that experience very significant queuing. The likelihood is that the bypass traffic crossing the roundabout will make the queues on Bunkers Hill towards the A158 greater as vehicles have less opportunity to pull out.
- 5.33 One of the route options, Greetwell Road, will see an increase in traffic of around 100%. The road is already unsafe, it suffers significant queuing back from the Outer Circle south roundabouts, it is impassable in snowfall events at Greetwell Hollow and is a principal route to Lincoln County Hospital for the east villages<sup>53</sup>.
- 5.34 LCC places emphasis on the alleviation of the rat run that exists through the Carlton estate. This issue would normally be dealt with by measures such as traffic calming, not the severing of a major access road to the villages.
- 5.35 The residents' traffic survey reinforces the fact that Hawthorn Road is a vital and well used link to the east villages<sup>54</sup>. The survey also shows that much of the traffic has a destination within the Carlton Boulevard area and does not constitute a rat run. Such journeys will be diverted via a more congested unsafe and circuitous route. Furthermore, traffic that presently accesses Cherry Willingham from St Augustine Road will have to turn right onto Bunkers Hill. The Parish Council is concerned that LCC has misunderstood the volume and nature of traffic using Hawthorn Road and that an incorrect peak hour has been adopted.

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<sup>53</sup> OBJ/78/02 Appendix E includes photographs of Greetwell Road near the junction with Greetwell Fields (known as the Bunny Run).

<sup>54</sup> OBJ/78/02 Appendix B presents the survey results. At Appendix F is a photograph of the Hawthorn Road and St Augustine Road junction.

- 5.36 The increased severance would be particularly felt by elderly drivers who presently use the relatively straight and lower trafficked Hawthorn Road culminating in a junction at Bunkers Hill in a 30 mph area. In future they would have to either use or cross a busy ring road via an unsafe junction on the LEB or via an unsafe junction on the A158.
- 5.37 The Kennel Lane rat run identified by LCC<sup>55</sup> is not recognised as a problem by the Parish Council. However, the left in left out junction would encourage rat running via Kennel Lane by opening up access to a greater proportion of Lincoln by this route.
- 5.38 Safety. The LEB has been shown to reduce overall numbers of accidents but the number of accidents, casualties and associated costs will increase for road users travelling between Lincoln and the east villages. Traffic will be displaced onto Kennel Lane and Greetwell Road. Kennel Lane has no provision for NMUs and there is a sharp 'S' bend<sup>56</sup>. Mr Ward, whose farm adjoins the Lane, identified 20 incidents within the last year. He has also described the daily queuing that increases when coastal traffic on the A158 is at its peak. The increased levels of traffic on Kennel Lane are a real concern. The modelling analysis seriously underestimates the queuing that occurs even now at the junction due to the difficulty in joining the fast flowing traffic on the A158. Greetwell Road suffers from safety issues particularly around the sharp bends of Greetwell Hollow and at the bridge over the railway. By comparison Hawthorn Road is a relatively safe route.
- 5.39 NMU bridge. LCC now propose a bridge for NMUs in order to accommodate the significant pedestrian and cycle traffic that uses Hawthorn Road on a daily basis, much of the traffic relating to the three schools in Cherry Willingham and Reepham. However, the design of the footbridge is inherently dangerous. Users of the bridge will have to cross Hawthorn Road to access the cycle track exactly where traffic will be emerging at speed from a ninety degree bend as they leave the bypass. Contrary to LCC's forecast, traffic flows on Hawthorn Road would be greater compared to a scheme with an over bridge because of the risk traffic from the A158 will use it as a rat run. Furthermore, the NMU bridge does not resolve the motor vehicle issues in any way.
- 5.40 Highway engineering. LCC forecast that at the year of opening the AADT will be between 18,000 and 26,000 vehicles per day and at the Hawthorn Road junction the AADT will be 20,100 per day. Given that TA 46/97 recommends a maximum of 13,000 vehicles per day the single carriageway LEB will be woefully under capacity at opening, let alone the design year. In these circumstances the more sensible solution would be to allow the east village traffic to pass over the LEB rather than force the traffic onto the LEB.

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<sup>55</sup> Traffic turning left off Wragby Road (A158) onto Kennel Lane to then use Hawthorn Road or Fiskerton Road to access areas in the eastern part of the city centre.

<sup>56</sup> OBJ/78/02 Appendix C provides photographs of Kennel Lane.



- 5.41 The Parish Council is concerned that the proposal will require people to negotiate the Hawthorn Road junction at the congested peak hour on a very busy LEB. There will not be the gaps for drivers to pull out into and drivers will have to merge from a standing start. Cars accelerating away from the Wrabgy Road roundabout are likely to shunt with cars merging at the junction. Elderly drivers joining the main carriageway will find the junction difficult to negotiate. The junction will be a source of accidents, which will block the carriageway. Traffic will quickly back up, blocking off all access for the east villages to Lincoln, including access for emergency vehicles<sup>57</sup>.
- 5.42 Funding. Funding constraints was the key trigger that led to the promotion of the left in left out junction. The Parish Council's analysis, taking into account alternative construction techniques and variable scheme costs, indicates that the net benefit of the current proposal amounts to £280,000. It is also questionable whether the scheme costs took account of the indirect costs and disbenefits.
- 5.43 Economic Assessment. The economic appraisal concentrates on the benefits to Lincoln. The costs and benefits analysis should be in a disaggregated format to show the true effects on residents of the east villages and the Carlton estate.

#### **The Case for Cherry Willingham Parish Council (OBJ 46)**

- 5.44 The representations submitted by Reepham Parish Council were fully supported and additional objections were raised.
- 5.45 Fiskerton Road running through the village will see an increase in the volume of traffic, to the detriment of amenity, character and safety.
- 5.46 The stopping up of Hawthorn Road will have significant social and economic implications for the village<sup>58</sup>. Access to the Carlton Centre will be compromised, as well as access to the health facilities on Cabourne Avenue. Some residents use mobility scooters to travel to Lincoln to access these facilities and the proposal will negatively impact on them. Equally residents from the Carlton estate and Glebe Park use the medical facilities in the village as well as the education and community facilities provided by the school in the village. The adverse impact on the convenience of access to the village schools would lead to reductions in student numbers. This would have serious implications for their continued sustainability and the range of facilities in the village. Overview of the EIA does not suggest that the social and economic implications for the villages were at all considered. This is a serious oversight.

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<sup>57</sup> In his evidence at the inquiry Mr Lake accepted LCC's response to the injudicious overtaking argument set out in his statement in paragraph 3.6 on page 16 of OBJ/78/02.

<sup>58</sup> The total population of Cherry Willingham is about 3,500 and there are around 1,750 houses.

- 5.47 The design shortcomings of the NMU bridge will create barriers and not deliver on a number of objectives in the County Travel Plan. LCC emphasises the wider benefits of the overall scheme but it is through the detail that the maximum sustainable benefit will be gained for the greater number in the longer term.
- 5.48 There are also concerns about additional traffic and adverse impact on the quality of life arising from rat running traffic through the village. Traffic will seek to enter the city centre by using Greetwell Road or Monks Road rather than queue at the Wragby Road or Nettleham Road roundabouts at peak hours. Such delays and queuing exists and rat running already occurs.
- 5.49 The Parish Council is strongly of the opinion that the current proposals will be harmful to the function and sustainability of the village, although supportive of the wider benefits the LEB may bring to the area.

### **The Case for Mrs J Robinson (OBJ 29)**

- 5.50 Mrs Robinson explained why in her opinion the proposal would have a negative effect on traffic flow through the villages of Reepham and Cherry Willingham. It would also result in mixing local commuter traffic with A15 traffic, with consequent queuing on the bypass and inbound roads. The NMU bridge would be of poor design. She concluded the SRO relates to a Scheme that is ill thought out and dangerous and that will fail to meet its claim of reducing carbon emissions.
- 5.51 In addressing whether a reasonably convenient alternative route will be available once Hawthorn Road is stopped up, reference was made to the Oxford dictionary that defines convenient as fitting in well with a person's needs, activities and plans. Reasonable was taken to be defined as in a sensible way, which includes safety.
- 5.52 The residents who live in the houses that form an enclave of Cherry Willingham on Hawthorn Road mainly travel to the Carlton Centre, the Wragby Road, Yarborough Road and Bailgate areas of Lincoln, rather than the city centre or a southerly point<sup>59</sup>. Otherwise they wish to travel north on the bypass. Therefore they would be likely to access the main A158 via Kennel Lane, an increase in their journey of some 4 km. It would cause considerable inconvenience to residents and increase the risk of accidents at the junction. The alternative route using the bypass would involve queues on Greetwell Hollow and the Outer Circle. People living in the north of Cherry Willingham would be likely to use Fiskerton Road, leading to an increase in traffic through the village on roads unsuited to such an increase. Residents living on the Carlton estate travelling to the Cherry Willingham schools would face a time consuming journey each time.

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<sup>59</sup> Maps of the routes and detailed descriptions are included in OBJ/29/02.

- 5.53 For non-motorised users the Scheme will not offer families a reasonably convenient or safe route. At the NMU bridge users would have to cross Hawthorn Road where traffic leaves the bypass at speed. The Safety Audit identified that Hawthorn Road has a relatively high traffic flow rate, especially during school starting and leaving times<sup>60</sup>.
- 5.54 Mrs Robinson considered that the Scheme will fail to meet the strategy to reduce carbon emissions because of the increased traffic through the villages, increased journey times and distance and the devaluing of the cycle path. She concluded that the SRO will result in a scheme that will inconvenience a huge number of residents but also greatly increase the risk to motorised and non motorised users.

### **The Case for Sharon Kelly (OBJ 14)**

- 5.55 Mrs Kelly supported and agreed with Mrs Lidbury, Mrs Carder and the Parish Councils' concerns. The need for the bypass was not disputed. As a local resident on the Carlton estate and a parent her objection focused on the detrimental effects the Hawthorn Road proposal would have on the community of the Carlton estate and the east villages. She spoke on behalf of three other objectors<sup>61</sup>, read statements from representatives of local schools and included objections and comments from a number of residents.
- 5.56 Mrs Kelly explained there has been no school provision on the Carlton estate. The safe, direct and convenient access route along Hawthorn Road was the main factor in their choice of school. Currently the 2 mile journey takes about 6 minutes. Many parents choose to travel to school by car because of their work and other commitments and family needs. There are an estimated 300 children that travel via Hawthorn Road to the village schools. The headteacher at Cherry Willingham Primary School has drawn attention to the need for parents to be able to get school quickly by the most direct route in the event of serious illness or accidents. In future the alternative routes suggested by LCC would be longer, more inconvenient, busier and less safe. Mrs Kelly would have to reduce her working hours to allow time to reach both of the childcare facilities before they close. One resident has already changed plans for day nursery care. Reepham Primary School raised concerns about the effects of increased journey times on school absence figures, increased costs of providing school meals and the increased likelihood of school closure in bad weather.
- 5.57 The villages of Cherry Willingham, Reepham and Fiskerton provide a wealth of children's activity clubs for after school and holidays that are well attended by children on the Carlton estate and eastern side of the city. None of these activities are offered on the estate. Parents are likely to reconsider accessing these activities, which would have a knock-on effect

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<sup>60</sup> LCC/03/02 includes the Safety Audit.

<sup>61</sup> V Denton (OBJ 09) E Jubbs (OBJ 27) and A Zureiqi (OBJ 84).

economically and socially.

- 5.58 Mrs Kelly concluded that the local residents want Hawthorn Road to remain as a local access road linking the community.

### **The Case for Louise Carder (OBJ 12)**

- 5.59 Mrs Carder agreed that Lincoln needed the LEB and confirmed that her sole objection was to the stopping up of Hawthorn Road and the loss of the traditional route between Reepham and Lincoln. She considered there is no reasonable alternative to this direct local access route and described the difficulties of each of the alternative routes identified by LCC. The problems included increased waiting times at the Wrabgy Road and Kennel Lane junctions, increased number of junctions to negotiate, longer journey times, increased fuel costs and use of more dangerous roads, particularly Kennel Lane.
- 5.60 Mrs Carder presented a community petition, with a total of 3,556 signatures that supported the retention of Hawthorn Road as the main local access road to Lincoln<sup>62</sup>. Mrs Carder drew attention to the importance of the road to the following users: elderly drivers who feel safe using a direct access route, those who have health considerations and may need urgent medical attention, anyone who lives and works a short distance either side of the proposed stopping up area, and small businesses and independent workers. The Managing Director of Doughty Cakes Ltd indicated that the proposal would increase the journey time and fuel consumption of his delivery vehicles that in turn would affect profitability and levels of personnel. Information also was presented on the main reasons for people signing the petition. These were: desire to keep a direct local access road, concerns about the capacity of alternative routes and concerns about the effect on community life<sup>63</sup>.
- 5.61 On a personal note Mrs Carder was very concerned about the impact of the change on her son's school bus run by Stagecoach and the prospect of him having to change school.
- 5.62 Mrs Carder concluded that the closure of Hawthorn Road would sever a community and increase the division between the city and the east villages. An over bridge was identified in the original plans, the need has not changed and no reasonably convenient route will be available.
- 5.63 Mrs Carder also submitted a number of questions seeking clarification on a

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<sup>62</sup> OBJ/12/03

<sup>63</sup> OBJ/12/02 provided a summary analysis of the results.

number of matters<sup>64</sup>.

### **The Case for Sally Lidbury (OBJ 18)**

- 5.64 Mrs Lidbury lives on the Carlton estate and has two children. As a deputy headteacher she felt she understood pressures on parents and schools. She explained she uses Hawthorn Road at least 4 times a day, sometimes 8, to access Cherry Willingham Primary School, clubs and activities. She voiced similar concerns to Mrs Kelly and Mrs Carder in relation to the effect of the proposals on access to local schools, activities and services.
- 5.65 Mrs Lidbury considered the alternative routes suggested by LCC were unreasonable and inadequate. In particular she described the congestion she experiences when attempting to turn right onto Bunkers Hill. With no traffic system in place and minimal breaks in the traffic drivers take risks in turning right. By stopping up Hawthorn Road traffic from the estate will be forced to use the already busy Bunkers Hill junction to travel to Cherry Willingham and Reepham. Time taken to turn right will increase, even with a forecast 25% reduction in traffic and pose an increased risk of accidents. Many parents are frightened at using the junction at least 4 times a day. The conditions were illustrated by a video made by her son. Residents carried out their own traffic survey in January 2014 that included vehicle movements at St Augustine Road and distinguished traffic flowing straight along Hawthorn Road. The survey indicated the significant proportions of traffic travelling to Cherry Willingham from Bunkers Hill and the Carlton estate, especially in the afternoon from 1500 to 1800 hours<sup>65</sup>.
- 5.66 The NMU bridge is an attempt to remedy an oversight in failing to accommodate pedestrians and cyclists.
- 5.67 In summary, Hawthorn Road currently provides a safe and easy access route and is an essential means of transportation for residents. The proposed NMU bridge is not adequate and the cost of the bridge would be better spent towards a long-term solution, including a bridge for vehicles.

### **The Case for Cherry Willingham Community School<sup>66</sup> (OBJ 43)**

- 5.68 Mr Snee, the deputy headteacher of the Community School, gave evidence on two issues. He confirmed that the School's objection on grounds of safety still stands. The NMU bridge would not be safe for their students because they would have to cross Hawthorn Road shortly after the slip road

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<sup>64</sup> All relevant matters raised in OBJ/12/05 are covered in general within the body of this report. The LCC Response is LCC/PI/45.

<sup>65</sup> OBJ/18/03 presents the results of the traffic survey.

<sup>66</sup> Cherry Willingham Community School is on the western edge of the village on the corner of Hawthorn Road and Croft Lane.

from the bypass. Secondly, the School was concerned about the effect that the road closure would have on recruitment. He explained that schools are funded on the basis of the numbers of students on roll. Cherry Willingham and the villages to the east are subject to falling rolls and 18% of the School's students come from the northern part of Lincoln. Transport is one of the factors taken into account in parental decisions on the choice of school<sup>67</sup>. The concern is that the School will be at a disadvantage if access is impaired. He knew of 2 parents who were no longer going to send their children to the School, which amounted to a loss of £40,000 in revenue. Similar concerns apply to Cherry Willingham Primary School. The effect of losing students could be the closure of the school(s), and the effect on the community would be devastating.

### **The Case for Reverend M Mason and Mrs S Mason (OBJ 37)**

- 5.69 Hawthorn Road is used by the residents of Cherry Willingham, Reepham and Fiskerton as a major exit route to gain access to leisure and retail facilities and to travel to a range of destinations in the wider area. The stopping up of the road would not be an occasional inconvenience but will have a significant effect on residents' freedom of movement and lead to increases in journey time and distances on every journey. The NMU bridge does not answer the concerns because many residents are pensioners who rely on a car.
- 5.70 A significant number of local journeys will be forced onto a short section of the bypass, resulting in a negative impact on the original intention of the bypass to relieve congestion. The original plan for a road bridge should be reinstated.

### **The Case for Timothy Walton (OBJ 68)**

- 5.71 Some basic issues in relation to safety, schools, emergency services, road users and local communities have not been adequately considered as part of the LEB project. The motive is to secure Government funding. The stopping up of Hawthorn Road, by closing the main access road to Cherry Willingham and Reepham, would reduce the attractiveness of the area for people to live and blight the housing in the local area.
- 5.72 The proposed single carriageway will have a high traffic flow increasing the likelihood of high casualty rates on the LEB, especially at the left in left out junction for Hawthorn Road. The impression is that traffic surveys were rushed and not adequately assessed. Schools were not consulted and there is no evidence that the emergency services were consulted and support the Scheme. These failings have an impact on the safety of the route and the decisions to close current routes. Traffic surveys were undertaken in 2006 and the possibility is that traffic flows have increased in the intervening

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<sup>67</sup> In response to a question Mr Snee explained that the Community School was distinguished from the comprehensive schools in the area by reason of its ethos, the rural location and its size.

period. Their validity for the opening year of 2017 is questionable. The A158, an alternative route indicated by LCC, is one of the main routes from the Midlands to the coast. Traffic counts were carried out in November 2013 outside the peak season. There is a possibility that traffic flows are higher than estimated, which increases the concern about the safety of road users utilising the alternative routes. Kennel Lane is dangerous and hazardous and suffers from queuing and delays at the junctions. The displacement of traffic from Hawthorn Road onto the A158/Kennel Lane will increase the likelihood of fatal or serious accidents on the basis of the historic collision data. If an assessment of improvements to these routes has not been included as part of the Scheme, the costs saving at Hawthorn Road is not accurate. A motorised bridge would be a more cost effective and safer solution.

- 5.73 Pedestrians and cyclists are in the minority of the flow at Hawthorn Road. The higher vehicle flow is justification for a motorised bridge. The proposal for a NMU bridge introduces increased travelling distances, journey times and safety risks for children travelling to school. School buses will have to travel further for collection of children. Children's performance at school is likely to be affected by tiredness.
- 5.74 Mr Walton submitted information about journey time and distance for alternative routes<sup>68</sup>. He also submitted a number of questions on a range of matters including traffic flow, safety and impact on housing<sup>69</sup>.

### **The Case for Christopher Darcel (OBJ 61)**

- 5.75 Mr Darcel (West Lindsey District Councillor for Fiskerton) questioned the logic of building the LEB. Traffic growth forecasts are so divergent. If there is to be low traffic growth improvements could be carried out to the roundabouts and junctions on the network. If the objective is to enable expansion of the town there is no reason for residents outside the city to fund the new road or to experience the inconvenience and expense it would cause through increased journey lengths. LCC would be the major beneficiary of the council tax generated by the expansion of residential development around the city. The CIL should be used to contribute to the necessary infrastructure for the new homes and not a bypass.
- 5.76 Mr Darcel did not accept that West Lindsey District Council supported the road closure.

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<sup>68</sup> OBJ/68/02.

<sup>69</sup> OBJ/68/03. All relevant matters raised are considered to be covered in general within the body of this report. The LCC response is in LCC/PI/57.

**Written non-statutory objections to the stopping up of Hawthorn Road<sup>70</sup>**

- 5.77 **Sir Edward Leigh MP** stated that the construction of the LEB is warmly welcomed but it will cut across Hawthorn Road. This will create numerous problems because residents of Reepham and Cherry Willingham will have to take longer journeys in order to get about. It will increase traffic on the A158 and create problems on Kennel Lane. The best course would be to build a road bridge rather than waste money on an unwanted and ineffective foot bridge<sup>71</sup>.
- 5.78 **St Barnabas Lincolnshire Hospice** (OBJ 44). The hospice building on Hawthorn Road<sup>72</sup> provides a range of services on an outpatient basis and is the base for the Hospice at Home team who provide end of life care in a patient's home. The proposed closure of Hawthorn Road would have an enormous impact. Accessing the care services is difficult for patients both emotionally and physically. Even a small increase in journey times will deter the very people we aim to support. The increase in response time will also adversely affect patient care. The addition of a NMU bridge is of no use to patients accessing the unit from the outlying villages and will demonstrate yet further activity they are no longer able to participate in.<sup>73</sup>
- 5.79 **Reverend F Margaret Roe** (OBJ 47)<sup>74</sup> welcomed the NMU bridge but it did not address her main concern for road users. Concerns were expressed about access to shops and facilities at the Carlton Centre and schools in Cherry Willingham and about the congestion on alternative routes, especially if plans for more housing in the area of Greetwell Hollow go ahead.
- 5.80 **Mr Richard Mason** (OBJ 35) considered that the traffic flow around the Wragby Road roundabout and along the bypass to the Hawthorn Road turn (clockwise) will be so poor as to bring gridlock on Wragby Road, the bypass and possibly Bunkers Hill, as well as creating an accident blackspot (the Safety Audit raises a safety issue with the junction). He was concerned that the needs of the children of the Hawthorn Road area and Carlton estate have been ignored and the effects the closure will have on school rolls and parental choice. Also, the elderly or those without transport will be cut off from the Carlton Centre.

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<sup>70</sup> There are a number of common themes in the objections to the stopping up of Hawthorn Road, most of which featured in the cases presented at the Inquiry. People often covered a range of matters in their objections and therefore the individual objection is summarised as appropriate. All objections are contained in the two folders OBJ/00/02.

<sup>71</sup> W/16: the comments of Sir Edward Leigh MP are set out in full.

<sup>72</sup> The Hospice is located on the corner of Hawthorn Road and St Augustine Road.

<sup>73</sup> W/13 is a supplement to the objection.

<sup>74</sup> W/01



- 5.81 **Cherry Willingham Primary School** (OBJ 79). The journey to school from the Carlton estate would be considerably longer and to change schools would be an unfair upheaval. Taking the traffic away from the city centre should not be at the expense of children's welfare and safety and ease of commuting for all the parents involved.
- 5.82 **Witham Valley Access Project** (OBJ 87)<sup>75</sup>. Attention is drawn to the fact that in the village many vulnerable young and elderly residents use the footpaths and local streets to access schools and local shops and services. The roads within the village would become busier as a result of the proposed stopping up of Hawthorn Road, exposing the vulnerable people in the local community to greater risk. In addition it is considered the NMU does not solve the issue of acceptable motorised flow.
- 5.83 **Catherine Wilson** (OBJ 50) explained why the three possible routes do not offer a reasonable alternative to Hawthorn Road, which is considerably shorter and serves the villages without going through residential areas or forcing drivers onto a dangerous main road<sup>76</sup>.
- 5.84 **Mr Williets** (OBJ 75) and **Mr Hancock** (OBJ 89) explained Fiskerton Road/Greetwell Road and Kennel Lane would not be suitable alternative routes because they already have high risk factors. In contrast, Hawthorn Road is the best link road. It has an adequate speed limit, is relatively straight with no hills or dips and visibility is more than adequate. Without the option of Hawthorn Road, Cherry Willingham will be cut-off in wintry conditions when Kennel Lane and Greetwell Road are impassable. **Mrs Walker** (OBJ 67), **Miss Evans** (OBJ 74), **Ms Page** (OBJ 96), **Wendy Stevens** (OBJ 64) and **Karen Ryan** (OBJ 72) expressed similar views on the unsuitability of alternatives to Hawthorn Road as a main road into Lincoln. **D Leonard** (OBJ 63) was particularly concerned about the extra traffic that would be funnelled onto Greetwell Road and the unsuitability of the A158. **Mr Arden** (OBJ 38) suggested improvements to the Kennel Lane and Fiskerton Road routes were necessary.
- 5.85 **Mr P Hennessey** (OBJ 13) objected to the closure of Hawthorn Road because it would cut off the cycle path to the schools and make car journeys longer. The NMU bridge should be redesigned. **Dr D Hutchinson and J Hutchinson** (OBJ 51) dispute the NMU bridge would be safe. **Mr P Fishwick** (OBJ 69) has grave concerns over the safety of the NMU bridge, the omission of the proposed improvements to Greetwell Road and the amount of traffic on the A158. **Mr Nicholson** (OBJ 98) and **Miss Evans** (OBJ 74) considered the NMU bridge would not meet the concerns of local residents about the loss of the road link. The road is particularly busy in the rush hours and at school times whereas pedestrian traffic is very light given that Cherry Willingham is at least 2 miles walking distance. **Mr and**

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<sup>75</sup> This community project is supported by residents of Cherry Willingham and focuses on creating a greener, safer, healthier place to live.

<sup>76</sup> W/12 explains the alternative routes in more detail.

- Mrs Gossage** (OBJ 19) were disappointed the original plans have been abandoned due to lack of resources. Hawthorn Road is a natural and well used route and the alternative routes are not practical without improvement. The NMU bridge would be on the wrong side of the road. **Leo Kalle** (OBJ 20) highlighted the resultant increased journey length and safety issues for pedestrian and cycle traffic.
- 5.86 **Mr Morris** (OBJ 40) and **Stephanie Morris** (OBJ 42) objected because the closure would stop easy access to the Carlton Centre and local schools, increase traffic through Cherry Willingham and the NMU bridge would not link with the cycle paths. **Mr and Mrs Card** (OBJ 83) described the difficulties they would have in going to St Barnabas Hospice and the County Hospital as well as referring to the effect on accessing local schools. **Mrs Denton** (OBJ 09) objected because her journeys would be made difficult when taking grandchildren to school and visiting family. **Suzanne Davis** (OBJ 24) referred to the disruption to her daily life. The objections by **Mr and Mrs Smith** (OBJ 23) and **Mr and Mrs Ford** (OBJ 41) were based on the adverse effect on the access to the Carlton Centre and Lincoln.
- 5.87 **Mr R Ward's** objection (OBJ 22) was based on the resultant isolation of the rural communities and people being forced into using Kennel Lane as a dangerous alternative. Attention is drawn to the petition against the road closure. **Barbara Ward** (OBJ 26) objected to the loss of access to Lincoln, the Carlton Centre and the Hospice and commented on the increase of traffic on Kennel Lane. **Mr and Mrs N Ward** (OBJ 34) highlighted the resultant increase in traffic on Kennel Lane. **Wendy Beckett** (OBJ 25) was concerned about the impact on the village of Reepham and beyond in terms of local access and also about the effect on journeys to relatives. **Mr and Mrs Jubbs** (OBJ 27) were concerned about the effect on access to Cherry Willingham Primary School and the increase in traffic congestion on Bunkers Hill/Hawthorn Road. **Dr and Mrs Paramasivan** (OBJ 58) and **Dr and Mrs Sreenivasan** (OBJ 54) recognised the LEB would be good for Lincoln as a whole but it would cause a lot of distress to at least 3 villages with schools. **Mr D Scott** (OBJ 70) referred to the unsuitability of Kennel Lane and the increase of traffic through Cherry Willingham. **Mr and Mrs Khan** (OBJ 71) objected because access to the villages would be impaired and accidents increased.
- 5.88 **Lizzie Taylor** (OBJ 57) considered the alternative options would add time and cost to her journeys and add traffic to the A158 and Kennel Lane. She was concerned about the lack of consideration to emergency vehicle response times and the number of accidents on Kennel Lane. The design of the NMU bridge was unsatisfactory. The bypass should only be built when it does not have an adverse effect on people's lives. **Mr and Mrs Wade** (OBJ 62) considered severing the direct link to north Lincoln would generate serious transport issues for the growing rural community and for those who use village amenities and schools. The NMU bridge was not a solution because most children are taken to school by car because of their age and distance travelled.
- 5.89 **Mrs K Holland** (OBJ 10) objected to the location of the LEB near her home

and the children's play area. The closure of Hawthorn Road would make her journeys longer. **Joanna Preston** (OBJ 11) believed, with reference to the congestion on the A46 western bypass, the LEB should be developed as a dual carriageway and that Hawthorn Road should remain open through the provision of a bridge or underpass. The proposal would extend journey times and have a detrimental social effect.

- 5.90 **Lisa and Amer Zarien** (OBJ 65) were of the view that the plans for new housing in the villages should be taken into account in planning the local infrastructure and that money required to improve other roads such as Kennel Lane and Croft Lane should be channelled into a bridge in the first place. The effect on response time for emergency service vehicles and increased journey times for school children were among their concerns. **Lynne Ward** (OBJ 66) referred to the harm to the environment that would be caused by using the longer routes and the difficulties of using Kennel Lane.

### **The Case for Lincolnshire Cyclists Touring Club** (OBJ 03)

- 5.91 Positive elements of the LEB were identified, including the NMU route along the length of the bypass, the NMU footbridges at Greetwell Road and Bloxholm Lane and the subway at the Lincoln Road intersection. The serious issues that were identified included the loss of some radial routes (in particular Hawthorn Road and Greetwell Fields), which in turn would increase traffic levels on Greetwell Road and Kennel Lane, encourage rat runs through Cherry Willingham and Reepham and greatly inhibit cyclists and walkers. In addition, there were serious concerns about the provision for cyclists and walkers at the roundabouts on the bypass, the failure to provide cycle/walker access from the NMU onto Heighington Road and the loss of access to cyclists/walkers along Greetwell Fields. Walking and cycling along Greetwell Road was described as particularly hazardous, which made the existing cycle/footpath along Hawthorn Road valuable. The proposals would jeopardise access to that cycle/footpath.
- 5.92 The proposed NMU bridge at Hawthorn Road would not connect with the existing cycle track. Users, especially school children, would be placed at serious risk crossing a busy road without any form of light control. This would be highly dangerous near the slip roads to the bypass.

### **The Case for Mr Stratford** (OBJ 31)

- 5.93 Mr Stratford explained at the Inquiry that his evidence was in the context of being a resident of the Carlton estate and his motivation came from being a grandfather. He stated that he had the support of the group Transition Lincoln. His evidence covered the matters raised in objection by **Mrs Stratford** (OBJ 05). Mr Stratford's presentation was placed against a background of his serious concern over climate change and the increase in carbon emissions. He urged an approach that secured real sustainability rather than pursuit of economic growth on a finite planet. He confirmed that his concerns over access to necessary information on the LEB, as set

out in his original objection, remained.

- 5.94 The current plans for Hawthorn Road have significant advantages in respect of alleviating some of the rat run through the Carlton estate, a problem that is likely to grow with more housing and the new primary school. However his objection to a restricted junction remains unless there are changes to the alignment of the proposed NMU bridge.
- 5.95 The concerns about the need for pedestrians and cyclists to cross at busy roundabouts have not been addressed. Crossing at uncontrolled roundabouts is not safe or convenient<sup>77</sup>. The LEB will create more problems for cyclists and pedestrians than it solves unless improvements are made to ensure adequate safe provision at all roundabout crossings. The need is for suitably sited pedestrian-controlled crossings with a large central refuge for each arm, as seen on the A46 Newark bypass. Savings should not compromise safety.
- 5.96 The proposed Hawthorn Road NMU bridge is ill conceived<sup>78</sup>. Hawthorn Road has a well used footpath/cyclepath on its southern side. Going towards Cherry Willingham you would have to cross the bridge from the path on the right hand side of Hawthorn Road to the left side where there is no path. You would have to cross Hawthorn Road at a dangerous spot close to the bypass junction. To facilitate safe journeys both sides of the bridge should connect to the existing cycle path on Hawthorn Road, even if it involves slightly more engineering and expense. The short time to acquire sufficient land on the south side of Hawthorn Road and to put forward a safe plan should not impede the beginning of the work on the LEB.
- 5.97 The stopping up of Footpath 140 is unnecessary, restricting enjoyment of the countryside away from a busy road. The footpath should remain connected to the NMU.
- 5.98 Greetwell Fields provides an attractive country route from Carlton and Bunkers Hill towards the bridleway to Cherry Willingham, to footpaths south of Greetwell Road and to other rights of way. The proposals would require using a longer route along a busy bypass and a busy Greetwell Road which has no cyclepath.
- 5.99 Despite offering some new facilities the overall impact of the bypass plans is to reduce access to the countryside and from the villages to the city, discouraging walking and cycling. The Scheme therefore fails to encourage

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<sup>77</sup> The deficiencies identified by Mr Stratford are set out in detail in OBJ/31/01 at section 4.

<sup>78</sup> Mr Stratford spoke at the Committee meeting when planning permission was granted for the NMU bridge. The Minutes, attached to CD/41/A, state that the applicant commented that separate highway powers could be used to address the issue of providing additional room to take cyclists away from the junction for safety purposes and that LCC would examine improved access for cyclists at the junction under existing highway powers.

sustainable travel patterns and healthy lifestyles.

### **The Case for the Ramblers (Lincoln Group) (OBJ 06)**

5.100 Mr Reynolds stated that the closure of Footpath 140 represented a loss of a valuable amenity and recreational facility for residents and walkers. The detour along the NMU route of the LEB would be less safe, less attractive and less accessible. In a written representation the Group asked for safety improvements where the NMU route crossed the radial routes, especially at the Greetwell Road, Washingborough and Lincoln Road roundabouts. A request was made for minor works such as the installation of refuges or islands. The Group withdrew their objections to the stopping up of Hawthorn Road and Greetwell Fields track.

### **Additional written non-statutory objections**

- 5.101 **Sustrans** (OBJ 78). There is an essential need to provide an alternative route for NMU traffic during the construction of the bridge over the Water Rail Way. The provision for NMUs is unclear at a number of points and crossings along the LEB route. In the scheme the safety of the most vulnerable road users is paramount and cyclists and walkers are at their most vulnerable when crossing motorised traffic. Greetwell Road and Lincoln Road should be bridged. It is questioned whether there are plans to upgrade cycling provision on the radial routes to and from the city.
- 5.102 **Laura Stratford** (OBJ 08) requested crossing facilities to make it easier for people to cycle and for her son to get to school. **Dr Kolakowski** (OBJ 28) urged more attention to pedestrian and cycle provision. **Reverend N Alexander** (OBJ 32) considered the Scheme fails to make adequate provision for cyclist and pedestrians at the crossings of the LEB and the radial routes at the roundabouts. The NMU bridge is welcomed but objection is made to its design.
- 5.103 **Written representations raising no new matters or are included in the Alternatives:** J Doughty (OBJ 36), A Wood (OBJ 52), A Sharpe (OBJ 53), Mrs D Lefley-Hall (OBJ 55), Mrs McCullagh (OBJ 56); Carol Salemba (OBJ 59); N Lamming (OBJ 60); T Bridgwood (OBJ 73); B Robinson (OBJ 76); H Brierton (OBJ 80); P Disley (OBJ 82); A Zureiqi (OBJ 84); A Corry (OBJ 85); K Adams (OBJ 86); Mrs J Ireland (OBJ 88); Mrs M Storey (OBJ 90); Ms A Anthony (OBJ 91); C Bason (OBJ 92); G McCusker (OBJ 93); Ms R Bridgwood (OBJ 94).

### **Withdrawn non-statutory objections**

- 5.104 **The British Horse Society** (OBJ 45) by letter dated 10 February 2014 withdrew its objections to the SRO on receipt of clarification from LCC about equestrian use of the NMU route along the bypass and equestrian provision elsewhere in the scheme.

- 5.105 **Ms S Cook** (OBJ 17), **Mr T Rimen** (OBJ 33) and **Mr and Mrs Bull** (OBJ 39) withdrew their objections on receipt of information about the proposed NMU bridge at Hawthorn Road.

## 6 THE ALTERNATIVES

- 6.1 In their objections to the Scheme people put forward alternative proposals for junction arrangements on the LEB, five being in relation to Hawthorn Road. LCC designed the eight Alternatives to a sufficient level to enable comparison with the Scheme. The eight Alternatives were advertised in the Lincolnshire Echo and comments invited<sup>79</sup>. During the course of the Inquiry Alternatives 6 and 8 were withdrawn. This section describes each of the remaining six Alternatives and summarises the level of support and objection. The response by LCC is in section 7. LCC prepared reports appraising each Alternative in terms of engineering and buildability, environmental impacts, traffic, safety and economics, and land requirements<sup>80</sup>.
- 6.2 **Alternative 1** involves the provision of a bridge to maintain the current route of Hawthorn Road as a direct access to Bunkers Hill and to replace the proposed NMU bridge. The left in left out junction with the LEB is removed, resulting in no access to the bypass.
- 6.3 Alternative 1 was promoted by Reepham Parish Council, Cherry Willingham Parish Council and 31 objectors to the Scheme. The advertisement resulted in 125 supporters, qualified support from CTC (no cycling facilities for less regular cyclists) and 1 counter objection.
- 6.4 Reepham Parish Council anticipates the Alternative would be within the confines of the land already covered by the CPO. The Parish Council is of the view that the increase in cost would be modest when account is taken of the cost of the NMU bridge, the savings of not building the left in left out junction (LILO) and the inevitable improvements that would be required to the local network. Further cost savings could be achieved by using construction techniques that would allow the deck to be constructed at ground level and the earth removed from beneath. It would also offer advantages in programming construction of the Scheme, with large user cost savings, greater than the value of the bridge.
- 6.5 The Parish Council considered that the desktop study carried out by the LCC was inadequate and resulted in flawed and unacceptable conclusions<sup>81</sup>. The Alternative would result in less noise and pollution because the proposed

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<sup>79</sup> OBJ/00/03A

<sup>80</sup> LCC/PI/26 to LCC/PI/33

<sup>81</sup> OBJ/78/03 sets out the Parish Council's response to LCC's appraisal of Alternative 1.

Scheme would entail people travelling additional distances. The over bridge would provide free traffic flow whereas the LILO solution places traffic in queues. Hawthorn Road traffic is predominantly local traffic reaching local amenities, not rat runs. The minor savings in time and distance associated with the over bridge identified by LCC are disputed and the queuing likely to occur on Greetwell Road and Kennel Lane has been underestimated. An over bridge would alleviate the forecast traffic increase on Greetwell Road. To say the over bridge would attract higher flows is perverse. The traffic exists already because residents need to use Hawthorn Road. LCC failed to consider the effects of user delays and accidents on the residents of the east villages in the analysis and it is not acceptable to introduce all the time savings across Lincoln into the analysis.

- 6.6 The Parish Council considered the over bridge would require less land than the LILO and therefore the need for an additional CPO would be unnecessary. Any effect on public open space would not be an obstacle and any concerns could be mitigated by landscaping. The history of the LEB indicated the Scheme could be adjusted to accommodate an over bridge. With careful thought about the construction programme, no delays to the programme would occur.
- 6.7 At the Inquiry Mr Darcel explained he considered the extra cost would be relatively small in comparison to the overall cost of the project and savings would be made on operational costs, such as lighting. An over bridge would remove the hazards associated with the slip roads and NMU, reduce accidents and be safer in bad weather. There would be greater reductions in carbon emissions because journeys by residents of the villages would not have to become longer through use of alternative routes. There would be greater effect on rat runs because an over bridge would keep Fiskerton and Bardney traffic off the A158. A petition against the NMU bridge and requesting an over bridge attracted in excess of 2,000 signatures. No-one is against the LEB but they do not want a major route into the city cut. A further modified planning application for an over bridge could be submitted whilst construction could start as planned, securing Government funding.
- 6.8 Mrs Carder in her evidence challenged LCC's assessment of Alternative 1. Mrs Carder did not believe that an amendment to the Scheme need cause a substantial delay or that costs were finalised. Any delay would be due to the approach of LCC and not the responsibility of the community. The costs of the over bridge would be relatively small compared to the impact on the community.
- 6.9 County Councillor Ian Fleetwood<sup>82</sup> supported the objection raised by Cherry Willingham Parish Council and Reepham Parish Council regarding the closure of Hawthorn Road and their suggested Alternative 1. He recognised the importance of the LEB as being essential to deal with the existing capacity and to facilitate the delivery of the Central Lincolnshire Growth.

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<sup>82</sup> W/11

He would not wish to see the delivery of the LEB put at risk. He explained the LCC Planning and Regulation Committee had not been able to consider a proposal that was not available for decision, namely a complete motorised bridge.

- 6.10 Mrs Lefley-Hall (OBJ 55) argued a road bridge would be cost neutral. It would remove the need for a slip road that would create a traffic conflict area and a rat run. It also would remove the need for a NMU bridge that would disadvantage disabled and partially sighted people, especially in poor weather.
- 6.11 **Alternative 2** diverts Hawthorn Road on the eastern side of the bypass in a northerly direction to tie in to an enlarged roundabout at the junction of Wragby Road East and the LEB.
- 6.12 This Alternative was promoted through 2 objections and by Reepham Parish Council as a less favoured option. There were 7 supporters, although for 3 people it was a second choice and 2 expressions of support were qualified. There were 3 counter objections. The CTC considered it may well increase traffic levels on Hawthorn Road and noted the lack of NMU facilities. Mr Williets considered it was too expensive and increased the chance of accidents at the roundabout. In addition, Mr Stratford commented that Alternative 2 might tend to increase traffic at the A158 roundabout and would do little to alleviate the rat-run. A NMU bridge would still be needed, although it would not need to be realigned.
- 6.13 **Alternative 3** diverts Hawthorn Road on the eastern side of the bypass in a northerly direction to tie in to a new roundabout at the junction of Wragby Road East and Greetwell Lane. The section of road to the roundabout to the south west would be upgraded to a dual carriageway, with an associated enlargement to the roundabout.
- 6.14 In addition to the promoter this option was supported by 2 people. One counter objection was on account of it being too expensive and CTC's objection was on similar grounds as to Alternative 2. The Reverend M Roe described it as a less feasible Alternative with two roundabouts on the A158 very close together and the need to acquire a significant amount of additional land with resulting extra costs. Mr Stratford commented that it may have an advantage over Alternative 2 by facilitating better access to and from the minor road to Nettleham but otherwise the same comments applied.
- 6.15 **Alternative 4** provides a new roundabout to connect Hawthorn Road to the bypass. The section of road between the two roundabouts would be upgraded to a dual carriageway and the existing roundabout enlarged to accommodate this.
- 6.16 In addition to the promoter, there were 8 supporters (1 as 2<sup>nd</sup> choice) and 1 expression of qualified support. Three of the counter objections were on the grounds that (i) it would create problems for pedestrians and cyclists



who would have to cross the LEB, (ii) it would impede the majority of the traffic for the minority of users connecting at this point, and (iii) two roundabouts so close together is not a viable option. In addition CTC's counter-objection was on similar grounds as for Alternatives 2 and 3. Mr Stratford considered this Alternative would not help the rat run and noted that officers had advised it would not be allowed on highway design grounds.

- 6.17 **Alternative 5** relocates the Hawthorn Road NMU bridge to the southern side of Hawthorn Road. There were 4 promoters including Cherry Willingham Parish Council and Mrs Robinson (both as a fallback position) and 4 supporters (1 as a fallback). CTC considered NMU bridge to be a better design but the stopping up of Hawthorn Road was maintained, increasing traffic levels onto Kennel Lane and Greetwell Road. The one counter objection was on the grounds that this Alternative is no different to the Scheme.
- 6.18 **Alternative 7** replaces the proposed NMU bridge adjacent to the current line of Bloxholm Lane with a new road bridge (that would include NMU facilities) on the line of the existing Bloxholm Lane. The diversion of the eastern section of Bloxholm Lane to the new roundabout on the A15 is removed. Bloxholm Lane would be realigned to the west of the LEB. Accesses to Manor Farm and Westfield Farm would be realigned and regraded.
- 6.19 This Alternative was promoted by Mr Scoley to overcome the problems he identified with the current proposals for the intersection. The CTC objected because there was no NMU crossing of the proposed roundabout and because the new bridge would be busy with traffic, putting NMUs in danger, even allowing for NMU facilities.
- 6.20 **Mr and Mrs Lemon** (SUP 95) did not support any of the Alternatives because they would not tackle the traffic problems experienced every day.

### **Objectors' Additional Proposals**

- 6.21 In his response to the advertised Alternatives Mr Haw put forward the alternative of not building the LEB and spending the money on improvements to public transport, walking and cycling in Lincoln.
- 6.22 Additional suggestions are:
- a. the provision of a full dual carriageway;
  - b. the provision of a new roundabout at the junction of Bunkers Hill and Hawthorn Road, west of the Wragby Road East roundabout and the upgrading of the section of the road between the two roundabouts to a dual carriageway;

- c. upgrade the existing junction of Bunkers Hill and Hawthorn Road with traffic signals;
- d. traffic management measures on Fiskerton Road in Cherry Willingham and a reduction in the speed limit from 40 mph to 30 mph;
- e. improve Greetwell Road between the LEB and Allenby Road by removing the bends and improving the vertical alignment.

## **7 REBUTTAL BY LINCOLNSHIRE COUNTY COUNCIL**

### **The Church Commissioners for England (OBJ 21)<sup>83</sup>**

- 7.1 Sections 239(1) and 239(3) of the 1980 Act provide powers for a highway authority to acquire land for the construction and improvement of a highway. Sections 240(1) and 240(2) provide further general and specific powers of acquisition. The Church Commissioners accepted that all the land within the CPO was shown in the planning permission granted in 2013, that the land is needed to meet the purposes as established by that permission and also that it was needed to enable the scheme to be built and to operate<sup>84</sup>. As such the land within the CPO is required for the purposes of the construction or improvement of a highway or to carry out works authorised by sections 14 or 129 of the 1980 Act. The statutory purposes are met, the relevant provisions within the 1980 Act apply and the use of CPO powers is lawful. In order to ensure the scheme can proceed all the land needs to be secured, otherwise it would create an impediment and would fail to meet the relevant tests in Circular 06/2004. There is no other power available to LCC that can be used to ensure that all the land accepted as being required for the Scheme is guaranteed to be available.
- 7.2 The basis for the use of land for spoil tipping is fully authorised by the grant of planning permission and if the CPO is made that will enable LCC to carry out that activity on land in its ownership. There will be no misuse of the powers available.
- 7.3 The land being obtained for temporary topsoil storage and site compounds is essential to facilitate construction of the Scheme. Land is also required for the permanent storage of topsoil (regrading) arising from the construction of the works. As well as an engineering requirement there is a significant cost saving compared to off-site disposal. An undertaking has been given to the Church Commissioners that following completion of the Scheme any land that is not required to be retained permanently will in the

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<sup>83</sup> LCC/PI/58 is the legal submission on behalf of LCC in response to the written submissions of the Church Commissioners

<sup>84</sup> Accepted by Mr Humphries under cross examination.

first instance be offered back to the landowner. The land would be returned in a condition similar to that when acquired. LCC also has undertaken not to seek to implement the CPO provided a mutually agreeable contract can be entered into. With regard to Plot 2/3A LCC will work with landowners on the details of the operational works and will investigate the possibility of depositing some of the material elsewhere. The land will be returned in a similar condition to that when acquired<sup>85</sup>.

- 7.4 The undertaking also contains a provision that LCC will liaise with the Church Commissioners during detailed design of the LEB to ensure the layout of the new access, where it connects with Bloxholm Lane, is constructed to the satisfaction of both parties.
- 7.5 **Mr J Ward** (OBJ 15). A response similar to that given to the Church Commissioners applies in respect of the temporary use of land for topsoil storage and site compounds and for regrading<sup>86</sup>. Mr Ward has been informed about an undertaking that has been given to the Church Commissioners as landowners.
- 7.6 The drainage outfall will be underground and no severance of land will occur. The proposed water main diversion will be constructed to water industry standards.
- 7.7 **Robert Nelstrop Farms Ltd** (OBJ 49). The stopping up of the PMA is necessary for the construction of the bypass. The proposal is to provide a replacement PMA down the western side of the bypass located on land within the CPO.
- 7.8 All the surface water from the bypass would be taken in a sealed system to an attenuation pond. There is no positive outfall proposed at Bloxholm Lane. Contamination of the groundwaters will not occur due to the ground conditions beneath the bypass.
- 7.9 **Flintham and Scoley Ltd** (OBJ 48). The effects of the LEB on the operation of the farm were assessed as part of the planning process and planning permission has been granted. Any losses proven would be assessed under the Land Compensation Act. The diversion of Bloxholm Lane to the new roundabout on the LEB at its junction with the A15 is designed to the relevant standards and is a safe solution. An access road for Robert Nelstrop Farms Ltd is put forward as a modification to the SRO.
- 7.10 **Jesus College Oxford** (OBJ 07). Details have been provided of accommodation works and an undertaking given that the works will be carried out by LCC at its cost. Confirmation also has been given on rights

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<sup>85</sup> LCC/PI/49

<sup>86</sup> LCC/PI/03

of access to the proposed track between Bloxholm Lane and the existing service road between Westfield Farm and Canwick Manor Farm. The objection is expected to be withdrawn<sup>87</sup>.

- 7.11 **National Grid** (OBJ 02). The plant will continue to be in the highway and any diversions required will be ordered at the appropriate time. National Grid has indicated an intention to withdraw the objection subject to the provision of sufficient detail and certainty for any plant diversions that are required.
- 7.12 **Anglian Water** (W/14). Measures have been taken to ensure all PMA and boundary treatment will be maintained or an acceptable alternative provided throughout the life of the project<sup>88</sup>.

**Reepham Parish Council, Cherry Willingham Parish Council, Mrs Robinson, Mrs Kelly, Mrs Lidbury, Mrs Carder, Mr Walton, Cherry Willingham Community School and other objectors**<sup>89</sup>

- 7.13 Planning process and consultation. LCC was satisfied that the application was processed in accordance with its current procedures and Statement of Community Involvement and there was compliance with statutory requirements in respect of publicity, consultation and procedures. Advertisements were placed in the local press and site notices displayed along the proposed bypass route. All adjacent landowners and residential properties were notified. Consultation took place with statutory consultees, including the Parish Councils within whose area the application site is located (Washingborough, Greetwell, Nettleham, Canwick, Bracebridge and Branston & Mere). In addition, application details were placed on the Council's planning portal and reports appeared in the press and other media regarding the project.
- 7.14 The proposed new junctions and bridge crossings were referred to in the description of the development and in the publicity material interested parties were directed to view the plans of their location and design. The main carriageway drawing illustrates that Hawthorn Road would be stopped up to the west of the bypass and a left in left out provided to the eastern side of the bypass. The Committee report included a comprehensive description of the elements of the scheme and detailed the proposal for Hawthorn Road. The Committee minutes record that the application was approved by a vote of 11 in favour, none against and one abstention.

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<sup>87</sup> LCC/PI/59

<sup>88</sup> Appendices to LCC/PI/44 provide the details of the provision included in the Scheme tender document and of the proposed gate and fencing.

<sup>89</sup> In order to avoid repetition LCC's responses to a number of objectors are collated into a single response. LCC/PI/46 is the full rebuttal to Mr Lake's report.

- 7.15 The only objector claiming an unlawful act is Mrs Robinson. However, she accepted that the relevant processes were followed in consultation on the planning application. Therefore the permission cannot be illegal.
- 7.16 Traffic modelling and information. The document submitted on behalf of Reepham Parish Council contains many points which demonstrate a misunderstanding of the traffic modelling, scheme appraisal and scheme development processes followed for the LEB. There are also a number of statements based on a misunderstanding of the design and construction proposals for the scheme. All the information supporting the Scheme has been widely available from at least the time the planning application was made in December 2012. That information has been subject to rigorous examination by the County Planning Authority and also the DfT in assessing the Business Case in agreeing to make funds available for the Scheme.
- 7.17 The GLTM was developed in accordance with mandatory processes and the latest guidance provided by the DfT. The model was first developed in 2006 and has been updated and refined on a number of occasions since. The most recent version was developed and validated in 2012. The validation process has shown that the 2006 base year traffic model provides an accurate representation of the current traffic demands in the wider Lincoln area for each of the three modelled time periods. The Traffic Survey Report and the Local Model Validation report were scrutinised and accepted by the DfT as part of the successful BaFB submission<sup>90</sup>.
- 7.18 Account was taken of future housing and employment developments in the traffic forecasts for the opening year (2017) and the design year (2032). The traffic generation within the model has been informed by a combination of the Central Lincolnshire Joint Core Strategy housing projections and traffic growth derived from the DfT's Trip End Model Program (TEMPRO) software. This ensured that the key local developments such as the Sustainable Urban Extensions were captured and accounted for in the model, whilst also ensuring that the forecasts are consistent with DfT forecasts. The recent withdrawal of the Central Lincolnshire Core Strategy has no effect on the planning inputs for modelling the effects of the Scheme.
- 7.19 The GLTM was used to facilitate the design and inform the assessment of the scheme, including the assessments for the LEB Business Case submitted to the DfT in September 2011 and in 2012. The traffic analysis has been based on a significant amount of survey data and industry standard modelling techniques. LCC has no evidence to indicate that any of the surveys were not conducted appropriately and believes the data to be reliable.

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<sup>90</sup> Details of the traffic model are to be found in CD/29 The Transport Assessment section 10 and Appendix C Local Model Validation Report. A summary about the GLTM is in LCC/04/01 paragraphs 2.19 to 2.29.

- 7.20 The seasonality of traffic flows along the A158 has been noted. However, AADT flows have been used as required by DfT because these provide an accurate and robust assessment of operational requirements of the network. Seasonal data is not used because this could lead to over provision in terms of capacity and design and such an approach would be contrary to DfT normal requirements. The November 2013 survey data was not used in the formal assessment process and was collected to illustrate certain issues related to the Kennel Lane/Wragby Road and Hawthorn Road/Bunkers Hill junctions<sup>91</sup>.
- 7.21 The peak hour for traffic flows will vary from location to location and from day to day. The traffic model uses the network wide peak hours which have been modelled to represent the different network wide travel patterns that exist during a typical weekday. The AM and PM peak hours were identified through the analysis of the traffic count data. The residents' January traffic survey of Hawthorn Road is consistent with the traffic survey for LCC in November 2013 and the traffic data used to develop the traffic model.
- 7.22 Junction Strategy, Transport and Traffic. The LEB was originally developed as a dual carriageway scheme. However, funding was not available which led to the development of a scheme that made a saving of £27m, the key saving being derived from the change to a single carriageway. Funding was confirmed for the reduced BaFB scheme by the DfT in November 2011. A key feature of the BaFB scheme was that it was designed to include aspects that would otherwise hinder any realistic upgrade to a dual carriageway at a later date. The decision to partially stop up Hawthorn Road was made to reduce the overall cost but the savings were assessed to have a minimal impact on the effectiveness of the scheme. The decision not to dual the LEB reflected the fiscal requirements of the time.
- 7.23 Greetwell Road is considered to be a more strategically important route than Hawthorn Road because it provides direct connectivity between the villages to the east and the city centre, including direct access to Lincoln County Hospital and the Allenby Industrial Estate area of Monks Road. It was not considered appropriate to provide a major junction between the LEB and Hawthorn Road so close to the LEB/Wragby Road junction.
- 7.24 Direct comparisons with the traffic conditions on the A46 and its junctions are not valid. The junction geometries and traffic turning movements at the junctions on the A46 are different to those that are forecast for the LEB. In changing from a dual to a single carriageway scheme for the LEB an engineering approach has been followed to increase the capacity of the roundabouts and therefore enhance the capacity of the Scheme. That approach was not applied to the single carriageway sections of the western bypass. The operational assessment of the proposed roundabouts on the LEB using ARCADY has shown that in the opening year of the Scheme

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<sup>91</sup> CD/40 details the results of the traffic survey and the pedestrian and cycle survey.

expected queues will be relatively small and even by the design year of 2032 the maximum queue is 10 vehicles. In addition, the AADT flows through the A46/Skellingthorpe roundabout and the A46/Doddington roundabout are forecast to be higher than on the majority of the junctions on the LEB at the opening year.

- 7.25 Highway engineering. TA 46/97 of DMRB provides advice on the flow ranges for use in assessing new rural roads. The flow ranges are to be used as a starting point and should be applied flexibly. The assertion that the single carriageway LEB will be under capacity is not supported by TA 46/97. The junctions have been designed to accommodate the forecast traffic flows and the anticipation is that the Scheme will operate in a satisfactory manner for many years.
- 7.26 The PICARDY assessment of the LEB/Hawthorn Road junction indicated that the junction will operate well within capacity at 2017 and 2032 and generate small queues of 3 and 4 vehicles respectively. This is an over-estimate of queuing because PICARDY treats all priority junctions as having a give way, which is not the case at the Hawthorn Road junction where traffic will be required to merge at similar speed. The incidence of vehicles standing in the slip lane is likely to be negligible. The junction has been designed and rigorously audited in accordance with current standards and does not represent an increased risk over the rest of the LEB.
- 7.27 The section of the LEB through the Hawthorn Road junction is not within an overtaking section and therefore the issue of injudicious overtaking is not accepted.
- 7.28 Safety. The assessment of the safety benefits of the LEB has followed DfT guidance and has included all roads in the area affected by the Scheme. The indication is that the Scheme will result in a significant benefit of in excess of 1,100 accidents saved over the standard 60 year evaluation period.
- 7.29 In November 2012, prior to the planning application, the Scheme was subject to a Stage 1 Safety Audit and will be subject to further audits in accordance with the DMRB. The design of the Hawthorn Road junction was changed to meet the safety concerns the audit had identified<sup>92</sup>. LCC is confident that the layout is safe and it was endorsed by the DfT to the extent that the Business Case was accepted.
- 7.30 Analysis of historic data has not shown any patterns of accidents in the Cherry Willingham and Reepham area or in the Hawthorn Road area<sup>93</sup>.

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<sup>92</sup> The Stage 1 safety audit forms part of LCC/03/02. The redesign referred to was the inclusion of an auxiliary diverge lane and a merge taper in order to ease traffic movements and reduce the risk of collisions.

<sup>93</sup> LCC/04/01 paragraphs 2.69 to 2.71 and LCC/PI/46 Appendix B.

Greetwell Road and Kennel Lane are not considered to be unsafe. The LCC North Division Area Highways Manager has stated that Kennel Lane and Fiskerton Road/Greetwell Road are perfectly safe to use and have not been identified as being in need of realignment. They are not untypical of Lincolnshire's road network. The Area Highways Manager also has reported that these roads are no more susceptible to adverse weather conditions than any other part of the highway network in this locality.

- 7.31 The accident plots for 2009 to 2013 show relatively few accidents on Greetwell Road, all of which were slight. The fatal accident that occurred in 2008 was at the junction of Greetwell Road and Greetwell Fields, a junction which will be closed as part of the LEB Scheme. Analysis of historic accident data has not indicated any significant problems on Greetwell Road and this is not expected to change as a result of future traffic patterns predicted for this area. No safety audit of Greetwell Road is required because the Scheme will not change the nature of the highway.
- 7.32 The accident record for Kennel Lane shows 3 minor accidents on the 'S' bend over a five year period 2008 to 2013. Incidents which do not result in personal injury are not reported to the police and are not included on safety assessments of schemes. This practice enables meaningful comparisons of safety records.
- 7.33 There are no planned improvements to the existing traffic network outside of those contained within the Scheme's red line planning boundary. LCC as highway authority will monitor the conditions on all roads and take any remedial measures deemed necessary. LCC currently has proposals to resurface sections of Kennel Lane to address carriageway issues. Proposals to upgrade Greetwell Road will be assessed as part of the development proposals that may come forward in that location.
- 7.34 Impact on traffic flows. Drivers will continue to have a number of choices for making local movements and will be able to choose routes which are the most convenient for their journeys.
- 7.35 The traffic analysis demonstrates that the Scheme will result in a reduction of traffic on Hawthorn Road to the east and west of the line of the LEB, delivering a significant benefit to pedestrians and cyclists<sup>94</sup>.
- 7.36 Traffic flows on all approaches to the Hawthorn Road/Bunkers Hill junction are forecast to be significantly lower than in the Do Minimum situation, and also lower than with an alternative over bridge. Analysis using PICARDY (the industry standard software in the UK) has shown that queues at this junction will be very small even in the peak periods.

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<sup>94</sup> LCC/04/04 The 2017 2-way vehicular flows for Hawthorn Road east of the bypass for the Do Minimum and the Scheme, shown in brackets, are: AM peak hour 564 (501), Inter peak 361 (222), PM peak 449 (380). For west of the bypass the flows are: AM peak hour 766 (232), inter peak 532 (230); PM peak 554 (150)



- 7.37 The traffic model indicates that flows on Outer Circle Road for the AM and PM peaks in 2017 will be lower with the LEB than in the Do Minimum and with the Hawthorn Road over bridge alternative. For Monks Road, the Scheme and the over bridge alternative are forecast to give lower flows than the Do Minimum<sup>95</sup>.
- 7.38 Analysis does not indicate that two way traffic flows will increase on Kennel Lane with the LEB compared to the Do Minimum situation. Total two way traffic flows are forecast to reduce because the Scheme will deter rat running that currently occurs from Wragby Road via Kennel Lane and then Hawthorn Road or Fiskerton Road to areas in the eastern part of the city centre.
- 7.39 The operation of the Wragby Road / Kennel Lane junction has been assessed. The results for the existing AM and PM traffic flows demonstrate that currently the junction operates well within capacity with no significant queuing. This finding is consistent with the observations from the surveys undertaken in November 2013. It is accepted that as with most junctions higher queues can be observed at certain times but this is not a justification for asserting the junction is operating over capacity. To assess the operation of the junction in the future a worst case scenario was tested, assuming that all traffic diverted from Hawthorn Road would approach the junction on Kennel Lane. The results for the opening year 2017 Do Something case shows that the junction would operate well within its capacity and demonstrates that even under the worst case scenario changes in traffic flows are expected to have a minimal impact on the junction's operation. In the design year of 2032 the junction is forecast to operate within absolute capacity with up to 15 vehicles queuing on Kennel Lane. Being a worst case scenario this outcome is unlikely to occur<sup>96</sup>.
- 7.40 The traffic analysis has demonstrated that with the Scheme in place some journey times will be increased, while others are expected to decrease. Journeys between Cherry Willingham and the city centre will be able to take advantage of improvements in conditions in the City resulting in journey time savings.
- 7.41 Rat runs. The roads through the Carlton estate are residential in their nature and unsuitable for use by through traffic. Some of the traffic using Hawthorn Road and Carlton Boulevard will be attributable to local traffic movements. The traffic data also indicates that traffic travelling west along the A158 Wragby Road East towards Lincoln is using Kennel Lane, Hawthorn Road and Carlton Boulevard as a rat run into the city as a result

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<sup>95</sup> The traffic flows are detailed on pages 3 and 4 of LCC/PI/46. On Greetwell Road west of the line of the LEB 2017 AM and PM peak traffic flows are forecast to double with the Scheme. To the east of the line of the LEB, there would be little difference compared to the Do Minimum. The forecast flows with the over bridge show little significant difference to those with the Scheme.

<sup>96</sup> Dr Billington's evidence on this matter is stated in paragraphs 2.58 to 2.63 LCC/04/01 and Appendix D LCC/04/01.

of the existing congestion along the A15 into Lincoln. The left in left out junction will make these movements less attractive. The reduced traffic flows, resulting in reduced noise, improved air quality and safer conditions for pedestrians and cyclists, will benefit the residential areas around Hawthorn Road, St Augustine Road and Carlton Boulevard to the west of the line of the LEB.

- 7.42 The traffic data also indicates that some traffic approaching from the east on Wragby Road is using Kennel Lane, Hawthorn Road, Croft Lane, Fiskerton Road and Greetwell Road as a rat run into the city. Analysis using the traffic model indicates that the option of remaining on Wragby Road and then using the LEB will be more attractive than turning left onto Kennel Lane and rat running through Reepham and Cherry Willingham.
- 7.43 Greetwell Fields will be stopped up to vehicular traffic and therefore the issue of traffic being forced to use this route will not occur.
- 7.44 Effect on severance. An assessment of the social and distributional impacts of the LEB was completed in support of the BaFB Business case<sup>97</sup>. Severance was one of the aspects considered and the results were accepted by the DfT. As indirect effects the LEB would bring about the redistribution of traffic to more appropriate routes and reduce congestion within Lincoln. Pedestrian severance resulting from high levels of traffic would be reduced. The lower flows on Hawthorn Road and Carlton Boulevard will improve conditions for pedestrians and cyclists and ultimately reduce severance<sup>98</sup>. Traffic to and from the villages of Cherry Willingham and Reepham will have a variety of options including the use of Kennel Lane/Wragby Road, Croft Road/Fiskerton Road/Greetwell Road, and Hawthorn Road and the LEB. Drivers are anticipated to use the most convenient or quickest route for their particular journey and LCC is satisfied that local communities will not be isolated<sup>99</sup>.
- 7.45 The proposals will not directly impact on any scheduled regular local bus services because there are currently no scheduled services on Hawthorn Road between the Carlton estate and Cherry Willingham. The main bus operator in Lincoln, Stagecoach, indicated support for the scheme in 2011 on the basis of anticipated improvements in service reliability, journey times and efficiency. The weekly service to Tesco is expected to continue

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<sup>97</sup> CD/35 section 3.2 under Appraisal Summary (Social). An overall slight beneficial impact on severance was identified. Existing areas within the city centre were described as likely to experience a slight reduction in severance whilst the sites located close to the LEB would be likely to experience a moderate or slight negative impact. In view of the predominantly rural area around the LEB, a lower number of NMUs were expected to experience these impacts.

<sup>98</sup> LCC did not refer to the ES (CD/29) in their response. Chapter 15 assesses the effects on all travellers. The study area included Cherry Willingham. During the operational phase the impact assessment (community severance) for the village was moderate negative and major adverse for NMUs on Hawthorn Road (this was before the NMU bridge was incorporated into the Scheme).

<sup>99</sup> This analysis also formed the response to St Barnabas Lincolnshire Hospice LCC/PI/56.

with minor re-routing, provided the arrangement between Tesco and Stagecoach is maintained. Although some journeys by car will take longer other journey times will be reduced. No local bus service routes will be cut. Therefore it is not anticipated that the elderly will be disadvantaged when travelling to the city for shopping, health care and socialising.

- 7.46 The East Midlands Ambulance Service, Lincolnshire Police and Lincolnshire Fire and Rescue Service were all consulted on the scheme and provided letters of support for the 2011 Business Case<sup>100</sup>. The support was based on the contribution the scheme will make in reducing traffic collisions and improving response times. The Scheme has not changed significantly since then.
- 7.47 Effect on access to schools. The impact of the Scheme was not discussed directly with the schools. All school travel plans identify that congestion on the surrounding local roads, parking and road safety are key issues affecting safe access. The travel plans are committed to promoting sustainable alternatives to travelling by car, including walking and cycling<sup>101</sup>. The forecast reduction in traffic flows on Hawthorn Road will support the objectives of the travel plans by providing a safer environment, particularly in relation to walking and cycling. In addition the traffic reduction in the residential areas to the west of the line of the LEB will contribute to safety for children living in these areas.
- 7.48 Accessibility to the schools in Cherry Willingham and Reepham will not be detrimentally affected. Children from the Carlton estate walking or cycling to schools in Cherry Willingham will be able to cross the LEB using the NMU bridge and the lower traffic flows on Hawthorn Road will improve safety. There will remain a number of route options available to those travelling by car from the Lincoln direction. The left in left out junction will allow vehicles to continue to use Hawthorn Road to travel to the schools albeit via Bunkers Hill and the LEB. The option of Bunkers Hill/Wragby Road East and Kennel Lane will also be available. Both of these routes will maintain the link for car travel between the residential areas around the Carlton estate and the schools.
- 7.49 LCC's home to school transport policy sets out the distance criteria for the entitlement for provision of school transport<sup>102</sup>. In relation to Cherry Willingham Community School 146 children receive free school transport. The majority live in areas to the east of the Scheme and their travel will be unaffected by the LEB Hawthorn Road junction. No children on the Carlton

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<sup>100</sup> The responses are attached to LCC/PI/45.

<sup>101</sup> CD/40 provides survey information on the number of pedestrians and cyclists using the footpath/cyclepath on 2 days in November 2014. In the AM and PM peaks on 12 November the combined total was 43 pedestrians and 25 cyclists going east and 46 (20) going west. On 6 November the number of users was slightly less.

<sup>102</sup> The criteria are set out in paragraph 14 of LCC/PI/46.

estate have been identified as receiving free school transport and so those who travel by private car are considered to do so by choice. Of the 298 pupils that attend Cherry Willingham Primary School two children are entitled to free transport. No children are entitled to free transport to Reepham Primary School. Therefore the data indicates that the majority of pupils live within an acceptable walking distance of their designated schools and the majority of those who receive free school transport will not be affected by the Scheme.

- 7.50 Stagecoach expects the proposal for the Hawthorn Road junction to result in minor impacts on the routing of school bus services<sup>103</sup>.
- 7.51 Economic assessment. The process for undertaking the value for money assessment follows that set out by the DfT and includes COBA, TUBA and QUADRO assessments. The economic assessment includes the roads in areas and villages located to the east of the LEB and therefore all relevant costs and benefits are included. Disaggregating the benefits for the east villages would be contrary to DfT guidance.
- 7.52 Environmental assessment. The assessment of carbon benefits of the LEB has followed the mandatory process set out by the DfT. Dr Billington's evidence has demonstrated that the scheme will result in a carbon benefit of over £3.5m over the standard 60 year evaluation period.
- 7.53 The Hawthorn Road NMU bridge<sup>104</sup>. The NMU bridge has been designed to minimise the land take whilst providing a route that is most attractive to NMUs. The route passes over the LEB at a level grade to the surrounding area and does not require the provision of approach ramps. The route lands on the north side of Hawthorn Road to the east of the bypass and provision has been made to provide a safe connection with the existing cycle route on the south side of Hawthorn Road. The Scheme will result in a reduction in traffic on Hawthorn Road on the east and west side of the LEB<sup>105</sup>.
- 7.54 The Scheme will deliver improved safety and a significant benefit to pedestrians and cyclists who use Hawthorn Road, Carlton Boulevard and St Augustine Road, including children travelling to and from local schools. The

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<sup>103</sup> A copy of the Stagecoach response is attached to LCC/PI/45.

<sup>104</sup> CD/41A provides additional information of the proposal and an assessment of the planning application.

<sup>105</sup> The modelled 2 way vehicular flows for Hawthorn Road east are: 501 in the AM peak 2017, comprising 203 vehicles turning left out from the LEB and 298 turning left in to the LEB. In the PM peak 2017 the two way vehicle flow is 380 comprising 329 turning left out of the LEB and 51 turning left in to the LEB. The design year 2032 traffic flows show an increase to 590 in the AM peak and 400 in the PM peak (LCC/04/05). By comparison, the Do nothing traffic flows for 2017 are 564 in the AM peak and 449 in the PM peak; for 2032, 529 in the AM peak and 437 in the PM peak.

inclusion of an NMU bridge was supported at planning application stage by Cherry Willingham Community School.

- 7.55 Comparative costs. The value and benefit of an over bridge at Hawthorn Road was not considered to be sufficient to carry over this element into the BaFB scheme. The over bridge was removed as part of a package of measures to reduce the overall cost whilst still achieving the overall objectives of the LEB and a Scheme that is safe for all users.
- 7.56 The net cost saving for removing the road bridge from the dual carriageway scheme was £954,800, as estimated in the BaFB document of August 2011, which included for the addition of slip roads, street lighting and splitter island construction. This estimate is considered to be still valid. The current estimate for the NMU bridge is about £250,000, producing a net additional cost to the scheme of around £699,800 for the over bridge. The cost estimates are lump sum values based on current best practice and engineering experience available to LCC. The construction techniques for an over bridge suggested in Mr Lake's report as a means of reducing costs would not be appropriate<sup>106</sup>. The proposed simultaneous closure of Greetwell Road and Hawthorn Road, as put forward in the BaFD, will not be permitted, which would also reduce any gains from the alternative construction techniques suggested by Mr Lake. The lighting of the proposed left in left out junction will incur maintenance costs but these would be offset by the maintenance costs of the alternative over bridge.
- 7.57 Comparative flows. Comparing the two way flows on Hawthorn Road to the east of the line of the LEB there would be no significant difference between the forecast flows for the inter peak and PM peak periods in 2017 for the Scheme with the left in left out junction and the alternative over bridge. However, the model indicates that the Scheme would result in significantly lower flows than with the over bridge in the 2017 AM peak and 2032 AM, Inter Peak and PM periods. The Scheme offers a clear advantage for pedestrians and cyclists, including school children, using Hawthorn Road. In addition, traffic flows on Hawthorn Road at its junction with Bunkers Hill will be significantly lower with the proposed Hawthorn Road left in left out junction than with a Hawthorn Road over bridge and so delays at the junction will be lower.
- 7.58 Programme. Current funding arrangements require work to start on site before March 2015. An over bridge could not be brought forward within that timescale. An indicative programme shows a minimum of 22 months from a decision on the current Scheme to the end of the objection period of a new CPO<sup>107</sup>.
- 7.59 **Mr Darcel.** On 6 March 2013 West Lindsey District Council considered a

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<sup>106</sup> A detailed explanation is provided at paragraph 23 of LCC/PI/46.

<sup>107</sup> The indicative programme is attached to LCC/PI/46.

report on the LEB. The minute of the Committee meeting confirms that the Council supported the proposal<sup>108</sup>.

- 7.60 The LEB is a major element of the LITS. The LEB will provide traffic relief to the centre of Lincoln as well as direct benefits in its own right, which could not be delivered by improving local junctions in isolation.
- 7.61 **Tim Walton.** As part of the EIA an assessment of land use, community and private assets was completed. The loss of property value was not a material consideration for the planning application<sup>109</sup>.
- 7.62 **Reverend M Mason and Mrs S Mason.** Whilst Hawthorn Road currently appears to be strategically important locally, the evidence of Dr Billington suggests that the stopping up of the route to and from the west would not have a significant impact on the rest of the local network as diverted traffic would be evenly distributed around the alternative routes. The Transport Assessment concluded that there will be no significant negative impacts on the existing traffic network within Lincoln.
- 7.63 **Reverend M Roe.** Access to Tesco on Wragby Road and the Carlton Centre<sup>110</sup> for residents of the Carlton estate will be easier because traffic flows on all arms of the Hawthorn Road and Bunkers Hill junction will be lower with the LEB and LILO junction. Delays at this junction will be reduced by approximately 2 minutes. For residents of Cherry Willingham and Reepham journey times to these facilities will be increased by between approximately 2 and 5 minutes depending on the time of day.
- 7.64 The Transport Assessment concluded that the change in traffic flows through the junction of Greetwell Road with Allenby Road and Outer Circle Road, and on Outer Circle Road is not expected to result in any significant additional queuing.
- 7.65 **Lincolnshire Cyclists Touring Club (OBJ 03).** In reality the objections are to the planning permission, not the SRO. The same objections were fully considered at the time of the planning application for the LEB<sup>111</sup>. The level of provision for the cyclist in the LEB is to be admired.

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<sup>108</sup> LCC/PI/25 paragraph 1

<sup>109</sup> The response to all Mr Walton's questions are provided in LCC/PI/57. The answers are not reported in detail because they address points of clarification, not objections. Other matters are covered elsewhere in the response to the Hawthorn Road proposal. A similar approach has been followed to the list of questions submitted by Louise Carder – see LCC/PI/45.

<sup>110</sup> LCC/PI/20 includes a location plan of these facilities.

<sup>111</sup> Mr Townhill accepted this in his evidence at the Inquiry and confirmed that he has raised the matters over a number of years - see CD/30 as reported on page 50. The officer's assessment is at paragraph 54 page 59.

- 7.66 The Hawthorn Road NMU bridge will provide a safe crossing of the LEB and maintain the cycling and pedestrian link along Hawthorn Road. The NMU bridge also will negate the need for pedestrians to cross at the Wragby Road roundabout.
- 7.67 The Scheme also includes NMU crossing points along each section of the LEB. Under the SRO cyclists and walkers would be able to access Greetwell Fields along a new bridleway provided to the east of the bypass from the junction with Hawthorn Road. The bridleway continues towards Greetwell Road. At Washingborough Road, access will be possible from the NMU route to the Sustrans route, which provides a safe east west link into Lincoln. The NMU route will have a link to Heighington Road. In addition a footway/cycleway is included as part of the Heighington Road over bridge design that would allow NMUs to continue to use Heighington Road without the need to cross the LEB at grade. Safe crossing facilities over the LEB and around the junction with the A15 will be provided by a footbridge.
- 7.68 **Mr Stratford and Mrs Stratford.** The Scheme has been designed to ensure that any severance caused by the LEB is minimised and mitigated against. As such the design includes a number of footbridges and crossing points along each section of the LEB to enable cyclists and pedestrians to cross the scheme safely. These include the Hawthorn Road NMU bridge, the Greetwell Road footbridge, the Lincoln Road subway and the Bloxholm Lane footbridge.
- 7.69 Safe crossing facilities have been provided on all NMU routes including radial routes in accordance with current standards taking into account the findings of the NMU assessment as detailed in the ES accompanying the planning application<sup>112</sup>.
- 7.70 Greetwell Fields is a Greenway route running between Hawthorn Road and Greetwell Road that has been identified as a greenway/quiet road in the Lincoln Greenways Strategy. Its use extends to equestrians, cyclists and ramblers. With the bypass the through route will no longer be available to vehicles as they will be diverted along the bypass. The proposal now is to extend the new highway for use by NMU's to connect Hawthorn Road with Greetwell Road.

### **Mr Stratford, Mrs Stratford, The Rambler's (Lincoln Group)**

- 7.71 A modification is proposed to the SRO in order that Footpath 140 will not be stopped up to the east of the bypass. A connection will be provided to the NMU route along the bypass.

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<sup>112</sup> In the Stage 1 safety audit (LCC/03/01) the only point raised was the need to ensure large enough refuge islands for pedestrians and cyclists to harbour in when crossing at roundabouts. The response was that refuge islands are intended.

- 7.72 **Sustrans** (OBJ 77). The temporary closure of the Sustrans cycle route is essential to allow construction of the River Witham Bridge and the South Delph NMU Bridge. LCC will liaise with the contractor to ensure the temporary closures will be minimised and alternative routes signed. The proposed NMU crossing points have been designed in accordance with national design standards in the DMRB. The use of refuge islands are a safe method of crossing the carriageway. Discussions will be held with representatives of Sustrans to clarify the scheme layout, NMU crossing layouts and proposed speed limits.

## **Alternatives**

- 7.73 The Alternatives are a number of suggestions to address specific matters within the approved Scheme. The test to apply is to see how far the Alternative meets the requirements of the planning permission as granted<sup>113</sup>. LCC has appraised each Alternative in terms of engineering and buildability, environmental impacts, traffic, safety and economics, and land requirements<sup>114</sup>.

### **Alternative 1**

- 7.74 The structure would generally be in accordance with that in the dual carriageway scheme. The road bridge would be a flatter structure and have marginally less visual impact than the NMU bridge. More noise and pollution would result to the Carlton development.
- 7.75 Some journeys to and from Cherry Willingham and Reepham would be shorter and quicker and some would be longer and slower. Considering only the traffic associated with Cherry Willingham and Reepham, the over bridge would deliver a saving of less than 2% in vehicle kms travelled in all time periods considered and a saving of up to 6% in vehicle hours spent travelling. These savings equate to an average of 0.2 km per vehicle trip and just over 1 minute per vehicle trip in peak periods. When considering all traffic in the Lincoln area, the differences in journey times and distances travelled are negligible when compared to the Scheme. No discernible difference would be made to the benefits in the cost benefit analysis.
- 7.76 Additional traffic would be attracted through the Carlton development, increasing rat running traffic flows on Hawthorn Road to the west of the LEB, St Augustine Road and Carlton Boulevard. This would have a negative impact on the residents of the Carlton estate in terms of noise, air quality and safety. The Alternative would attract higher flows on Hawthorn Road to the east of the LEB in the AM peak, increasing the safety risk for

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<sup>113</sup> LCC's approach to consideration of the Alternatives is set out in full in LCC/PI/01 paragraphs 15-20.

<sup>114</sup> The Appraisals are submitted as LCC/PI/26 to LCC/PI/33.



pedestrians and cyclists, including school children<sup>115</sup>.

- 7.77 Additional land probably would be required. Public open space may be affected, which would require approval from the Secretary of State. A new CPO, an alteration to the SRO and a new planning permission would be required. The programme would be delayed. There would be a potential delay in the procurement process. The removal of the junction would mean less street lighting would be required. A bridge would cost about £1m and there may be additional costs due to an extension to the construction programme. Any delay could result in the loss of Government funding.
- 7.78 In conclusion, there is no advantage in traffic terms over the Scheme beyond some very limited opportunities for motorised movements between residential areas close to the LEB and villages to the east. In all other respects the advantages offered by the current proposal, relating to the reduction of traffic, better environmental conditions and cost, are reduced or negated by provision of an over bridge. The Alternative does not provide any advantages that justify it being investigated further.

### **Alternative 2**

- 7.79 This Alternative requires the realignment of the A158 and Greetwell Lane, the replacement of a large culvert under Wragby Road East and significant traffic management during construction.
- 7.80 Environmental impacts include greater severance of farmland and the severance of Footpath 140. Ecological or archaeological mitigation may be required.
- 7.81 The direct access to the bypass at Hawthorn Road would be removed for southbound traffic. An additional 5<sup>th</sup> leg on the roundabout is likely to reduce operational efficiency and generate additional queues. The diverted Hawthorn Road approach would carry lower flows than the other approaches and as it will be giving way to all the movements on the LEB there will be fewer opportunities for this traffic to join the circulation on the roundabout. Accident frequencies are likely to increase. Some journeys to and from Cherry Willingham and Reepham may be shorter and quicker and some may be longer and slower, depending on the precise origin and destination. When considering all traffic in the Lincoln area, the differences in journey times and distances travelled would be negligible when compared to the Scheme. No discernible difference would be made to the benefits in the cost benefit analysis. The NMU bridge potentially still would be required.
- 7.82 Significant additional land would be required. The need for a new CPO, SRO and a new planning permission would significantly extend the

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<sup>115</sup> LCC/04/04 shows flows for the Do Minimum, the Scheme and the over bridge.

programme. The level of change would require a restart of the current procurement process. The approximate cost is £2.5m. The delay and the difficulty in justifying the Alternative could result in failure to receive any DfT funding.

- 7.83 In conclusion, the Alternative caters for a limited number of movements, all of which have reasonable alternatives under the current proposals. The Alternative does not provide any advantages that justify it being investigated further.

### **Alternative 3**

- 7.84 This Alternative requires the realignment of the A158 and Greetwell Lane, the replacement of a large culvert under Wragby Road East and major works on the A158 and significant traffic management during construction. The NMU bridge potentially still would be required.
- 7.85 Environmental impacts include greater severance of farmland and the severance of Footpath 140. Ecological or archaeological mitigation may be required.
- 7.86 There would be a new point of delay for traffic travelling in both directions on Hawthorn Road and direct access to the bypass at Hawthorn Road would be removed for southbound traffic. An additional NMU crossing at the roundabout would be necessary. Some journeys to and from Cherry Willingham and Reepham would be shorter and quicker and some would be longer and slower. When considering all traffic in the Lincoln area, the differences in journey times and distances travelled would be negligible when compared to the Scheme. No discernible difference would be made to the benefits in the cost benefit analysis.
- 7.87 A number of properties would be affected near Greetwell Lane junction and significant additional land would be required. A new CPO, SRO and a new planning permission would be required, thereby significantly extending the programme. The approximate cost is £3.5m. The delay and the difficulty in justifying the Alternative could result in failure to receive any DfT funding.
- 7.88 In conclusion, the Alternative caters for a limited number of movements all of which have reasonable alternatives under the current proposals. The Alternative does not provide any advantages that justify it being investigated further.

### **Alternative 4**

- 7.89 Vertical realignment of the LEB would be required to achieve a junction approximately level with Hawthorn Road. There would be a greater impact on statutory undertakers at this location. Noise impacts would increase on properties adjacent to the LEB.

- 7.90 This arrangement would maintain a direct link between Cherry Willingham and Reepham and the Carlton estate via Hawthorn Road, whilst also allowing direct access to the LEB from the east and west. Traffic from the villages to the east of the LEB would also be able to continue using the local roads in the Carlton estate and Carlton Boulevard with negative safety and environmental impacts on residents in those areas. The additional roundabout would be very close to the Wragby Road roundabout, increasing the risk of collisions. An extra intersection also would add to delay and overall transport costs and increase accident risk. St Augustine Road junction would be very close to the roundabout, requiring consideration of its diversion to form an additional leg. There is no specific rule regarding minimum distances between roundabouts, but LCC has to make engineering judgements based upon cost, increased accidents and increased journey times as a result of queuing.
- 7.91 Extensive additional land would be required, including acquisition of some public open space. A new CPO, SRO and planning permission would be necessary, plus a restart of the current procurement process. This would delay the programme. The approximate cost is £3.5m. The Alternative would be difficult to justify, which could result in failure to receive any DfT funding.
- 7.92 In conclusion, the Alternative caters for a limited number of movements, all of which have reasonable alternatives under the current proposals. The Alternative does not provide any advantages that justify it being investigated further.

### **Alternative 5**

- 7.93 The higher level of the LEB at this location would require the crossing to have ramps, with associated earthworks. A longer span structure would be required to achieve connection. The bridge would have greater prominence in the landscape.
- 7.94 There would be no significant traffic implications. Better access would be provided to the Hawthorn Road NMU route, although ramps would be less attractive for users. No additional land would be required<sup>116</sup> but a new SRO and planning application would be necessary, possibly delaying the programme. There would be minimal impact on the procurement process. The additional cost would be some £200,000.
- 7.95 The reduction in traffic on Hawthorn Road means this Alternative is not required and therefore it does not provide any advantages that justify investigating it further.

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<sup>116</sup> When the planning application was considered the creation of ramps was thought to require the acquisition of additional land – CD/41A page 141 paragraph 15.

## **Alternative 7**

- 7.96 The proposal spans the LEB at a moderate angle of skew adding to complexity and cost. Bloxholm Lane would have to be realigned to accommodate the difference in levels including the tie-in with the accesses to Manor Farm and Westfield Farm. There would be a neutral effect on traffic and safety due to the removal of the fourth arm to the roundabout.
- 7.97 The graded approaches would result in increased traffic noise and air pollution and the lengthened approach ramps would increase the visual impact. There may be an adverse effect on the setting of the listed building Manor Farm. Additional land would be required from Westfield Farm to accommodate regrading of the access. There potentially would be implications for possible future development of land behind Manor Farm and the proposed PMA to Canwick Manor Farm.
- 7.98 The Alternative would require a new CPO and SRO and a new planning application, thereby leading to delays of the programme. Any delay to the programme could result in the loss of central Government funding. The net additional cost would be approximately £0.75m.
- 7.99 The additional cost is not justified as the majority of farm traffic accesses and egresses Manor Farm from the current entrance on the A15. The Alternative, when compared to Scheme, does not provide any advantages that justify investigating it further.

## **Additional proposals<sup>117</sup>**

- 7.100 These were not considered as Alternatives because they are suggested mitigation as a result of the Scheme. More specifically:
- a. There is no funding available for a dual carriageway.
  - b. A roundabout at Bunkers Hill would be costly and is not required because the traffic flows in the area are expected to reduce as a result of the Scheme, making it easier to enter and exit Hawthorn Road. The same comments apply to a signalised junction at Bunkers Hill.
  - c. Traffic management measures on Fiskerton Road are not needed because traffic flows in the area are not expected to increase considerably.
  - d. Improvements to Greetwell Road are not part of the Scheme and would require separate CPO/SRO and planning permission. The suggestion would be costly because significant earthworks would be required.

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<sup>117</sup> LCC/PI/33A

## **8 INSPECTOR'S CONCLUSIONS**

### **Introduction**

- 8.1 The conclusions are based on a full and careful consideration of the evidence presented at the Inquiry and all the submissions and representations. I also have had due regard to the public sector equality duty under the Equality Act 2010 and the relevant provisions of the Human Rights Act 1998. The reference to earlier paragraphs, where appropriate, is given in square brackets [].
- 8.2 As a preliminary matter, I comment on the objections to the consultation on the planning application for the LEB. I then set out what, in my view, are the main considerations on which the decision on each Order should be based, with particular reference to the statutory tests. I deal first with the merits of the Scheme in so far as it is necessary for the purposes of the CPO. The Bridge Scheme is then assessed against the relevant statutory criteria. The following sections address the statutory and non-statutory objections, focusing on the unresolved issues related to the CPO, the proposed stopping up of Hawthorn Road and the adequacy of cyclist and pedestrian facilities. The objectors' Alternatives are considered. The final sections conclude on the proposed Modifications and the Orders, leading to recommendations on each of the Orders.
- 8.3 The matters of law raised in relation to the consultation and in objections to the CPO are for the Secretary of State to decide. My observations are with a view to assisting the decision-maker.

### **Consultation on the planning application**

- 8.4 A planning application for the construction of a single carriageway bypass was submitted in December 2012. LCC, as the relevant planning authority, was the body responsible for processing and carrying out the necessary notification and consultation on the application in accordance with the Town and Country Planning General Regulations 1992. Planning permission, subject to conditions, was granted by LCC on 10 June 2013. LCC has confirmed that the planning application was processed in accordance with current Council procedures and statutory requirements. In its opinion a lawful planning permission exists. [3.5-3.7, 7.13-7.15]
- 8.5 There are no third party rights of appeal against the permission. To the best of my knowledge no legal challenge was made to the validity of the decision or the planning permission. The time period for doing so has expired. In these circumstances a planning permission for the construction of the LEB is in place. The adequacy of the consultation process carried out on the planning application or the validity of the planning permission are not matters before the Secretary of State in deciding whether to confirm the Bridge Scheme, the SRO and the CPO. Therefore consideration of the matters raised by objectors is not necessary or appropriate. The fact that

there is a planning permission in place does not pre-determine the decisions the Secretary of State must make on the Orders. [3.7, 5.23-5.25]

### **The tests for making the Orders.**

- 8.6 The main considerations are derived from the statutory provisions set out in the relevant section(s) of the 1980 Act and, in the case of the CPO, the guidance in ODPM Circular 06/2004 Compulsory Purchase and the Crichel Down Rules<sup>118</sup>.

#### *The Bridge Scheme*

- 8.7 The construction of a bridge over navigable waters requires consideration of (a) whether all the necessary plans and specifications have been provided to indicate the position and dimensions of the proposed bridge including its spans, headways and waterways, and (b) whether the reasonable requirements of navigation over the waters affected by the scheme have been accommodated (section 107(1) and (2)).

#### *The Side Roads Order*

- 8.8 The 1980 Act (sections 14 and 125) requires that:

- Before any highway is stopped up another reasonably convenient route shall be available or will be provided.
- No Order for the stopping up of a PMA shall be made unless either no access to the premises is reasonably required, or another reasonably convenient means of access to the premises is available or will be provided.
- Provision shall be made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs affected by the scheme.

#### *Compulsory Purchase Order*

- 8.9 A CPO should only be made where there is a compelling case in the public interest and the purposes for making the Order sufficiently justify the interference with the human rights of those with an interest in the land affected. The Human Rights Act 1998 reinforces that basic requirement. The acquiring authority shall have a clear idea of how it intends to use the land it seeks to acquire, show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale, the acquisition would not be premature and that the scheme is unlikely to be blocked by any impediment to its implementation.

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<sup>118</sup> I note the Circular was not cancelled by the launch of the Planning Practice Guidance Suite on 6 March 2014.

## The LEB Scheme

- 8.10 The LEB is a key priority for Lincoln to relieve existing congestion, improve environmental quality in the city, reduce accidents and to enable future residential and economic growth. The essential need for the infrastructure project is identified by the development plan, LITS and the 4<sup>th</sup> Lincolnshire Local Transport Plan. The local authorities, including West Lindsey District Council, and the business community fully support the Scheme. The Parish Councils and residents objecting to the Hawthorn Road element confirmed their support for the LEB and the wider benefits it would bring to the area. The economic assessment was carried out fully in accordance with the accepted methodologies and demonstrates high value for money, primarily as a result of journey time savings. There is a compelling case for the Scheme to proceed. [3.6, 3.11-3.16, 3.23, 3.46, 3.53, 4.1, 4.2, 5.26, 5.29, 5.43, 5.49, 5.55, 5.59, 5.75, 5.76, 7.51, 7.59]
- 8.11 The single carriageway Scheme has been through a rigorous process to secure an efficient engineering design without reducing its effectiveness in achieving the stated objectives. The elements of future proofing have been highlighted and land acquisition fully justified with a view to securing a sustainable approach towards infrastructure provision now and in the long term. [3.1-3.4, 3.18, 3.20, 3.46-3.49, 5.40, 5.75, 5.80, 5.89, 7.25, 7.26]
- 8.12 The necessary planning permissions exist for the LEB to be implemented. Funding is currently in place and an early start on site is necessary to secure Government funding, which amounts to around 50% of the overall cost. [3.9, 3.55, 3.56]

## The Bridge Scheme

- 8.13 The existing road network is constrained by the limited provision for vehicles to cross the River Witham. The route of the LEB requires a crossing to be constructed over the River and adjacent watercourses. [2.3, 3.12, 3.15, 3.25]
- 8.14 The design of the structure has ensured that the spans and clear height are sufficient to cater for existing usage. All the relevant responsible authorities – the Environment Agency, the Canal and River Trust and the District Internal Drainage Boards – have confirmed that they have no objections to the Bridge Scheme. No objections have been received from any other party. The absence of objection confirms that the reasonable requirements of navigation over the waters affected by the Scheme have been accommodated. [3.24, 3.26, 3.28]
- 8.15 The plan attached to the Order indicates the position and dimensions of the proposed bridge, although the plan fails to identify all the points of reference and watercourses referred to in the Schedule. These minor matters do not fundamentally change the proposed structure and may be corrected through modifications to the Order. [3.59-3.62]

## **Statutory Objections to the CPO and SRO**

### ***The Church Commissioners for England (OBJ 21) and Mr J Ward (OBJ 15)***

- 8.16 These objections raise similar matters in respect of the CPO and therefore I will deal with them together. LCC has clearly identified the areas of land that will be required for temporary purposes, such as topsoil storage and site compounds. The landowners and the tenant farmer have challenged the need to compulsorily purchase the land in such circumstances and have raised legitimate concerns about the condition and the potential loss of the land to farming in the longer term. [3.48, 5.3, 5.7, 5.8]
- 8.17 The enabling powers for the acquisition of land in connection with the construction and improvement of a classified road, including PMAs, are contained in the 1980 Act. LCC as the acquiring authority has a clear idea of how it intends to use the land and has justified why the land is required in order for the Scheme to proceed. The only way to ensure the land is available is to include it within the CPO, otherwise there would be an impediment to implementation. [3.51, 3.52, 5.3, 5.7, 7.1-7.2]
- 8.18 Circular 06/2004 advises that compulsory purchase is intended as a last resort in the event that attempts to acquire by agreement should fail. LCC has confirmed that the inclusion of the objectors' land in the CPO is a contingency measure and that it will not seek to implement the CPO provided a mutually agreeable contract is concluded. This approach is in accordance with the advice in the Circular. LCC's undertaking to return the land in a condition similar to that when acquired is a reasonable and necessary safeguard to protect the resource. [3.50, 3.51, 7.3]
- 8.19 In conclusion, the Plots in question are rightly included in the CPO. The undertakings provide assurances to protect the interests of the landowner and the tenant farmer.
- 8.20 The CPO provides for new rights to be purchased compulsorily over Plot 2/3A in order to permanently regrade the land. LCC has provided an undertaking that provides the assurances sought by the landowners. More particularly in response to Mr Ward's objection, LCC has undertaken to make all reasonable efforts to investigate and secure the ability to deposit some of the material elsewhere. In addition, the current quality of the agricultural land should be maintained through a specification for the treatment of the land. On this basis, the objections have been adequately addressed. [3.47, 5.4, 5.8, 7.3, 7.5]
- 8.21 The objections in relation to access at St John's Farm, Bracebridge Heath have been answered by LCC's proposed modification to the SRO and the undertaking to liaise with the Church Commissioners during design development. [3.76, 3.79 ii, 5.5, 7.4]
- 8.22 Mr Ward's objection in respect of access to an area of his farm land has



been dealt with by the inclusion of a new PMA in the SRO and by the provision of details of accommodation works. LCC also has adequately explained that drainage works will not result in land severance and that the water main diversion will be to water industry standards. [5.9-5.11, 7.6]

**Robert Nelstrop Farms Ltd** (OBJ 49)

- 8.23 The route of the LEB necessarily involves the severance of the farm access road between Canwick Manor Farm and Westfield Farm. A modification proposed to the SRO would result in a new PMA. Even though it would be longer, Mr Nelstrop agreed at the Inquiry it would be a sensible route. A reasonably convenient means of access to the premises will be provided. [3.77, 3.79 iv, 5.12, 5.13, 7.7]
- 8.24 Pollution of the water supply to the farm would have serious consequences for the farm business. However, the risk of such an event would be slight given the ground conditions and surface water drainage proposals. [5.14, 7.8]

**Flintham and Scoley Ltd** (OBJ 48)

- 8.25 There is compelling evidence on the need for the LEB and substantial support for the infrastructure project, including from the business community. The effect on Mr Scoley's farm business is a matter for consideration through the compensation regime. [3.57, 5.15, 7.9]
- 8.26 As stated in paragraph 8.23 above, provision is now being made for a new access track to serve Mr Nelstrop's farm. The proposed route parallel to the bypass would enable the track to be accommodated within the currently proposed land take and no additional loss of land would be necessary. [3.77, 5.15, 7.9]
- 8.27 The proposals in the CPO and SRO for the junction at Bloxholm Lane are consistent with the design granted planning permission and no more land will be acquired than is necessary to implement the Scheme. The effect of the proposed alignment of Bloxholm Lane on the farming business is more appropriately dealt with through the compensation process. [5.15, 7.9]
- 8.28 Therefore there is no deficiency in the Scheme for the Bloxholm Lane intersection. The road bridge put forward as Alternative 7 would raise engineering complexities, in part linked to levels. The structure would require graded approaches and result in more environmental harm through visual impact. The additional costs, including the cost associated with delay of the Scheme, would be considerable. Alternative 7 would not offer any material advantage over the Scheme and should not be investigated further. [5.16, 6.18, 6.19, 7.96-7.99]

### **Written statutory objections**

- 8.29 **Jesus College Oxford** (OBJ 07). LCC has provided an undertaking that seeks to address the outstanding concerns of the landowner on the accommodation works. At the close of the Inquiry the objection had not been formally withdrawn but it may be reasonably concluded that the issue has been satisfactorily resolved. [5.17, 7.10]
- 8.30 **National Grid** (OBJ 02). The objection related to a lack of detail of the plant diversions necessitated by the project. It is reasonable to expect that any lack of detail would be addressed as detailed design work progresses. LCC has provided assurances that the necessary diversion work would be carried out to the required standard and the apparatus safeguarded. [5.18, 7.11]
- 8.31 **Anglian Water** has an extensive area of operational land on Washingborough Road. LCC has provided details of accommodation works and confirmed that measures are in hand to ensure adequate boundary treatment and the maintenance of all private means of access throughout the life of the project. [2.3, 5.19, 7.12]
- 8.32 Network Rail, the landowners Greetwell Developments Ltd and Mrs Seelig have withdrawn their objections. [5.20 - 5.22]

### **Conclusion**

- 8.33 The statutory objections associated with land ownership, farming businesses and statutory undertakings are either not justified, have been resolved or will be adequately addressed through detailed design work and implementation of the project.

### **The stopping up of Hawthorn Road**

- 8.34 The following conclusions address the objections made by Reepham Parish Council, Cherry Willingham Parish Council and everyone who spoke at the Inquiry on the issue, as well as all relevant written objections on the subject.

#### *Hawthorn Road*

- 8.35 To the west of the villages of Reepham and Cherry Willingham, Hawthorn Road follows a route through an area of countryside to the south of the A158 Wragby Road. The road is relatively straight with good visibility. Minor junctions occur to serve a pocket of housing that lies outside the main built-up area of the village. A footway/cycleway is on the south side of the highway separate from the vehicle carriageway. The north side of the road is bounded by a grass verge and hedgerow. Towards its western end Hawthorn Road enters a residential area on the edge of Lincoln, where there are footways on both sides of the highway. At a T junction the road

connects with Bunkers Hill, a main radial road serving the city. At the junction congestion occurs in the peak hours. By reason of its characteristics Hawthorn Road is a direct, convenient and safe link connecting Lincoln with the villages to the east. [5.27, 5.35, 5.36, 5.56, 5.59, 5.67, 5.84]

- 8.36 The role of Hawthorn Road in serving the villages probably has strengthened following the development within Lincoln of the Carlton Centre with its range of shops and facilities including health services. Similarly, the growth of the housing on the Carlton estate has led to its use to access the schools and associated activities in the villages. The Parish Councils and many others have drawn attention to the reliance on the road by the elderly people living in the villages. Its important role in serving St Barnabas Hospice has been highlighted too. Consequently the facilities and land uses on and around Hawthorn Road encourage its use by the more vulnerable members of the community. [5.27, 5.36, 5.46, 5.56, 5.57, 5.60, 5.65, 5.69, 5.78]
- 8.37 There is evidence that Hawthorn Road is used as a short cut into the city, which adds to the local traffic on the residential roads on the Carlton estate, such as St Augustine Road and Carlton Boulevard. [3.40, 4.4, 5.35, 5.37, 5.48, 5.94, 7.41, 7.42]

### *The proposal*

- 8.38 The scheme for an eastern bypass granted planning permission in 2010 included a bridge to carry Hawthorn Road over the bypass. The current Scheme has a left in left out junction on the eastern side of the bypass and Hawthorn Road would be stopped up to the west of the bypass. This documented and reported change to the junction arrangement was one of a number of significant changes made to the LEB scheme through the design review process in order to reduce the overall cost. Following the planning permission granted in January 2014, an NMU bridge is also to be provided. [3.2, 3.4, 3.8, 3.31, 7.14, 7.55]
- 8.39 In order for the stopping up of Hawthorn Road to be acceptable under the terms of the 1980 Act 'a reasonably convenient route shall be available or will be provided'. To be convenient, a route has to be suitable for the needs and purposes of all types of user, which requires consideration of journey length, time and safety. The exact same level of convenience need not be demonstrated. Under the public sector equality duty due regard has to be given to the need to advance equality of opportunity, which in this case applies particularly to those who may be disadvantaged by reason of age and disability<sup>119</sup>. [3.42, 5.51]

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<sup>119</sup> Section 149 of the Equality Act 2010

### *Traffic forecasts*

- 8.40 There was a lot of descriptive evidence from objectors about existing conditions on the highway network and a number of places were identified where people experience congestion and queuing. There were concerns that the stopping up of Hawthorn Road would make existing problems worse, residents would have longer journeys and incur extra costs to get about and the number of accidents would increase. However, the LEB would result in changes to travel patterns and traffic flows on the highway network and existing conditions do not necessarily provide a reliable guide for assessment of conditions in the future with the Scheme in place. [5.30, 5.32, 5.33, 5.38, 5.59, 5.64, 5.65, 5.77, 5.79, 5.80, 5.83, 5.84, 5.86-5.88]
- 8.41 The traffic forecasts by LCC for the opening and design years have been produced in accordance with national guidance, using accepted modelling techniques and software. The traffic model is based on comprehensive and updated survey information. The validation process confirmed the model's reliability. Future development proposals have been taken into account in forecasting traffic conditions, again in accordance with national guidance. Therefore the traffic data and analysis produced by LCC provide the best available information for the assessment of the suitability of the alternative routes on such issues as queue length and performance of the junctions, the operation of the LEB and the wider highway network. [3.17, 3.39, 5.35, 5.72, 7.16-7.21]

### *Assessment of alternative routes for motor vehicles*

- 8.42 A number of alternative routes were identified. The choice of route for local journeys would be influenced by a number of factors but the probability is that for most people travelling by car the alternative would involve use of either Kennel Lane/Wragby Road, or Greetwell Road or the bypass. Use of the Bunkers Hill/Hawthorn Road junction to turn onto the A158 is most likely to be used by residents on the Carlton estate. [3.38, 5.52, 5.65, 5.74]
- 8.43 Kennel Lane provides a link between Reepham and Cherry Willingham and the A158 Wragby Road. The character of the highway is different to Hawthorn Road in terms of gradient and alignment. In particular there is an 'S' bend, where incidents occur as described by the local community. The junction at the northern end onto the A158 is outside the settlements, has good visibility and a dedicated right turn waiting area to assist in turning off the major highway. The southern end of Kennel Lane forms part of the village of Reepham. Near the junction with Hawthorn Road there is frontage housing, on street parking and a bus stop. The accident record does not support the objectors' view that Kennel Lane is unsafe. The unreported damage only incidents have little weight as an indicator of safety because of the lack of independent corroboration and the need to have consistency in assessment. At the junction with the A158 queues occur to a varying degree dependent on the time of day and year. However, traffic analysis shows that the junction currently operates within capacity. With the LEB scheme in place the junction is forecast to operate well within its capacity in 2017. In 2032 a significant amount of queuing is

- forecast with the junction operating at its absolute capacity but that represents a worst case scenario. [5.30, 5.38, 5.52, 5.72, 5.77, 5.87, 5.88, 7.30, 7.32, 7.39]
- 8.44 The A158 Wragby Road is a different type of road to Hawthorn Road, a strategic route carrying a large volume of traffic and a route to the east coast. Between Kennel Lane and the edge of Lincoln, it is straight, has good visibility and a limited number of junctions. Interrogation of the accident record does not indicate a particular safety problem. The approach to the Wragby Road roundabout is not forecast to suffer from significant queuing. [3.18, 5.30, 5.32, 5.77, 5.84, 7.24, 7.30]
- 8.45 Greetwell Road is a radial route that connects to the city further to the south. The character of the highway is different to Hawthorn Road due to undulations and changes in gradient and the variation in alignment. There is scope for localised improvements but the accident record does not indicate any particular safety issues. The closure of the junction with Greetwell Fields as part of the Scheme would be of benefit. The traffic flows are forecast to significantly increase west of the line of the LEB. However, Greetwell roundabout is forecast to operate effectively in 2032 and no significant queuing is forecast to occur where Greetwell Road links with Allenby Road and Outer Circle Road. Traffic flows are anticipated to be lower on Outer Circle Road, a further benefit resulting from the LEB. [3.18, 5.33, 5.38, 5.84, 7.23, 7.31, 7.37, 7.43, 7.64]
- 8.46 In wintry conditions, local knowledge is that Kennel Lane and Greetwell Road/Fiskerton Road are more adversely affected than Hawthorn Road. This opinion is not accepted by the highway authority. I note that it was not a reason listed for signing the petition, although the list included the use of Hawthorn Road as a safety valve when Wragby Road is closed due to accidents. Moreover, there is no actual data that analyses the link between weather conditions and occurrence of road closures. The straight and level characteristics of Hawthorn Road may be an advantage in icy or snowy conditions but all roads would require suitable treatment to mitigate hazards. I consider that this matter has little weight in assessing the reasonable convenience of alternative routes. [3.41, 5.33, 5.60, 5.84, 7.30]
- 8.47 Some alternative routes would require the use of the bypass and more specifically the left in left out junction at Hawthorn Road. The principle of using such a junction type is consistent with DMRB advice and the junction design has incorporated features to respond to the initial concerns identified in the Stage 1 safety audit. There are no grounds to consider the incorporation of a left in left out junction at Hawthorn Road would be unsafe. No significant queues are forecast. [3.19, 3.31, 5.31, 5.41, 5.72, 7.26, 7.29]
- 8.48 Another concern is that local traffic would be forced to use and add to the traffic on a single carriageway road that would be functioning at over-capacity in any event. This objection calls into question a fundamental design principle of the LEB but the underlying point raised has relevance for the assessment of alternative routes. The forecast flows on the LEB are

relatively high for a single carriageway semi-rural bypass but LCC has explained how the roundabouts have been designed to provide the necessary capacity to accommodate flows and minimise delays. There are no grounds to exclude the bypass from future route options for people affected by the stopping up of Hawthorn Road. [3.18, 5.40, 5.50, 5.70, 5.72, 7.25]

- 8.49 The right turn from Hawthorn Road onto Bunkers Hill has been highlighted as an existing problem. With the Scheme in place traffic flows are forecast to reduce both on Hawthorn Road and Bunkers Hill, resulting in an improvement for all users. [5.35, 5.65, 7.35, 7.36]
- 8.50 I conclude that the inherent physical characteristics and the traffic conditions of Kennel Lane, Greetwell Road and the bypass would be suitable for these roads to form part of safe alternative routes to the use of Hawthorn Road. Some journeys would involve a more circuitous or less direct route and become slightly longer in terms of distance, but journey time is unlikely to be as seriously affected as suggested in the objections. The indication is that reasonably convenient alternatives would be available for people travelling by motor vehicle. In addition, there probably would be journeys that would be little affected in time or distance or see an improvement. There is no evidence that the stopping up proposal would have an adverse effect on scheduled regular bus services. [3.43, 5.35, 5.46, 5.52, 5.56, 5.59, 5.60, 5.65, 5.69, 5.74, 5.83, 7.40, 7.45, 7.63]

### *The NMU bridge*

- 8.51 Proposals have changed to cater for people wishing to travel by cycle or by foot. In the scheme approved in June 2013 a footway/cycleway on the east and on the west side of the bypass would have connected both sides of Hawthorn Road via an uncontrolled crossing at the Wragby Road roundabout. This significantly longer and circuitous way would not have provided a reasonably convenient route for pedestrians and cyclists. The inclusion of an NMU bridge would provide an essential direct link between the east and west sides of Hawthorn Road to compensate for the stopping up of the highway. The structure would mitigate the major adverse effect identified in the ES. However, the safety of the route is an important issue highlighted by objectors, one which was considered by the planning authority in coming to its decision to grant planning permission for the NMU bridge. [3.8, 3.31, 5.39, 5.66, 5.85, 5.92, 5.96, 7.44]
- 8.52 The existing cycleway is on the south side of Hawthorn Road. The cycleway is used by children, a vulnerable user group, to travel to and from school. Overall usage appears to be low but school travel plans aim to promote and encourage walking and cycling to school. On the east (village) side of the bypass the route from the NMU bridge has been designed to join Hawthorn Road on the north side where there is no existing footway. The junction would be very close to where the left out slip road from the bypass would connect with Hawthorn Road. Significantly, the bypass and the off slip would be in cutting, which would not assist the visibility available to drivers and to cyclists/pedestrians. [5.39, 5.53, 5.85, 5.92, 5.96, 7.47, 7.53]

- 8.53 On completion of the Scheme the forecast traffic flows on Hawthorn Road would be relatively light. The reduction in vehicles would increase the gaps in traffic and assist in the opportunity and ability to cross the road safely with due care. Even so, the numbers of vehicles turning off the bypass would be over 200 in the AM peak and over 300 in the PM peak. Critically, the main deficiency is the position of the junction where the new NMU path would meet the carriageway. In my judgement the level of inter-visibility would be inadequate, leading to a significant risk to users of the cycleway. LCC has stated that a safe connection would be made to the existing cycle route on the south side of Hawthorn Road. The proposed to be modified Site Plan 1 indicates a length of highway to be improved. However, this assurance has not been supported by details of a design or the mechanism for securing the necessary provision, whether as part of the LEB Scheme or by using separate powers available to the highway authority. In the absence of a planning condition, there is no means of securing an improvement or safe crossing through the planning permission. Without a safe crossing there would be a material and unacceptable reduction in highway safety compared to the current position where the cycleway is continuous on the south side of the road and crossing the highway is not required. Clearly I differ in my conclusion to that reached by the planning authority in deciding to grant planning permission. [5.39, 5.47, 5.68, 5.92, 5.96, 7.35, 7.44, 7.53, 7.54, 7.66]

#### *Typical journeys*

- 8.54 In the objections, many people describe the journeys important to them, how they value Hawthorn Road as a direct and convenient route and the anticipated inconvenience and disruption as a result of the proposed stopping up. The most typical journeys highlighted are those to school, to shops and community facilities and to health services. There is a fear that people will be deterred from making their usual local trips and that the close links between the communities will be weakened, leading to loss of education and social facilities and isolation of the east villages. [5.26, 5.27, 5.46, 5.57, 5.60, 5.62, 5.64, 5.68, 5.74, 5.86, 5.87]
- 8.55 The journey to school for many pupils and parents living in the surrounding area would be unaffected or may be improved. Trips for those travelling by car from the Carlton estate to the schools in Cherry Willingham, particularly the Community School, would be less direct using the available alternative routes. When account is taken of trips to and from after school activities and other community activities, plus tight time schedules around family and work commitments, some parents understandably consider the alternatives are not reasonably convenient. However, the marked reduction in traffic on Hawthorn Road west and Bunkers Hill, which appears not to have been taken into consideration in the objections, would bring a significant improvement to the journey. The problems envisaged on Kennel Lane are not supported by the best evidence available on traffic flows and queuing. [5.30, 5.56, 5.57, 5.65, 5.81, 7.39, 7.47-7.49]
- 8.56 For those travelling by foot or cycle using the NMU bridge there would be very little effect in terms of distance but, as I have explained, safety is an

- outstanding issue. Concerns about significantly longer school bus journeys are not supported by evidence from the bus operator. On the basis of the evidence on traffic flows on the road network, disruption to these bus services, and the consequent harmful effects on pupils, are unlikely. [5.61, 5.68, 5.73, 5.81, 7.50]
- 8.57 In all probability the choice of a school would take account of and balance a range of factors, not only distance and ease of journey. The concern over the impact on school rolls was based on perceived considerably longer car journeys. The technical evidence indicates local schools would not be at such a disadvantage, whilst there would be benefits over the wider school catchment area as a result of the LEB. These factors suggest that the risk of potential closure of schools would be minimal. In any event, the relevant criterion in the 1980 Act is whether another reasonably convenient route shall be available or will be provided. A closure of a school would, at most, be an indirect consequence should suitable alternative provision not be made. [5.46, 5.56, 5.61, 5.68, 5.73, 5.80, 5.81, 7.49]
- 8.58 In general, journeys to the Carlton Centre from the east villages would involve using a route of a different character. The evidence from the Parish Councils and residents anticipates that driver stress for elderly people would significantly increase and journeys would not be made, which would lead to a sense of isolation and severance. The social and distributional benefits effects described in support of the BaFB Business Case were focused on Lincoln. The lower traffic flows on Hawthorn Road would be most noticeable to the west of the bypass and have less relevance for elderly residents in the villages who rely on the use of their car to access shops and health facilities and to visit their family and friends. The ES indicated higher stress levels for drivers joining or traversing the Scheme but concluded on severance no significant effects related to users of local roads. My conclusion is that in the short term after completion of the Scheme elderly residents probably would be adversely affected by what they perceive to be an unwelcome change. Nevertheless, safe alternative routes would exist to enable continued access to the Carlton Centre. The probability is that in time use and familiarity would encourage their frequent use. [5.27, 5.36, 5.46, 5.58, 5.60, 7.35, 7.44]
- 8.59 St Barnabas Lincolnshire Hospice raises a very specific issue about access due to the type of care and service it offers and the location of the facility, just south of the point where the turning head would be provided. The existing route from the east along Hawthorn Road involves no use of major roads or junctions, whereas in future alternative routes in all probability would require the use of the A158, the bypass and negotiation of roundabouts or other junctions. As stated by the Hospice, the probability is that even a small increase in journey time, length or hassle would be keenly felt by those acutely ill or with serious disability and their carers. Trips to and from the Hospice would not be as convenient. Whether this would be sufficient to deter people attending the Hospice is questionable. [5.78, 5.86, 7.44]
- 8.60 The emergency services were consulted and supported the Scheme,



including the left in left out junction at Hawthorn Road. On the basis of their operational knowledge it is reasonable to conclude that the stopping up would not adversely affect emergency service provision and response times. [5.26, 5.72, 5.90, 7.46]

- 8.61 There is sound evidence that Hawthorn Road attracts traffic that uses the route as part of a rat run, which is detrimental to the amenity and safety of village and residential streets. The stopping up of Hawthorn Road would deter this form of rat running, resulting in improvements to the residential environment on the Carlton estate. This effect also would contribute to reducing traffic levels on Kennel Lane. Rat running through Cherry Willingham would become less attractive because of the wider benefits to traffic conditions on the highway network. The positive effect on the village and traffic flows on Kennel Lane would be a result of the LEB rather than directly attributable to the proposed Hawthorn Road junction. Encouragement of rat running, as envisaged by Reepham Parish Council, Cherry Willingham Parish Council, the CTC and others is not an outcome supported by the traffic analysis. [3.40, 5.34, 5.37, 5.48, 5.91, 5.94, 7.38, 7.41, 7.42]

### *Conclusions*

- 8.62 With reference to the statutory requirements, I identified that to be reasonably convenient a route has to be suitable for the needs and purposes of all types of user, having regard to journey length, time and safety (see paragraph 8.39 above).
- 8.63 There is very strong opposition to the stopping up of Hawthorn Road as demonstrated by the submissions to the Inquiry, the detail and volume of written representations and the well supported petition. Examination of the evidence leads me to conclude that several safe alternative routes exist or would be provided as a result of the Scheme, which are unlikely to suffer from congestion or excessive queuing. The potential deficiencies for those travelling by motor vehicle are some slightly longer journeys in time and distance, which would probably have most effect on those living on the Carlton estate travelling to and from school and community activities, the elderly travelling between the east villages and the Carlton Centre and people in the east villages wishing to attend and visit the Hospice. The proposed stopping up would contribute to improvements in traffic conditions on well used routes, especially at the Bunkers Hill junction and on Outer Circle Road and reduced journey times for a range of trips. The effect on trips by public transport would be neutral or slightly positive. On balance, I conclude that for people travelling by motor vehicle reasonably convenient routes will be available or will be provided to compensate for the proposed stopping up of Hawthorn Road.
- 8.64 Trips for pedestrians and cyclists would be similar in length and location of the route and in that sense convenient in comparison with the existing situation. The outstanding concern is the safety of the proposed route involving use of the NMU bridge. This issue was a consideration debated by the Council Committee, which concluded the proposal was acceptable. As

currently designed, I have serious reservations about the safety of users. LCC has not demonstrated that there will be adequate distance and visibility between the eastern end of the proposed cycleway, where it joins Hawthorn Road, and the slip road off the bypass. If the Secretary of State accepts my conclusion on the serious risk to highway safety, an option is to rely on the assurances of LCC that a safe crossing will be provided to the cycleway on the south side of Hawthorn Road. This approach has the advantage of removing an impediment to enable the much needed LEB project to proceed (subject to a conclusion the Orders are acceptable in all other respects). The Secretary of State may wish to seek clarification from LCC on its proposals. However, currently there is no evidence in support of the SRO to satisfactorily demonstrate how a safe crossing would be achieved within the physical parameters. There are no powers available to attach conditions to highway orders. After careful consideration my conclusion is that the requirement to provide another reasonably convenient route has not been met.

### **Alternatives to stopping up Hawthorn Road.**

- 8.65 Alternatives 1 to 4 were promoted primarily as a means of overcoming the expected inconvenience and disruption to travel patterns from the Hawthorn Road closure. Nevertheless, the Alternatives would involve a fundamental change to the approved LEB Scheme. A preliminary assessment of their merits is not confined to whether they would provide a reasonably convenient route between the east villages and Lincoln. A number of issues are raised, including the potential effects on the wider road network and on the environment and the best use of resources. [3.37, 7.73]

#### *Alternative 1*

- 8.66 The provision of an over bridge has most support. The structure would be similar to that in the dual carriageway scheme granted planning permission in 2010. An over bridge would allow for the continuation of similar travel patterns between the east villages and the Carlton estate. However, the assessment of the effect on journeys, travel patterns and traffic flows would have to consider the wider area and the operation of the LEB as a whole. The analysis of LCC indicates small savings in distance and time for local traffic but no discernible benefits when all traffic in the Lincoln area is taken into account. The increased traffic and rat running on Hawthorn Road and through the Carlton residential area would have a negative effect in terms of noise, air quality and safety. Delays at the junction with Bunker's Hill would continue. No significant improvement would be secured to traffic flows on Greetwell Road compared to the Scheme. The cycleway and pedestrian route along Hawthorn Road would be maintained but without access onto the NMU route along the bypass. [6.3, 6.5, 7.37, 7.57, 7.74-7.76]
- 8.67 Additional land may be necessary at the expense of public open space. The cost savings claimed by the promoters have been disputed by LCC, who with their experience and knowledge consider the constructional techniques

advocated would be inappropriate. The probability is that the net additional cost of the over bridge would be significant. Objectors did not wish to delay the programme for the LEB or to put funding at risk. They did not expect the over bridge proposal to have such adverse consequences. Nevertheless, all issues have to be resolved and all necessary consents have to be in place before implementation of the LEB. The current programme and funding stream would be interrupted and delayed, leading to further considerable costs, including wider economic and environmental costs. [3.44, 5.42, 6.4, 6.6-6.10, 7.56, 7.58, 7.77]

- 8.68 In summary, there would be limited improvements to vehicle journeys between the Carlton area and the east villages and the safety issue for cyclists would be resolved. Nevertheless, these positive factors are substantially outweighed by the negative traffic, environmental and economic effects and Alternative 1 offers no material advantage over the Scheme.

#### *Alternative 2*

- 8.69 This option has limited public support and has attracted counter objections. The advantages to local journeys are unlikely to be significant, whilst the additional arm to the roundabout would reduce operational efficiency and increase the risk of accidents. The new length of highway would be visually harmful to the countryside on the edge of the built-up area and the severance of farmland would be disruptive to the landholding. The identified deficiency with the NMU bridge would not be resolved. In addition to the increased costs of construction would be the costs of delay and potential loss of central funding. Alternative 2 would not offer any material advantage over the Scheme. [6.12, 7.80-7.82]

#### *Alternative 3*

- 8.70 Alternative 3 has very limited public support. Major disadvantages include the affect on nearby properties, the loss of a significant amount of agricultural land and visual intrusion into the rural area. Costs of construction would be increased, the LEB would be delayed and Government funding would be jeopardised. No significant traffic benefits have been identified and the deficiency with the NMU bridge would remain. For these main reasons the Alternative would not offer any material advantage over the Scheme. [6.14, 7.84-7.87]

#### *Alternative 4*

- 8.71 This Alternative has limited public support and has resulted in counter objections. An advantage is that a direct link between Cherry Willingham and Reepham would be maintained with the Carlton estate and Carlton Centre via Hawthorn Road, whilst also allowing direct access to the LEB from the east and west. However, the introduction of a roundabout close to the Wragby Road roundabout would increase the risk of collisions and the interruption to traffic flow would add to delay and overall transport costs.

The effect on the St Augustine Road junction and possible diversion to form an additional leg is a concern. The costs would be similar to Alternatives 2 and 3. In conclusion, this Alternative would not offer any material advantage over the Scheme. [6.16, 7.89-7.91]

#### *Alternative 5*

- 8.72 The Alternative NMU bridge was promoted primarily as a fallback in the event the Alternative 1 over bridge was not successful. [6.17]
- 8.73 When compared to the Scheme, there would be no significant traffic implications. The direct connection to the existing Hawthorn Road cycleway/footway would be a significant advantage. The introduction of ramps would be a serious disadvantage for cyclists and for people with disabilities. No additional land would be required but a new SRO and planning application would be necessary that would cause delay to the current programme and prospective autumn 2014 commencement date. The additional cost would be some £200,000 and dependent on the delay to the Scheme programme Government funding may be jeopardised. On balance this Alternative would not offer a significant improvement over the provision in the Scheme, all matters considered. [6.17, 7.93, 7.94]

#### *Conclusion*

- 8.74 In relation to the proposed stopping up of Hawthorn Road I have concluded that satisfactory alternative route provision will be in place for motor vehicle users but that there would be a deficiency for NMUs, especially cyclists. Alternatives 1 to 4 raise significant environmental and economic costs. Alternative 5 resolves the identified deficiency but results in another and consequently would not offer a reasonably convenient route. In conclusion, none of the Alternatives offer any material advantage over the Scheme and should not be investigated further.

#### **Cyclist and pedestrian crossing facilities and provision at other locations**

(Objections by the Cyclists Touring Club, Mr Stratford, Mrs Stratford, Sustrans, The Ramblers (Lincoln Group))

- 8.75 The Scheme incorporates a separate 3 m wide NMU route along the length of the bypass. A range of solutions have been adopted where the bypass intersects the radial routes. DMRB advises that careful design at crossings is a key aspect of providing safe and attractive NMU routes. In deciding on the appropriate form of crossing a number of criteria should be taken into account, including vehicle speed, traffic flows, width of carriageway and visibility. Local factors are important, as well as the likely volume of movements of pedestrians and cyclists. There is also a need to balance issues of safety and practicality. In the absence of any technical evidence to demonstrate otherwise, the proposals at the roundabouts associated with the SRO and the Bridge Scheme reflect the correct balance. At Heighington Road a link is proposed to the NMU route. [3.17, 3.21, 5.91, 5.95, 5.100, 5.101, 5.102, 7.67-7.69]

- 8.76 A modification has been proposed whereby much of the length of Footpath 140 would not be closed. The amenity and recreational facility would be maintained and a detour via the NMU route along the LEB would not be necessary. [3.69, 5.97, 5.100, 7.71]
- 8.77 At the Inquiry LCC confirmed that the bridleway along Greetwell Fields would be available for use by walkers and cyclists. The description in the SRO is proposed to be modified accordingly. [3.68, 5.91, 5.98, 7.67, 7.70]
- 8.78 **Mr Stratford, Mrs Stratford.** The issues raised about securing a sustainable future question national policy. They are outside the scope of matters before me in examining the current Orders and I make no further comment. [5.93]
- 8.79 The Scheme's contribution to encourage sustainable travel patterns and healthy lifestyles was considered in determining the planning application. The Scheme was found to be in accordance with development plan and national policy and planning permission was granted. During the course of the Inquiry the proposals for Footpath 140 and Greetwell Fields were clarified and, subject to confirmation of the proposed modifications, access to the countryside would be slightly enhanced. [3.6, 3.14, 3.15, 5.99]
- 8.80 **Sustrans.** LCC confirmed that arrangements will be put in place to provide alternative NMU routes during the construction of the bridge over the Water Rail Way. The Scheme provides for a footbridge from the NMU route to Greetwell Road east and a subway to link the NMU to Lincoln Road. The proposed NMU crossing points have been designed in accordance with national design standards in the DMRB. The use of refuge islands are a safe method of crossing the carriageway, as suggested in the Stage 1 Safety Audit. [5.101, 7.72]

### **Other matters**

- 8.81 The objections included various matters that have no direct relevance to the central issue of the SRO but nonetheless relate to the public interest justification for the CPO.
- 8.82 The alignment of the route and the single carriageway design were assessed and confirmed through the planning permission granted in June 2013. The traffic analysis has shown the LEB will function well even though traffic flows will be relatively high. The design has allowed for the upgrading to a dual carriageway in the future. Funding is not available to pursue that approach at the present time. The environmental impact assessment, based on national guidance and assessment techniques, demonstrated the air quality and carbon benefits that would result. [3.5, 3.18, 3.20, 3.22, 5.50, 5.54, 5.89, 6.22, 7.22, 7.24, 7.25, 7.52]
- 8.83 Hawthorn Road is not a strategically important route within the highway network but one of the minor roads that would be crossed by the LEB. The proposed stopping up of road to the west would lead to a reasonably even

redistribution of traffic to appropriate alternative routes. Consequently any increases in traffic on local roads within the villages is unlikely to be so significant as to cause a risk to people going to the shops and local facilities or to create a negative impact on the community. [3.19, 5.28, 5.81, 5.82, 7.23, 7.44, 7.62]

- 8.84 The suggestions for road improvements are outside the scope of the Scheme and the issues associated with the Orders. [5.84, 7.100]

### **Proposed Modifications**

- 8.85 The proposed modifications to the Bridge Scheme and the SRO are for three main reasons: to correct minor drafting errors and to improve clarity, to incorporate alterations as a result of design development, including the NMU bridge, and to resolve objections. No modifications are required to the CPO. [3.58-3.80]
- 8.86 The Bridge Scheme. The proposed modifications to the Schedule are as a result of an improvement to the design of the bridge. The Plan requires additional labels to ensure clarity. The proposed modifications are not substantial and may be made without causing prejudice to anyone. [3.59-3.62]
- 8.87 The SRO. Subsequent to the publication of the SRO planning permission was granted for the NMU bridge, which needs to be incorporated on Site Plan 1. Linked to this, a new section of bridleway is introduced south of Hawthorn Road to continue through to Greetwell Road, a modification that is of benefit to NMU provision within the Scheme. The proposed modification in respect of Footpath 140 addresses objections and is agreed with the landowner. The wording of the Order and Schedule 1 requires amendment in order to clarify the status of new highways, which will address concerns and uncertainties of interested parties. A small number of dimensions within Schedule 1 require amendment to improve accuracy. [3.64 - 3.71]
- 8.88 My examination of the Order has identified that PMA (c) identified on Site Plan 1 has not been listed in the Schedule. I consider this omission should be put right, even though no new field access is required. Therefore an additional proposed modification is: In Schedule 1 under 'Private means of access to be stopped up' add a new box at the end with the words "Access to field on the east side of Greetwell Fields Track 347 metres to the south east of the junction of Public Footpath PF139 and Greetwell Fields Track."
- 8.89 The proposed modifications to Schedules 2 and 4 are of a minor nature to improve accuracy and to clarify the status of the new highways. In relation to Site Plan 5 and Schedule 5, the proposed modifications to the stopping up of Bloxholm Lane and the provision of a new PMA are in response to objections by landowners and tenant farmers and have their support. Minor amendments are also proposed by LCC to improve accuracy and clarity. [3.72 - 3.79]

- 8.90 As a result of checking documents after the close of the Inquiry I consider that a further modification is necessary to increase the accuracy of the wording to describe PMA (d): In Schedule 5 under 'Private means of access to be stopped up' delete the description of PMA (d) and substitute "Access to field south of Sleaford Road (A15) 370 metres south-east of its junction with Bloxholm Lane."
- 8.91 The proposed modifications to the SRO are not substantial and may be made without causing prejudice to anyone.
- 8.92 In conclusion, the modifications proposed by LCC and reflected in Documents LCC/00/06 and LCC/00/07, together with the proposed modifications set out in paragraphs 8.88 and 8.90 above, are justified and should be made to the Bridge Scheme and the SRO.

### Conclusions on the Orders

- 8.93 **The Bridge Scheme.** The reasonable requirements of navigation over the waters affected by the Scheme have been accommodated and, subject to the proposed modifications, the necessary plans and specifications have been provided. The statutory tests have been met and the Order is able to be confirmed.
- 8.94 **The Side Roads Order.** The proposals for improving, constructing or stopping up the highways in question and for the stopping up of PMAs are necessary to carry out the Scheme. Modifications have been put forward to the Order that are necessary and justified. Where a PMA is to be stopped up and access to the premises is reasonably required another reasonably convenient means of access is available or will be provided before each stopping up takes place. Provision is being made to maintain any rights of statutory undertakers in respect of any apparatus of theirs affected by the Scheme.
- 8.95 In relation to the stopping up of the highways, another reasonably convenient route will be available or will be provided in all cases, except in respect of Hawthorn Road. The provision of a left in left out junction and the availability of safe alternative routes using the surrounding local highway network would ensure reasonably convenient routes for people travelling by motor vehicles. To the east of the bypass the NMU bridge would fail to provide users with a safe connection to Hawthorn Road. LCC has not shown how this significant deficiency is to be overcome. I conclude, on the evidence available, that the statutory test has not been satisfied and the Side Roads Order is not able to be confirmed. In the event the Secretary of State disagrees with my conclusion on the NMU bridge the Order is able to be confirmed subject to the proposed modifications identified in paragraph 8.92 above.
- 8.96 **Compulsory Purchase Order.** Examination of the Schedule and plans accompanying the Order produces no evidence of any proposal to purchase land or rights other than those necessary to implement the Scheme. There

have been no assertions to the contrary other than those that I have considered and reported on. I am satisfied that the Order addresses no more land than is necessary and that the acquiring authority, LCC, has a clear idea of how it intends to use the land.

- 8.97 Funding is available and if the Orders are made, works are programmed to start in the autumn of 2014. Accordingly, no land is proposed to be acquired ahead of time.
- 8.98 Every person has an entitlement to the peaceful enjoyment of his possessions by way of Article 1 of the First Protocol, a Convention right under the Human Rights Act 1998. In summary, no-one shall be deprived of his possessions except in the public interest. Article 8, a qualified right, entitles everyone a right to respect for his private and family life, his home and correspondence. There is a compelling case for the Scheme to be implemented in order to overcome congestion, improve journey reliability and deliver future growth in and around the city. The public benefit will outweigh the private loss. Therefore the purposes for which the CPO is promoted are in the public interest and justify interfering with the human rights of those with an interest in the land. Appropriate measures have been taken in the design of the Scheme to mitigate adverse effects as far as possible. Any residual interference with human rights is proportionate and necessary to achieve the legitimate objectives of the Scheme.
- 8.99 However, in the event the SRO is not confirmed there would be a serious impediment to implementation of the Scheme. For that reason the CPO should not be confirmed. In the alternative, if the Secretary of State decides to confirm the SRO the impediment would be removed and enable the CPO to be confirmed without modification.

## **9 RECOMMENDATIONS**

- 9.1 I recommend that:
- 9.2 The Lincolnshire County Council (River Witham Bridge) Scheme 2013 be modified as set out in Document LCC/00/06 and that the Scheme as modified is confirmed.
- 9.3 The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2013 is not confirmed.
- 9.4 The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2013 is not confirmed.

*Diane Lewis*

INSPECTOR



**APPENDIX 1: APPEARANCES****FOR LINCOLNSHIRE COUNTY COUNCIL**

Simon Randle	Barrister, instructed by Lincolnshire County Council
He called:	
Lee Rowley IEng AMICE	Senior Project Leader, Lincolnshire County Council
Andrew Gutherson BA DipURPS MRTPI	Head of Planning, Lincolnshire County Council
David Chetwynd IEng MICE	Principal Engineer, Lincolnshire County Council
Gary Billington PhD C Eng MICE	Technical Director, Mouchel
Timothy Rogers BSc(Hons) Dip Est Man MRICS	Land Agent, Mouchel

**OBJECTORS TO THE ORDERS:**

Mr J Ward	Agricultural tenant Represented by Mr Geoffrey Bishop MRICS FAAV, Escritt Barrell Golding
Mr Robert Nelstrop	Land owner and tenant farmer, Robert Nelstrop Farms Ltd
Mr Andrew Scoley The Church Commissioners for England Lincolnshire Cyclists Touring Club	Tenant farmer, Flintham & Scoley Ltd Land owner Represented by Mr Luke Humphries BSc(Hons) MRICS FAAV, Associate Smiths Gore Represented by Mr Andrew Townhill, Secretary Lincolnshire CTC
Mr Geoff Stratford The Ramblers (Lincoln Group) Reepham Parish Council	Resident Represented by Mr Colin Reynolds, Footpath Officer Represented by Mr David Perkins and Mr Alex Lake BEng CEng MICE MCIHT
Cherry Willingham Parish Council Mrs Jennifer Robinson Mr Timothy Walton Cherry Willingham Community School Mrs Sharon Kelly Mrs Louise Carder Reverend Michael Mason	Represented by Mrs Jennifer Robinson, Chairperson of the Parish Council Resident Resident Represented by Mr Martin Snee, Deputy Headteacher Resident Resident Resident, who also spoke on behalf of Mrs Sally Mason and Mr Richard Mason
Mrs Sally Lidbury Mr Christopher Darcel	Resident Resident

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## **APPENDIX 2: DOCUMENT LIST**

### **DOCUMENTS SUBMITTED BY LINCOLNSHIRE COUNTY COUNCIL**

#### **Core Documents**

<b>CD/00</b>	Statement of Case dated 19 November 2013
<b>CD/01</b>	Highways Act 1980
<b>CD/02</b>	Acquisition of Land Act 1981
<b>CD/03</b>	National Planning Policy Framework 2012
<b>CD/04</b>	East Midlands Regional Plan, March 2009
<b>CD/05</b>	Central Lincolnshire Core Strategy Issues and Options 2010
<b>CD/06</b>	Central Lincolnshire Local Plan Core Strategy – Partial Draft Plan for Consultation, June 2012
<b>CD/07</b>	Central Lincolnshire Local Plan Core Strategy – Partial Draft Plan for Consultation: Area Policies for Lincoln, Gainsborough and Sleaford, January 2013
<b>CD/08</b>	Central Lincolnshire Local Plan Core Strategy Publication Version July 2013
<b>CD/09</b>	City of Lincoln Local Plan adopted August 1998
<b>CD/10</b>	North Kesteven Local Plan adopted 2007
<b>CD/11</b>	West Lindsey District Council Local Plan First Review adopted June 2006
<b>CD/12</b>	First Local Transport Plan
<b>CD/13</b>	2 <sup>nd</sup> Local Transport Plan 2006/7 to 2010/11 March 2006
<b>CD/14</b>	3 <sup>rd</sup> Local Transport Plan 2011/12 to 2012/13 April 2011
<b>CD/15</b>	4 <sup>th</sup> Lincolnshire Local Transport Plan 2013/14 – 2022/23 April 2013
<b>CD/16</b>	A Transport Strategy for the Lincoln Area (Rev 1) February 2008
<b>CD/17</b>	Lincolnshire County Council’s Business Plan 2012-2015 updated February 2013
<b>CD/18</b>	Highways and Traffic Guidance Note (HAT) 34/2/09 Design Standards and Departures for Highway Schemes (Improvements, Maintenance and Developments)
<b>CD/19</b>	Road Classification Policy for Lincolnshire
<b>CD/20</b>	Provisional A15 Lincoln Eastern Bypass Classification of Main Line
<b>CD/21</b>	Greater Lincoln Growth Delivery Plan 2006-2026
<b>CD/22</b>	Linking Lincoln (known as the City Centre Masterplan) March 2007, The Princes Foundation for the Built Environment
<b>CD/23</b>	Report to Lincolnshire County Council’s Planning and Regulation Committee 18 March 2005
<b>CD/24</b>	Report to Lincolnshire County Council’s Planning and Regulation Committee 18 April 2005
<b>CD/25</b>	Minutes of Lincolnshire County Council’s Planning and Regulation Committee 18 April 2005
<b>CD/26</b>	Report to Lincolnshire County Council’s Planning and Regulation Committee 4 October 2010
<b>CD/27</b>	Minutes of Lincolnshire County Council’s Planning and Regulation Committee 4 October 2010
<b>CD/28</b>	Planning Permission reference L/0170/10 dated 14 October 2010
<b>CD/29</b>	Planning Application L/0110/13 comprising the application form and supporting documents and Volume 1 of the Environmental Statement dated December 2012
<b>CD/30</b>	Report to Lincolnshire County Council’s Planning and Regulation Committee 10 June 2013 County Council Application L/0110/13
<b>CD/31</b>	Minutes of Lincolnshire County Council’s Planning and Regulation Committee 10 June 2013
<b>CD/32</b>	Lincoln Eastern Bypass Planning Permission reference L/0110/13 dated 10 June 2013

<b>CD/33</b>	Lincolnshire County Council Lincoln Eastern Bypass Major Scheme Business Case Programme Entry November 2009
<b>CD/34</b>	Local Authority Major Schemes – Pre-Qualification Pool: Expression of Interest
<b>CD/35</b>	Local Authority Major Schemes Best and Final Funding Bid September 2011
<b>CD/36</b>	Letter from Department for Transport dated 30 November 2011 – Lincoln Eastern Bypass Funding Approval and Confirmation of Programme Entry
<b>CD/37</b>	Email from Department for Transport dated 14 December 2011 – amendment of Conditions
<b>CD/38</b>	Report to Lincolnshire County Council’s Highways & Transport Scrutiny Committee on 17 June 2013 with Minutes of 17 June 2013
<b>CD/39</b>	Report to Executive 2 July 2013 with Minutes
<b>CD/40</b>	Lincoln Eastern Bypass Traffic Survey November 2013
<b>CD/41</b>	Planning Application and supporting documents for Hawthorn Road Non-Motorised User Bridge submitted 8 November 2013
<b>CD/41/A</b>	Report to Lincolnshire County Council’s Planning and Regulation Committee 13 January 2014, Committee Minutes and planning permission ref W42/130726/13 dated 15 January 2014
<b>CD/42</b>	Lincoln Eastern Bypass Best and Final Bid: response to DfT questions of clarification.

### **SCHEME & ORDERS**

<b>LCC/00/01</b>	The Lincolnshire County Council (River Witham Bridge) Scheme 2013
<b>LCC/00/02</b>	The Lincolnshire County Council (A15 Lincoln Eastern Bypass) (Classified Road) (Side Roads) Order 2013 (including Schedules 1 to 5 and Plan Folio)
<b>LCC/00/03</b>	The Lincolnshire County Council (A15 Lincoln Eastern Bypass) Compulsory Purchase Order 2013 (including Key Plan Sheets 1 - 5)
<b>LCC/00/04</b>	Statement of Reasons
<b>LCC/00/05</b>	Modifications to the Orders as at 11 February 2014 (including draft Schedules and Site Plan 5)
<b>LCC/00/06</b>	The Schedule to the Bridge Scheme and Plan B/1054738/1700/RW/D001, as proposed to be modified
<b>LCC/00/07</b>	The Side Roads Order, the Schedules and Site Plans 1 and 5, as proposed to be modified

### **PROOFS OF EVIDENCE SUBMITTED BY LINCOLNSHIRE COUNTY COUNCIL**

	<b>Mr Lee Rowley (Senior Project Leader)</b>
<b>LCC/01/01</b>	Proof of Evidence with Appendices
<b>LCC/01/02</b>	Supplementary Proof of Evidence
	<b>Mr Andy Gutherson (Planning Services)</b>
<b>LCC/02/01</b>	Proof of Evidence
<b>LCC/02/02</b>	Supplementary Proof of Evidence
<b>LCC/02/03</b>	Additional Evidence Note – 3 February 2014
	<b>Mr David Chetwynd (Highway Engineering)</b>
<b>LCC/03/01</b>	Proof of Evidence with Appendices
<b>LCC/03/02</b>	Addendum
	<b>Dr Gary Billington (Transport Strategy &amp; Traffic)</b>
<b>LCC/04/01</b>	Proof of Evidence with Appendices
<b>LCC/04/02</b>	Errata to Proof of Evidence
<b>LCC/04/03</b>	Supplementary Proof of Evidence
<b>LCC/04/04</b>	2017/2032 AM Peak Hour 2-Way Vehicular Flows
<b>LCC/04/05</b>	Hawthorn Road Left In Left Out Junction – Modelled Flows (vehicles)

### **DOCUMENTS SUBMITTED BY LINCOLNSHIRE COUNTY COUNCIL DURING THE INQUIRY**

<b>LCC/PI/01</b>	Opening Remarks on behalf of Lincolnshire County Council
<b>LCC/PI/02</b>	Response to Mr Joseph Ward
<b>LCC/PI/03</b>	Response to Mr Joseph Ward (2)

<b>LCC/PI/04</b>	Response to Mr Robert Nelstrop
<b>LCC/PI/05</b>	Response to Mr Andrew Scoley
<b>LCC/PI/06</b>	Response to The Church Commissioners for England
<b>LCC/PI/07</b>	Response to The Church Commissioners for England (2)
<b>LCC/PI/08</b>	Response to Mr Andrew Townhill (Lincolnshire Cyclists' Touring Club)
<b>LCC/PI/09</b>	Response to Mr Geoff Stratford
<b>LCC/PI/10</b>	Response to Mr Geoff Stratford (2)
<b>LCC/PI/11</b>	Response to Reepham Parish Council
<b>LCC/PI/12</b>	Response to Cherry Willingham Parish Council
<b>LCC/PI/13</b>	Response to Mrs Jennifer Robinson
<b>LCC/PI/14</b>	Response to Cherry Willingham Community School
<b>LCC/PI/15</b>	Response to Reverend Michael Mason & Mrs Sally Mason
<b>LCC/PI/16</b>	Response to Mr Richard Mason
<b>LCC/PI/17</b>	Response to Mrs Louise Carder
<b>LCC/PI/18</b>	Response to Mrs Sally Lidbury
<b>LCC/PI/19</b>	Response to Mrs Sharon Kelly
<b>LCC/PI/20</b>	Response to Reverend F Margaret Roe
<b>LCC/PI/21</b>	Response to Mrs Stratford
<b>LCC/PI/22</b>	Response to Mrs Joanna Preston
<b>LCC/PI/23</b>	Response to Mr Nigel & Mrs Emma Jubbs
<b>LCC/PI/24</b>	Response to Mr Timothy Walton
<b>LCC/PI/25</b>	Response to Mr Christopher Darcel
<b>LCC/PI/26</b>	Note on Objectors' Alternative Proposals Alternative 1 – Roadbridge at Hawthorn Road
<b>LCC/PI/27</b>	Note on Objectors' Alternative Proposals Alternative 2 – Hawthorn Road Diversion to Wragby Road East Roundabout
<b>LCC/PI/28</b>	Note on Objectors' Alternative Proposals Alternative 3 – Hawthorn Road Diversion to Wragby Road East
<b>LCC/PI/29</b>	Note on Objectors' Alternative Proposals Alternative 4 – LEB\Hawthorn Road Roundabout
<b>LCC/PI/30</b>	Note on Objectors' Alternative Proposals Alternative 5 – Hawthorn Road NMU Bridge Relocation
<b>LCC/PI/31</b>	Note on Objectors' Alternative Proposals Alternative 6 – Roundabout at Heighington Road
<b>LCC/PI/32</b>	Note on Objectors' Alternative Proposals Alternative 7 – Roadbridge at Bloxholm Lane
<b>LCC/PI/33</b>	Note on Objectors' Alternative Proposals Alternative 8 – Accommodation works bridge between Canwick Manor & Westfield Farm
<b>LCC/PI/33A</b>	Note on Objectors' Additional Suggestions
<b>LCC/PI/34</b>	Plan of Alternative Routes 1 to 5 inclusive based on OS Mapping
<b>LCC/PI/35</b>	Note on documents to be outlined by Mr Lee Rowley
<b>LCC/PI/35A</b>	Modifications to the Order as at 31 January 2014
<b>LCC/PI/35B</b>	Exchange of emails 6 & 23 January 2014 with the Department for Transport
<b>LCC/PI/36</b>	Modifications to the Orders as at 7 February 2014, including Side Roads Order modifications and Bridge Scheme modifications
<b>LCC/PI/37</b>	Rights of Way map
<b>LCC/PI/38</b>	Rights of Way map revised to show NMU route
<b>LCC/PI/39</b>	Clarification of Non Motorised Users and Bridleways
<b>LCC/PI/40</b>	Introduction of Mr Timothy Rogers as Rebuttal Witness
<b>LCC/PI/41</b>	Undertakings by the Lincolnshire County Council given to the Public Inquiry on 7 February 2014
<b>LCC/PI/42</b>	Site Inspection Itinerary and Plan
<b>LCC/PI/43</b>	Drawing 2 of the Lincoln Eastern Bypass Accommodation Works Drainage in relation to the land farmed by Mr Joseph Ward
<b>LCC/PI/43A</b>	Plan B/HCMSA0021/01/9003 of PMA to Mr Ward's farm
<b>LCC/PI/43B</b>	Plan of proposed access track at Bloxholm Lane to Mr Nelstrop's farm
<b>LCC/PI/44</b>	Response to Anglian Water
<b>LCC/PI/45</b>	Response to Mrs Louise Carder (2)

<b>LCC/PI/46</b>	Response to Proof of Mr Alex Lake on behalf of Reepham Parish Council
<b>LCC/PI/47</b>	Response to Mr Geoff Stratford in relation to OBJ/31/03
<b>LCC/PI/48</b>	Response to Mrs Louise Carder in relation to OBJ/12/06
<b>LCC/PI/49</b>	Undertakings by the Lincolnshire County Council given to the Public Inquiry on 12 February 2014 – 2nd Document
<b>LCC/PI/50</b>	Email exchange with the Environment Agency, the Witham 1 <sup>st</sup> District Internal Drainage Board, the Witham 3 <sup>rd</sup> District Internal Drainage Board and the Canal & River Trust, February 2014
<b>LCC/PI/51</b>	Reply from LCC dated 16 January 2014 to Sir Edward Leigh MP
<b>LCC/PI/52</b>	Response to Sustrans
<b>LCC/PI/53</b>	Response to Mr Philip Gossage
<b>LCC/PI/54</b>	Response to Mrs Catherine Wilson
<b>LCC/PI/55</b>	Response to Mr & Mrs Morris
<b>LCC/PI/56</b>	Response to Sarah Caborn on behalf of St Barnabas Lincolnshire Hospice
<b>LCC/PI/57</b>	Response to Mr Tim Walton (2)
<b>LCC/PI/58</b>	Legal Submissions in response to the written submissions made on behalf of the Church Commissioners for England
<b>LCC/PI/59</b>	Email exchange with CBRE on behalf of Jesus College Oxford of 6, 10 and 12 February 2014
<b>LCC/PI/60</b>	Closing Submissions on behalf of LCC
<b>LCC/PI/61</b>	List of Objectors

## **OBJECTIONS DOCUMENTS**

<b>OBJ/00/01</b>	Folder of Statutory Objections
<b>OBJ/00/02</b>	Folders (2) of Non-Statutory Objections
<b>OBJ/00/03</b>	Folder of Responses to publication of Objectors' Alternatives
<b>OBJ/00/03A</b>	Press Notice of Objectors' Alternative Proposals

	<b>Lincolnshire Cyclists' Touring Club</b> (represented by Mr Andrew Townhill)
<b>OBJ/03/01</b>	Statement of Evidence dated 9 January 2014
<b>OBJ/03/02</b>	Supplementary evidence – copy of emails
<b>OBJ/03/03</b>	Comments on Alternatives
	<b>Mrs Louise Carder</b>
<b>OBJ/12/01</b>	Proof of Evidence
<b>OBJ/12/02</b>	Addendum to Proof of Evidence
<b>OBJ/12/03</b>	Online petition in relation to Hawthorn Road as at 11 February 2014 – online and hard copy petition signatures
<b>OBJ/12/04</b>	Withdrawal of Alternative 6
<b>OBJ/12/05</b>	Questions posed to Dr Billington
<b>OBJ/12/06</b>	Email requesting clarification of points in LCC Response 2
	<b>Mrs Sharon Kelly</b>
<b>OBJ/14/01</b>	Proof of Evidence
<b>OBJ/14/02</b>	Revision of Proof of Evidence with Appendices
<b>OBJ/14/03</b>	Email of 11 February 2014 in relation to child collection difficulties
	<b>Mr Joseph Ward</b> (represented by Mr Geoffrey Bishop)
<b>OBJ/15/01</b>	Proof of Evidence
<b>OBJ/15/02</b>	Supplementary Proof of Evidence
<b>OBJ/15/03</b>	Email dated 11 February 2014 in relation to undertakings
	<b>Mrs Sally Lidbury</b>
<b>OBJ/18/01</b>	Proof of Evidence
<b>OBJ/18/02</b>	Supplementary statement
<b>OBJ/18/03</b>	Traffic Survey Results – 31 January 2014
	<b>The Church Commissioners</b>
<b>OBJ/21/01</b>	Statement of Case dated January 2014
<b>OBJ/21/02</b>	Written Submissions
<b>OBJ/21/03</b>	Annotated Statement of Case dated 6 February 2014
<b>OBJ/21/04</b>	Email exchange of 7 and 11 February 2014 concerning Footpath 140
	<b>Mrs Jennifer Robinson</b>
<b>OBJ/29/01</b>	Proof of Evidence

- OBJ/29/02** Supplementary Proof of Evidence  
**Mr Geoff Stratford**
- OBJ/31/01** Proof of Evidence
- OBJ/31/02** Summary Proof of Evidence
- OBJ/31/03** Questions remaining following verbal/screen presentation on 5 February 2014
- OBJ/31/04** Supplementary document concerning Bridleway Access for Cyclists dated 7 February 2014  
**Mr Richard Mason**
- OBJ/35/01** Statement of Evidence
- OBJ/35/02** Reply to Response of Lincolnshire County Council to objector  
**Reverend Michael Mason**
- OBJ/37/01** Proof of Evidence  
**Cherry Willingham Community School**
- OBJ/43/01** Proof of Evidence (letter of objection – see OBJ/00/01)
- OBJ/43/02** Supplementary Note from Martin Snee, Deputy Headteacher
- OBJ/43/03** Authority from the Governors to speak on behalf of the school
- OBJ/43/04** Second Supplementary Note from Elaine Stiles, Headteacher  
**Cherry Willingham Parish Council**
- OBJ/46/01** Proof of Evidence
- OBJ/46/02** Supplementary Proof of Evidence
- OBJ/46/03** Electoral roll figures for Cherry Willingham  
**Mr Andrew Scoley**
- OBJ/48/01** Proof of Evidence (letter of objection – see OBJ/00/01)  
**Mr Robert Nelstrop**
- OBJ/49/01** Proof of Evidence (letter of objection – see OBJ/00/01)
- OBJ/49/02** Withdrawal of Alternative 8  
**Mr Christopher Darcel**
- OBJ/61/01** Proof of Evidence
- OBJ/61/02** Appendix – Road Transport Forecasts 2013
- OBJ/61/03** Email and minutes of West Lindsey District Council Planning Committee of 6 March 2013  
**Mr Timothy Walton**
- OBJ/68/01** Proof of Evidence (letter of objection – see OBJ/00/01)
- OBJ/68/02** Distance routes – 3 maps
- OBJ/68/03** Supporting questions to letter of objection, dated 2 February 2014
- OBJ/68/04** Clarification of Question 2, dated 8 February 2014  
**Reepham Parish Council**
- OBJ/78/01** Proof of Evidence (letter of objection – see OBJ/00/01)
- OBJ/78/02** Supplementary Proof of Evidence - Independent Review of Proofs of Evidence & Associated Documents by Mr Alex Lake dated February 2014
- OBJ/78/03** Reply to Lincolnshire County Council Response on Alternative 1
- OBJ/78/04** Illustrative slides – printed copy

**WRITTEN STATEMENTS**

- W/01** Statement by Reverend F Margaret Roe dated 30 December 2013 with additional comments dated 28 January 2014
- W/02** Statement on behalf of Sustrans dated 31 January 2014
- W/03** Statements on behalf of The Ramblers (Lincoln Group) dated 31 December 2013 and 30 January 2014
- W/04** Statement of the British Horse Society dated 31 December 2013
- W/05** Statement of Mrs Sandie Stratford dated 17 December 2013
- W/06** Statement of Anthony and Stephanie Morris dated 11 January 2014
- W/07** Statement of Mrs Joanna Preston dated 12 January 2014
- W/08** Statement of Nigel and Emma Jubbs dated 14 January 2014
- W/09** Statement on behalf of the Lincolnshire Chamber of Commerce dated 14 January 2014
- W/10** Statement of Philip and Sylvia Gossage dated 2 February 2014

- W/11** Statement of County Councillor Ian Fleetwood dated 31 January 2014  
**W/12** Statements of Mrs Catherine Wilson dated 3 and 4 February 2014  
**W/13** Statement on behalf of St Barnabas Lincolnshire Hospice 3 February 2014  
**W/14** Statement on behalf of Anglian Water dated 3 February 2014  
**W/15** Statement of Mr Karl McCartney JP MP dated 4 February 2014  
**W/16** Email from the office of Sir Edward Leigh MP attaching a copy of his letter to Mr Tony McArdle, Chief Executive, Lincolnshire County Council dated 13 January 2014  
**W/17** Email dated 21 January 2014 in support of stopping up Hawthorn Road  
**W/18** Letter on behalf of Greetwell Parish Council dated 27 August 2013

**GENERAL INQUIRY DOCUMENTS**

- X/01** Pre-Inquiry Note issued by the Inspector, dated 29 January 2014  
**X/02** Plan of Parish Boundaries  
**X/03** Inquiry Notice  
**X/04** Engineering drawings