

# **LEICESTERSHIRE COUNTY COUNCIL A511 GROWTH CORRIDOR**

## **Statement of Case**

March 2024

**STATEMENT OF CASE**

**Under Rule 6 of the Highways (Inquiries Procedure) Rules 1994 and Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007**

**for**

**LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR) (SIDE ROADS) ORDER 2023**

**and**

**LEICESTERSHIRE COUNTY COUNCIL (A511 GROWTH CORRIDOR) COMPULSORY PURCHASE ORDER 2023**

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# 1. Introduction

- 1.1 This Statement of Case ("Statement") has been prepared by Leicestershire County Council (the "Council") as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. It builds upon and updates the information presented in the Statement of Reasons published in November 2023. It introduces the Council's published proposals for the Leicestershire County Council A511 Growth Corridor (the "Scheme") which consists of highway improvements at nine locations along the A511 between Hoo Ash Roundabout in the west and Field Head Roundabout in the east (this stretch of highway is referred to in this Statement as the "A511 Growth Corridor") plus the construction of a new link road off of Bardon Road (referred to in this Statement as "the Bardon Link Road"). These nine specific interventions, referred to as the "Projects", along with other works will seek to improve the existing road between those two points. The overall Scheme, including the nine specific locations, is shown on the Overview Map of the Scheme at the Appendix to this Statement.
- 1.2 This Statement justifies and explains the need for the compulsory purchase order ("CPO") to enable land and any other interests in the land that is not within the ownership or control of the Council to be acquired to enable the works for delivery of the Scheme to be carried out. On 16<sup>th</sup> November 2023 the Council made the Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023 ("CPO") which was submitted along with supporting documents, (including the Council's Statement of Reasons) to the Secretary of State for Transport (the "Secretary of State") for consideration and confirmation.
- 1.3 In addition to making the CPO, the Council on 16<sup>th</sup> November 2023 made the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023 ("SRO") in order to authorise the stopping up of existing side roads and private means of access ("PMA"), to improve existing side roads, to divert public rights of way and to create new public rights of way and private means of access that are necessary to enable the Scheme to be built.
- 1.4 The two Orders, when referred to collectively in this Statement will be called the "Orders". Otherwise, they will be referred to by name or as CPO or SRO as appropriate.
- 1.5 Objections to the Orders were received. By a letter dated 15<sup>th</sup> February 2024 the Secretary of State has given notice of his intention to hold an inquiry into the objections raised.
- 1.6 This Statement is provided in compliance with the Rule 6 of the Highways (Inquiries Procedure) Rules 1994, Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007, the Department for Levelling Up, Housing and Communities, and Local Government's "Guidance on Compulsory Purchase Process and the Crichel Down Rules" (the "DLUHC Guidance") (July 2019). Further it meets the requirements of the Department for Transport's ("DfT") Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular No. 2/97 ("the DfT Guidance").

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- 1.7 All documents relied on by the Council and relevant to the CPO and SRO are listed in section 24 and details of how these documents can be inspected are in section 22 of this Statement.
- 1.8 There are two further matters to note by way of introduction. The first is in respect of the Council's specified approach to achieving growth in its area. The second is in respect of the approach adopted by the Council to achieve the necessary planning consents for the Scheme.
- 1.9 In respect of the first matter, the Council's Strategic Economic Plan ("SEP") was created for the period 2014-2020 and is still considered by the Council as the current and relevant SEP. The SEP sought to achieve the creation of 45,000 new jobs, lever £2.5bn of private investment and increase GVA by £4bn from £19bn to £23bn by 2020. The Council sought to achieve that across the county by investing in places to unlock key development sites, improve the public realm and connectivity to enable the efficient transport of people and goods. Investment in the A511 Growth Corridor (also known in other documents as the Coalville Growth Corridor and the A511 MRN Corridor) is an essential part of the overall economic strategy and is one of five Growth Areas identified in the SEP. The A511 Growth Corridor is one of two key east-west links in Leicestershire. With appropriate interventions, that corridor is capable of enabling the construction of 5,275 houses along with 25 hectares of employment development, which although planned is constrained by the current poor transport infrastructure. The Scheme will address those limitations.
- 1.10 In respect of the second matter, the Council has adopted an approach which seeks to achieve the required infrastructure improvements with minimum effect on the locality or interference with existing interests and rights. The main alterations to the A511 proposed as part of the Scheme will occur at the various junctions along the existing road. As such permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") authorise much of the Scheme. Alterations to existing highway within highway boundaries or adjoining the existing highway fall within the permitted development rights granted by GPDO. Where the use of such permitted development rights does not exist, the Council has sought and obtained specific planning permission to enable the various proposals within the Scheme to be built. Therefore, the Scheme benefits from planning permission through a combination of permitted development rights and express planning consent. Further details in this regard are set out at Section 14 of this Statement.

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## 2. Purpose of the Orders

- 2.1 On the 15<sup>th</sup> September 2023 the Council resolved to use compulsory purchase powers and authorised the preparation and making of the Orders, which were subsequently made on the 16<sup>th</sup> November 2023.
- 2.2 The confirmation of the CPO will enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme, which it does not currently own or control. Further, it will ensure that the necessary improvements are made to the local highway network including the incorporation and implementation of appropriate mitigation measures. Much of the work required along the line of the A511 Growth Corridor already falls within the current highway boundary. The CPO will enable the Council to acquire land and interests that are currently outside of its ownership and control, and which are needed to enable the Scheme to be constructed.
- 2.3 The Council has carried out diligent inquiry to identify all persons with an interest in the land affected by the proposed compulsory acquisition.
- 2.4 The Council has engaged in negotiations to acquire any affected parties' interests voluntarily and is progressing those discussions. Although the Council remains committed to this approach, it is necessary for it to have the ability to acquire the land interests by compulsory acquisition, if necessary, to ensure that the Scheme can be delivered in an efficient and certain timescale so as to avoid delays. The Council is satisfied that the acquisition of all the land interests and new rights are necessary to enable the Scheme to proceed. The Council will continue to review the acquisition of land as the Scheme is progressed to ensure that remains the situation.
- 2.5 The SRO will, subject to Confirmation by the Secretary of State for Transport, empower the County Council to stop up existing side roads and PMA affected by the Scheme, to improve existing side roads, and to divert a public right of way (public footpath N86), create a new shared footway/cycleway and PMA as a consequence of the main works.
- 2.6 The proposed alterations to existing highways and PMA that will be affected by the Scheme are described in the Schedule to the SRO and are shown on the relevant plans to the Order. Where highway improvements as part of the Scheme are proposed on areas that include PMA within the highway boundary, but the works will not affect the existing access arrangements of those PMAs, those PMA have not been shown on the SRO plans. Existing PMA in respect of these areas will remain available both during and after completion of the Scheme.
- 2.7 The Scheme will require alteration of side roads and accesses and the Order made under Sections 14 and 125 of the Highways Act 1980 will allow implementation of these alterations.

## 3. The Enabling Powers

3.1 The Council seeks authorisation to acquire the majority of the land required for the Scheme outright. For some plots, the Council is seeking authorisation to create new permanent rights without acquisition; namely over land owned by Network Rail where the Council requires rights to construct an underbridge below the railway embankment. For other plots, the Council is seeking authorisation to acquire land to locate construction compounds to facilitate the construction of the Scheme. The Council has sought to minimise the extent of compulsory acquisition, including through the acquisition or creation of rights instead of outright acquisition, wherever possible.

3.2 The Highways Act 1980 empowers the Council to compulsorily acquire land and rights over land which it requires to construct and improve the highway. A summary of the powers in the Highways Act 1980, which are relied upon in relation to the Scheme is provided below:

- Section 14 authorises the Council to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided.
- Section 125 empowers the Council to deal with any PMA affected by the new road including the provision of a new PMA.
- Section 239 enables the Council as the Highway Authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for the improvement of a highway.
- Section 240 provides that the Council may acquire land required for the use in connection with construction or improvement of a highway.
- Section 246 allows the Council to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.
- Section 250 allows the Council as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- Section 260 allows the Council to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.

3.3 The Council is using its powers under the Highways Act 1980 to ensure that it will be able to acquire all the land and new rights required to allow the Scheme to be built and maintained. Effort has been made to acquire the land by agreement, which will continue in parallel with the use of the compulsory purchase order process.

3.4 The land to be acquired is shown coloured pink on the CPO map. The land

over which new rights are required is shown coloured blue on the CPO map.

- 3.5 On confirmation of the CPO, the Council has available to it various options as to how the land is acquired. It could choose to exercise a combination of execution methods. Some land plots would be acquired by executing General Vesting Declarations as set out in the Compulsory Purchase (Vesting Declarations) Act 1981, in order to secure title to the land that is required permanently. Other land plots could be acquired using the Notice to Treat and Notice to Enter procedure where land access is only required temporarily for construction purposes. The Council would seek to acquire any temporary rights that are required by private treaty agreements with landowners in the first instance, falling back on the exercise of compulsory purchase powers if necessary.
- 3.6 The SRO has been made under sections 14 and 125, and in accordance with Schedule 1, of the 1980 Act. Section 14 of the 1980 Act authorises the Council in relation to the classified road to:
- Stop up, improve, divert, raise or lower or otherwise alter a highway that crosses or enters the route of a road or is or will be otherwise affected by the construction of the road; and
  - To construct a new highway for purposes concerned with any such alteration or for any other purpose connected with the road or its construction and to close after such period as may be specified in the SRO any new highway so constructed for temporary purposes.
- 3.7 Section 125 of the 1980 Act provides that any order made by the Council under section 14 may authorise the Council to:
- Stop up each PMA to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the order; and
  - To provide new PMA to any such premises.



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## 4. Background Information

- 4.1 In 2008 the Council and North West Leicestershire District Council (“NWLDC”) jointly commissioned studies to aid their understanding of the causes of the traffic problems in and around Coalville and Ashby and identify measures required to enable the area’s continued strategic growth.
- 4.2 In 2011 the Council commissioned a further study to look at the impacts of two Sustainable Urban Extensions and several smaller sites of up to 1,000 houses each, which were being promoted through the Local Development Framework Core Strategy. These studies became collectively known as the Coalville Transport Strategy (“CTS”) albeit no single strategy document was produced at that time.
- 4.3 In 2014, the Leicester and Leicestershire Local Enterprise Partnership secured Growth Deal funding from the DfT towards delivery of improvements at M1 Junction 22 and A42 Junction 13. Developer contributions have subsequently been secured for improvements at the remaining locations along the A511.
- 4.4 In 2016, SYSTRA Ltd was commissioned by the Council to develop a robust evidence base to support improvements for the A511 Growth Corridor, in order to enable economic regeneration of the area and facilitate new housing and employment developments. This study:
- Identified all of the necessary infrastructure to mitigate the cumulative impact of the known growth and regeneration aspirations in the district;
  - Ensured that the investment priorities to support growth in the Coalville area were understood; and
  - Identified the opportunities to prepare bids to fund all, or part of, the identified gap between expected developer/private sector contributions and the cost of the infrastructure.
- 4.5 On 23<sup>rd</sup> December 2017, the DfT launched a consultation setting out the Government's proposals for the creation of a Major Road Network (“MRN”). The MRN formed a middle tier of the country’s busiest and most economically important local authority ‘A’ roads, sitting between the national Strategic Road Network (“SRN”) and the rest of the local road network.
- 4.6 The culmination of the Council’s previous transport studies (2008-2016) was the evolution of the A511 MRN project, which gave the road corridor local recognition in supporting housing and employment growth, but also national recognition in being defined as an ‘economically important ‘A’ road’.
- 4.7 Since 2017, the Council has commissioned a further study using Leicestershire’s Pan-Regional Transport Model (“PRTM”) to review and refresh the modelling work relating to the CTS. This study included consideration of the A511 MRN scheme which developed from the results of the previous studies. This work reaffirmed the recommendations of the previous studies, including the finding that growth will be severely restricted without investment in the A511 Growth Corridor.
- 4.8 The A511 MRN works have also been subject to Strategic and Outline

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Business Case (“OBC”) approvals, which have allowed the Scheme to secure funding from the DfT. Once the full detailed design of the Scheme has been completed and final construction cost estimate established, the Council will submit the Full Business Case to the DfT for approval. Subject to this approval, the Council will then be able to draw down the full grant allocation from the DfT to construct the Scheme.

- 4.9 At the OBC stage the Scheme was forecast to cost £47.57m. At this time the DfT stipulated that local authorities were expected to contribute circa 15% towards the total project cost. In August 2021, the DfT approved the OBC and committed £41.712m towards the delivery of the project. In the Network North publication in October 2023, the DfT indicated that they will look to increase their contribution towards the delivery of this project from circa 85% to 100% of the cost as set out at the OBC stage. This has the potential to increase the DfT contribution to the project from £41.712m to £47.57m. However to date, the Council has not received any further information from the DfT in respect of this and is awaiting confirmation on how that will be applied.
- 4.10 Following normal process since the submission of the OBC in July 2020, the overall project costs have been revisited to account for updates in the design and wider global inflationary pressures. In March 2022 the Council issued a report to their cabinet indicating that the total outturn costs could vary between circa £50-£70m. The Council has confirmed that it has sufficient funding to cover Scheme costs should they reach the upper level of this range, by utilising developer contributions available to it, along with the DfT funding grant. Further details about the funding position can be found in Section 16 of this statement.

## 5. The Current Situation in Respect of the A511 Growth Corridor

- 5.1 The Scheme is situated within the Leicestershire County Council A511 Growth Corridor, which is a 15km long stretch of road that extends from the A50 Field Head junction (just east of the M1 Junction 22) to the A42 Junction 13 near Ashby-de-la-Zouch as shown on the Overview Map of the Scheme at the Appendix to this Statement.
- 5.2 The current route of the A511 is a mixture of single and dual carriageway and forms a bypass around the north of the town of Coalville in the North West Leicestershire District, providing accessibility to employment and service areas, both within the local area and at larger centres such as Leicester.
- 5.3 The demand from both local and through-traffic, combined with capacity limitations along the route are a significant cause of the congestion currently experienced. The OBC highlighted a number of capacity issues associated with the existing A511 Growth Corridor as summarised in the ensuing paragraphs.
- 5.4 Due to it connecting two elements of the SRN (the A42 and the M1), the A511
- 5.5 The A511 Growth Corridor currently experiences notable levels of congestion , particularly at peak times. The Scheme will address peak time travel congestion which will aid housing and employment growth in the area.
- 5.6 The A511 acts as a key north west to south east corridor, with its eastern end

## 6. The Justification of and Need for Intervention

- 6.1 The current use of the road and its significance as part of the road network in this part of the County has been recognised by the Council for a considerable period of time. It has been subject to consideration as part of the proper planning of the area including in relevant planning policy documents.
- 6.2 The Scheme is also recognised at the local level by Leicester and Leicestershire Enterprise Partnership in its SEP as one of five Growth Areas. The SEP states through appropriate investment and improvements along the corridor, there is the potential to deliver at least 5,275 houses and 25ha of employment land.
- 6.3 In order to meet the ambition for the A511 Growth Corridor as described within the SEP it was anticipated that additional capacity would be required along with a new link road to link into development sites. Traffic modelling undertaken in 2014 and presented in support of the OBC for the Scheme indicated that several junctions along the A511 were operating at, or near their capacity. The results showed that without intervention, conditions at these junctions would continue to worsen, with more junctions reaching or nearing their capacity in the following years. Paragraphs 4.2.8 to 4.2.14 of the OBC detail the traffic modelling results that demonstrate the need for intervention at the junctions that make up the Scheme.
- 6.4 The cost to the local economy of congestion will be exacerbated by the level of traffic growth resulting from the many residential and employment developments currently committed. The Office for National Statistics reports on income deprivation at a local level and shows that Coalville has pockets of some of the highest economic deprivation in the country (two areas among the 20% most income-deprived in England). Efforts to address this will be hampered by the performance of the road. In addition, there are planning applications for 3,500 new dwellings and employment concentrated to the south of the town, which, whilst not dependent on the A511 being improved, will benefit from the journey time and reliability improvements of the scheme and supporting the local economy.
- 6.5 Traffic counts collected by the Council using automatic traffic counters demonstrate how the A511 is a key strategic and logistic route, carrying around 28,000 vehicles a day on average, with HGVs forming around 12% of that total. Between 2013 to 2018, an average growth of 22% in HGVs was recorded; a trend which reinforces the need for intervention along the corridor to support industry which relies on the efficient movement along the route.
- 6.6 From an analysis of those various concerns, it emerged that an intervention was required. That intervention would seek to address the current conditions and to meet a number of objectives. The objectives which were identified are outlined in section 7 of this Statement.
- 6.7 In addition to the issues identified above there is a need for intervention from a safety and environmental perspective. Data collected from Stats19 records

shows that the route currently experiences around 21 personal injury collisions (“PICs”) a year, two of which on average result in a serious or fatal casualty. Other schemes carried out at M1 Junction 22 and A42 Junction 13 have resulted in a noticeable reduction in PICs recorded by Stats19 derived data, and the package of improvements proposed for the A511 aims to build on this trend.

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## 7. Scheme Objectives

7.1 To address the issues identified along the A511 Corridor, and taking into account national, regional, and sub-regional policy and strategy; seven objectives were identified at the concept stage, against which to assess the various Scheme options as detailed in Section 8 of this Statement. The seven objectives are:

- Objective 1 – Make journeys on the A511 faster and more reliable;
- Objective 2 - Provide a resilient and safer road network, resilient to road collisions;
- Objective 3 – Improve reliability and capacity for freight along the A511 Growth Corridor and in doing so, support the efficient operation of logistics and mineral extraction needs of the area;
- Objective 4 - Support North West Leicestershire District Council's objectives of facilitating economic and housing growth by delivering improved transport infrastructure;
- Objective 5 - Improve connectivity for all road users;
- Objective 6 - Support the SRN by providing a reliable and resilient link to the M1 and A42; and
- Objective 7 - Improve air quality and traffic noise impact along the corridor.

7.2 These objectives align with and expand on the DfT's five central MRN objectives:

- MRN Objective 1: Reducing congestion;
- MRN Objective 2: Supporting economic growth and rebalancing that economic growth across regions;
- MRN Objective 3: Supporting housing delivery;
- MRN Objective 4: Supporting all road users; and
- MRN Objective 5: Supporting the Strategic Road Network.



## 8. Scheme Options

8.1 Taking into account the identified seven objectives outlined in paragraph 7.1 of this Statement, an options assessment exercise was carried out in accordance with WebTAG guidance using the DfT Early Assessment Sifting Tool (EAST) methodology to review the current and future issues relating to the A511 Growth Corridor and how these could be addressed. This process is described within the Option Assessment Report from June 2019 (“OAR”). The table below from that document sets out the current issues experienced on the A511 Growth Corridor, the future issues anticipated without intervention, the cause of these issues and why improvements are required. It should be noted that the assessment was carried out prior to the announcement that two legs of the proposed HS2 were no longer being progressed. References to HS2 are made in the table but are therefore no longer relevant. The remainder of the points relating to supporting the Scheme are still valid.

Theme	Current Issue	Future Issues	Underlying Cause	Need for Intervention
Sustaining and supporting economic growth	Delays along the A511, creates network resilience issues with limited route choice. This has a knock-on impact on the performance of its strategic junctions with the M1 J22 and A42 J13.  This also poses journey time reliability issues for the logistics and mining activities which is prevalent along the corridor.  Pockets of deprivation.	A failure to address the issues posed by underperforming junctions will increase delays to traffic accessing the SRN at M1 J22 and A42 J13, and impact on the economic output and productivity of the area.  There is potential to unlock 5000 jobs and this would not be realised without the adequate infrastructure along the corridor.	80% of residents in North West Leicestershire and 76% of Coalville residents travel to work by car or van. This contributes to traffic congestion and air quality issues which ultimately has an increased cost on the local economy.	The addition of essential infrastructure to the existing highway network would enable it to operate more efficiently and support development within North West Leicestershire.  The development and delivery of the suggested package of measures will support the efficient operation of the logistics and quarry needs on the corridor and the continued sustainable economic and housing growth in North West Leicestershire.  The growth of these logistics companies requires not just improvements in journey times, but also greater reliability on journey times to their destinations.
Support all road users	Very high proportion of people travelling to work by non-sustainable transport modes. This is somewhat attributable to no publicly accessible railway services within North West Leicestershire and slow and indirect bus services available in Coalville. Increased congestion also contributes to air quality issues which has consequently led to the A511 (by Coalville) becoming an AQMA.	Continued growth in background traffic and freight related activities leading to poor air quality and safety issues for vulnerable road users.	There are limited sustainable interventions in place / proposed for North West Leicestershire. This, coupled with the lack of public transport opportunities in the area, creates a car culture which would require significant behavioural change for a mode shift.	At a local level residents and businesses will benefit from improved road, cycle and pedestrian connectivity in the area, providing more opportunities to access jobs in Coalville, Ashby and the wider area. This will help to alleviate air quality issues. In addition, route improvements would assist the safety of vulnerable road users on the A511.
Facilitating Housing Growth	Existing traffic data indicates that the A511 Growth Corridor currently has considerable issues with road capacity and network congestion.	North West Leicestershire aims to deliver circa 8,300 houses within the vicinity of the A511 by 2031, including the delivery of 3,500 homes in Coalville. Housing growth will further contribute to increased congestion over capacity with an additional increase in traffic demand on the existing road network. This will ultimately limit the delivery of housing.	Development is constrained by lack of infrastructure.	Need to support the development of future housing including SUEs, as well as the visions from the LTP3 to support economic growth and more sustainable communities. The scheme will accelerate delivery of transport infrastructure necessary to facilitate housing growth. This will reduce the barrier to developers investing in Coalville by enabling sites to come forward where meeting the full cost of the infrastructure would make delivery unviable.
Support the Strategic Road Network	The A51 Growth Corridor is one of the key east-west road links in Leicestershire linking the A42 to the M1 at Junction 12 and therefore acts a connecting route to the SRN. It also performs a resilience function for the SRN by acting as an alternative route between the M1 and A42.	Continued growth in background traffic and freight related activities can lead to delays and journey time reliability issues for the corridor and in so doing affecting vehicles accessing the SRN. In addition to this the HS2 compound is located near the corridor and would result in additional traffic along the corridor during construction.	Inadequate infrastructure to support the SRN and future growth in the area, as well as HS2 activities.  Lack of resilience - the A511 is vulnerable to collisions and incidents which can cause significant disruption over a wide area	The A511 Growth Corridor performs a resilience function for the SRN. It is therefore paramount that is brought to suitable standard to support the SRN and prevalent freight activities along the corridor. It is also required to support the construction of the HS2 railway line through North West Leicestershire, which traffic implications for the area.
Environmental Impacts	North West Leicestershire District Council (NWLDC) has declared an Air Quality Management Area (AQMA) for Nitrogen Dioxide (NO2) exceedances at the junction of A511 Stephenson Way and Broom Leys Road.	Growth in background traffic and planned developments for the area will increase traffic along the corridor and in so exacerbate the existing Air Quality Issues with the possibility of causing it to extend to other locations along the corridor.	The main source of pollution is caused by emissions from stationary vehicles queuing on the A511 on both approaches to the junction.	Need to reduce congestion along the corridor by providing more available 'green time' for A511 traffic and help reduce queuing and engine idling.

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- 8.2 In total, 28 different potential interventions were assessed in the OAR against the Scheme objectives, wider objectives and criteria relating to feasibility, acceptability and affordability to identify the better performing options. The OAR assessment was derived from the evidence base, with stakeholders engaged in the decision-making process. The interventions ranged from improvements to a single junction on the route, to various packages of improvements across multiple junctions, as well as options for public transport improvements.
- 8.3 What followed that process was an assessment which sought to reduce the potential interventions by removing any that failed to meet some or all of the Scheme objectives. That initial sifting of options (i.e. Stage 1 Assessment) was carried out following step 6 of DfT's Transport Analysis Guidance – the Transport Appraisal Process. This is a process which involves discarding options that:
- would clearly fail to meet the key objectives identified for intervention;
  - do not fit with existing local, regional and national programmes and strategies, and do not fit with wider government priorities, and,
  - would be unlikely to pass key viability and acceptability criteria (or represent significant risk) in that they are unlikely to be:
    - deliverable in a particular economic, environmental, geographical or social context e.g. options which would result in severe adverse environmental impacts which cannot be mitigated against or where the cost of doing so is too high;
    - technically sound;
    - financially affordable; and,
    - acceptable to stakeholders and the public.
- 8.4 Following initial sifting, 15 transport options were discarded from the long list of 28 and 13 options were taken forward for further assessment. Of these different options each was ranked against the Scheme objectives and other aspects listed above. Package 1, with a set of full interventions, was ranked highest. The OAR details the full exercise undertaken to select the final Scheme.
- 8.5 The results demonstrated that highway interventions along the A511 Growth Corridor as proposed in Package 1 (which now comprise the Scheme) were the highest-ranking performers due to their potential for providing a material benefit to both road users and other residents, as well as supporting the growth proposals in North West Leicestershire District Council's Local Plan 2011 - 2031.
- 8.6 Of the 28 options, 5 options consisted of a package of junction improvements rather than improvements to just a single junction (Packages 1 to 5). These options identified that packages of improvements at multiple junctions performed better when assessed against the scheme objectives compared with individual highway interventions, with the largest package ranking highest.
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This largest package (Package 1 which comprises the Scheme) has the added benefit of providing a continuity of standard for the A511 Growth Corridor as all improvements will be constructed at a similar time and likely under the same contract. In addition to economies of scale, this provides a greater certainty of benefit and achievement of outcomes compared with an alternative approach of incremental implementation over a longer duration. Implementing the interventions individually would also add uncertainty that the scheme will be fully delivered and that the full benefit will be realised.

- 8.7 The strategic case for the Scheme in the OBC includes consideration of the alternative options and those were assessed against the scheme objectives to settle on the preferred option for the A511 Growth Corridor.

## 9. Description of the Scheme

- 9.1 The Scheme (identified as Package 1 in the OAR) comprises Projects, consisting of improvements to seven roundabouts, one signalised crossroads junction, dualling a section of single carriageway and construction of a new link road (“the Bardon Link Road”). The Projects making up the Scheme along the A511 corridor are listed in the following table:

Project	Description of Improvements
A511 / Hoo Ash Roundabout	Widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times.
A511 / Thornborough Road Roundabout	Widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times. The existing toucan crossing on the western (McDonalds) side of the A511 will be retained to facilitate pedestrian and cyclist movements.
A511 Stephenson Way Dualling	Alter the existing single lane road to a dual carriageway on Stephenson Way between the Thornborough Road and Whitwick Road roundabouts. This will increase vehicular capacity along the A511.
A511 / Whitwick Road Roundabout	Widened approaches and exits allowing two ahead lanes for A511 in both directions and from Thornborough Road from the south. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times. New signalised pedestrian crossing on the junction's eastern side (Morrisons). This will aid walking and cycling movements between Whitwick and Coalville.
A511 / Broom Leys Road Junction	Modify the existing traffic signal junction by altering the existing left turn lane on Stephenson Way into Broom Leys Road (eastbound) to enable ahead and left traffic. Removing some of the verge and footway to provide two ahead lanes for traffic travelling northbound on Stephenson Way.

		This will enable improved vehicle throughput, reduced queuing and thus reduced pollution.
A511 Bardon Road Roundabout		Upgrading of the existing roundabout at the A511 Stephenson Way / Bardon Road Junction to create a new enlarged gyratory. This will enable a new southern arm and road connection to the Bardon Link Road.
Bardon Link Road		A new 450m length of road south of the Bardon Road Roundabout, with new underbridge through the railway embankment, shared footway/cycle way on both sides, balancing pond, additional drainage features and landscaping. This new road will tie into the spine road of the development off Grange Road to the south, providing a shorter and more direct route for traffic from the immediate local area in and around Bardon to the A511 and SRN
A511 / Birch Tree Roundabout		Widened entry and exit lanes allowing three lanes around part of the roundabout to enable an additional lane on the exit towards Coalville, supporting better traffic flow and reducing the risk of collision. Widening on the A511 southbound approach to facilitate an additional lane on the exit of the A511 eastbound. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times.
A511 / Flying Horse Roundabout		Modification of the current partially signalised roundabout so that traffic from Stanton Road and traffic from Copt Oak Road can only turn left onto the A511. Traffic travelling on the A511 will not be able to turn right into Stanton Lane. This will aid in the regulation of traffic flow, increasing vehicular capacity along the A511 and reducing the likelihood of queues along the A511 effecting the M1 junction 22. The scheme will also see the existing pedestrian crossings kept with an additional crossing provided on Stanton Lane.
A50 / Field Head Roundabout		Introduction of part time signals on the A50 approaches to the roundabout. A two-lane exit is proposed on Launde Road. This adjustment enables regulation of the traffic flow across the roundabout to reduce queuing times on the A511 which will also reduce likelihood of queues along the A511 effecting the M1 junction 22. The improved traffic control is expected to have a positive effect on the number of PIC's recorded

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	at this junction, with historic data showing a cluster here.
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## 10. Meeting the Objectives

- 10.1 The final Scheme was assessed against the objectives set out at concept stage. The paragraphs that follow describe how the Scheme meets these objectives.

10.2 Objective 1 – Make journeys on the A511 faster and more reliable.

The Scheme will provide capacity improvements at all key junctions and will improve the reserve capacity at the junctions, thus helping to alleviate the current congestion along the A511 corridor and providing faster and more reliable journeys. The new Bardon Link Road will provide relief for the currently congested Birch Tree Roundabout, as well as reducing conflict with vehicle and rail movements accessing the Bardon Hill Quarry, and in so doing increasing capacity along the A511 Growth Corridor.

10.3 Objective 2 - Provide a resilient and safer road network, resilient to road collisions.

The Projects included in the Scheme will aid in improving safety of the corridor's users. Improving junction design and capacity will help alleviate pre-existing PIC clusters that centre on the intersections. Additionally, of the 88 recorded PICs along the corridor, 18 (20%) involved vulnerable road users (pedestrians / cyclists and motorcyclists). Projects within the Scheme package, such as junction signalisation are expected to assist the safety of vulnerable road users on the corridor. Since the beginning of 2019, there have been an average of 10 accidents per year along the corridor where these involved 12 vulnerable road users (pedestrians, cyclists and motorcyclists) and 8 accidents were classified as "killed or serious injury".

10.4 Objective 3 – Improve reliability and capacity for freight along the A511 MRN Growth Corridor and in doing so, support the efficient operation of logistics and mineral extraction needs of the area.

The delivery of the Scheme will support the efficient operation of the logistics and quarry needs on the corridor by providing faster and more reliable journeys.

10.5 Objective 4 - Support North West Leicestershire District Council's objectives of facilitating economic and housing growth by delivering improved transport infrastructure.

3,500 dwellings to the south-east of Coalville are proposed as a key element of the adopted North West Leicestershire Local Plan 2011 to 2031, which identifies the A511 Growth Corridor as one of five growth areas. The Scheme will aid in providing capacity across the corridor to mitigate traffic growth anticipated as a result of new development. Without the package, increasing congestion on the corridor would risk making additional development unattractive, reducing future investment and jeopardising the growth targets set out in the Local Plan, which extend to 5,275 new homes across the corridor. The Bardon Link Road Project will deliver a new section of road, linking to

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ongoing housing development off Grange Road to the south of Coalville and will provide the means to cross the railway.

10.6 Objective 5 - Improve connectivity for all road users.

At a local level, residents and businesses will benefit from improved car, bus, cycle and pedestrian accessibility in the area, providing more opportunities to access jobs in Coalville, Ashby and the wider area. This includes access to Leicester, East Midlands Airport and the strategic rail freight interchange at Castle Donnington. Car and bus passengers will benefit from the enhanced journey time reliability on the corridor enabled by increased junction capacity, whilst pedestrians and cyclists will benefit from the new Bardon Link Road providing a shorter access to Bardon Hill from Coalville, as well as the signalised junction schemes providing safer crossing opportunities. The new Bardon Link Road will also support the proposed residential developments by providing a northern access which connects to the A511 and Coalville town centre and a more direct route for residents of Coalville's eastern estates to access the Bardon industrial area, independent of the A511 MRN route.

10.7 Objective 6 - Support the SRN by providing a reliable and resilient link to the M1 and A42.

The A511 forms a part of the Primary 'A' Road network and is one of the two key east-west road links in Leicestershire. It also provides a key link between the A42 at Junction 13 and the M1 at Junction 22, thus forming a key feeder between these two SRN routes. The Scheme therefore benefits trips to and from the SRN and will improve overall journey time reliability for trips using both networks, further realising benefits from investing in the SRN. Additionally, in the event of disruption on the SRN, an enhanced A511 could function as an alternative link between the A42 and M1 or other SRN routes, therefore increasing SRN resilience.

10.8 Objective 7 - Improve air quality and traffic noise impact along the corridor.

Up until March 2022 there was an Air Quality Management Area ("AQMA") at A511 Stephenson Way / Broom Leys Road Junction which was mainly caused by emissions from stationary vehicles queuing on the A511 on both approaches to the junction. This leads to excessive amounts of Nitrogen Dioxide (NO<sub>2</sub>). The AQMA was revoked in 2022 and the proposals for the junction will further improve the situation by providing more available 'green time' for A511 traffic and help reduce queuing and engine idling.

# 11. Other Scheme Benefits

- 11.1 In line with the DfT's "Transport Business Case Guidance" document, an Economic Case was compiled by the Council as part of the OBC to demonstrate that the Scheme demonstrates value for money.
- 11.2 The Economic Case was driven by use of the PRTM developed from the existing Leicester and Leicestershire Integrated Transport Model (LLITM 2014 Base), by DfT and industry standard software usage. Specific benefits listed below were monetised to establish the Schemes initial Benefit Cost Ratio ("BCR"):
- Transport User and Provider benefits (including travel time and vehicle operating cost savings);
  - Safety benefits;
  - Noise output;
  - Air Quality emission changes; and
  - Greenhouse Gases emission changes.
- 11.3 Additional valuations of other objectives were also monetised to be included in the Scheme's adjusted BCR:
- Journey time reliability benefits; and
  - Wider economic impacts.
- 11.4 The BCR is a measure of value for money and allows the Scheme to be categorised under one of the DfT's value for money categories:

VfM Category	Implied by...*
Very High	BCR greater than or equal to 4
High	BCR between 2 and 4
Medium	BCR between 1.5 and 2
Low	BCR between 1 and 1.5
Poor	BCR between 0 and 1
Very Poor	BCR less than or equal to 0

- 11.5 Given the contents of certain of the objections which are set out below, relating to finance and consequential value for money, the decision has been made to add further explanation to this section. In March 2022, the Scheme's BCR was recalculated in light of the forecasted costs increasing from £47.6m at OBC stage to £62.7m. The revised calculation showed that with a forecasted cost of £62.7m, the Scheme demonstrated an initial BCR of 1.59. Inclusion of journey time reliability benefits and wider economic impacts gave an adjusted BCR of 2.22. As shown in the table above, this demonstrated that the Scheme

offered 'Medium to High' value for money.



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## 12. The Order Land

- 12.1 The full extent of the land subject to powers of compulsory acquisition and required in order to enable the Council to construct and operate the Scheme is shown on the CPO Maps which comprise five sheets ("the Order Land"). It comprises 42 plots, each of which is described in the CPO Schedule.
- 12.2 The land comprises plots required permanently at:
- Whitwick Road Roundabout;
  - Broom Leys Road Junction; and
  - Bardon Road Roundabout and Bardon Link Road
- 12.3 The CPO also includes the acquisition of new permanent rights without acquisition over land owned by Network Rail in respect to the creation of an underbridge below the railway embankment related to the Bardon Link Road.
- 12.4 Certain areas are only required temporarily for the purpose of construction access and to locate compound locations. The Council's intention is not to acquire these plots permanently provided access can be achieved by private treaty agreement with relevant landowners, however access must be guaranteed. Such plots are at:
- Hoo Ash Roundabout;
  - Thornborough Road Roundabout;
  - Whitwick Road Roundabout;
  - Broom Leys Road Junction;
  - Bardon Road Roundabout and Bardon Link Road; and
  - Field Head Roundabout.
- 12.5 In relation to the proposed construction compound (CPO plots 005 and 006) at Whitwick Road Roundabout, discussions are ongoing with the landowner as to whether an alternative site in their ownership can be provided that meets the Scheme's needs but is preferable for them to offer. In relation to plots 18 and 19, the Council is considering the land take required and is in discussions with the landowner following the objection submitted. The Council will provide an update on this when negotiations have progressed.
- 12.6 The works for each of the Projects are described below and each are shown in the Scheme Plans which are listed in Section 23 of this Statement.
- 12.7 In preparing the Orders, the Council has carried out diligent inquiry in order to identify all persons with an interest in the land.
- 12.8 The process described below to identify parties with an interest in land affected

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- by the Scheme was carried out for all landowners within the Order Land prior to the Order being made, including those objectors discussed in Section 20 of this Statement. Categories of persons identified, and the methods used to identify them are described below. A land referencing refresh was undertaken prior to the making of the Orders to ensure that any changes in ownership or other interests were identified and to ensure that any new persons were subject to appropriate engagement.
- 12.9 Persons with land interests were first identified using information from the Land Registry (registered freehold and leasehold titles). The titles contain details of the registered proprietors, as well as their mortgagees (if applicable). They also contain details of various rights and restrictions that burden the title. Analysis of those details outlines further parties as the beneficiaries of these rights and restrictions. Other interests (such as options to purchase or contracts for sale) may be found in the registered titles as well.
- 12.10 Visits to the site were undertaken to speak to parties in the area, both to confirm that their details, and details regarding their interests are correct, and to identify any further unregistered interests (such as tenancies or occupancies).
- 12.11 Finally, all parties with an interest in the land were sent a Land Interest Questionnaire, complete with a plan demonstrating their interest. The questions included confirmation of the party's details, of the nature of their interest(s), and whether there are any other parties with an interest in the land in question.
- 12.12 All parties have been web validated so far as possible to confirm that their details are correct. For registered companies, this includes checking their details with Companies House to confirm their registered details.
- 12.13 The Council is complying with the requirement in paragraph 2 of the DLUHC Guidance to take reasonable steps to acquire all of the land and rights included in the CPO by agreement.
- 12.14 At the same time, the Council notes that the DLUHC Guidance recognises that although compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, the DLUHC Guidance recognises at paragraph 2 that it may often be sensible for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedures (i.e. progress the making of an order). The DLUHC Guidance notes that this will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.
- 12.15 The Council has engaged with all landowners and occupiers with a view to acquiring their interests by agreement. This has involved sending land interest questionnaires and consultation letters, inviting them to consultation

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exhibitions held in October 2019 and October 2020 and one to one meetings. A further consultation period was held from 27<sup>th</sup> September to 31<sup>st</sup> October 2021 specifically with regard to the proposals for the Bardon Link Road.

- 12.16 The consultation comprised a series of informal discussions with directly affected neighbours, consultation events where members from the project team attended and spoke with interested parties. A dedicated web page on the Council's website was also created. 29 letters were delivered to those residents located immediately adjacent to the proposed new road. Following the initial distribution of the letters, each of the 29 properties were visited to give the residents an opportunity to discuss the scheme proposals and to address any questions. The feedback received at this point indicated that the engagement was well received and much appreciated. A further 1,700 letters were delivered to a wider area of properties around the scheme, as well as to a number of stakeholders. Further information about this consultation can be found in the Statement of Community Engagement submitted with the Bardon Link Road planning application reference 2022/RegMa/0069/LCC (the application is referred to in this Statement as "the Original Bardon Link Road Planning Application" and the resulting planning permission is referred to as "the Original Bardon Link Road Planning Permission").
- 12.17 The Council is in the process of engaging with the landowners/occupiers with regard to the acquisition of their interests by agreement, and negotiations with this objective will be ongoing throughout the process. Where appropriate, negotiations will consider agreements to use land for a specified, temporary period rather than permanent acquisition.
- 12.18 Whilst negotiations are ongoing, the Council is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the Scheme within this timescale. In addition, some plots are unregistered with untraceable ownership and cannot be acquired by agreement. The Council has therefore concluded that the Scheme is unlikely to be capable of being delivered without compulsory acquisition powers.

### **Whitwick Road Roundabout – permanent land take required**

- 12.19 The Whitwick Road roundabout connects the A511 Stephenson Way, Hermitage Road and Whitwick Road. Each arm currently has two short approach lanes and one exit lane.
- 12.20 Analysis carried out in 2017 and presented in a report titled Junction Options Feasibility Report (Stage 1) showed that the Network Residual Capacity ("NRC") – a measure of how much traffic can be increased or decreased through the Whitwick Road roundabout to obtain satisfactory operation, was - 7% during the AM peak and 2% during the PM peak. This showed that the junction was expected to be operating over its capacity in the AM peak and very close to its capacity at the PM peak.
- 12.21 Generated traffic flows for the year 2031 using traffic modelling software

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- showed that the NRC was projected to worsen to -18% during the AM peak and -14% during the PM peak. These figures conclude that the junction would be operating significantly over capacity in both peak hours by 2031 without intervention.
- 12.22 Once an intervention need was identified at this junction, several options were initially considered by the Council's Traffic Engineering Teams to address the predicted issues:
- Option A – widen all approaches to allow three entry lanes on all arms and two exit lanes on the A511 exits.
  - Option B – as per Option A but with the addition of traffic signals on all arms.
  - Option C – widen all approaches to extend the length of the existing second entry lanes and provide two exit lanes on the A511 exits. Full signalisation was also considered with this option.
- 12.23 Analysis of the options was undertaken to determine which offered the best balance between cost and benefits expected.
- 12.24 Option A offered the greatest benefits, followed by Option B and then Option C. However, Option C was still found to offer significant predicted benefits by increasing the NRC in 2017 to 35% during the AM peak and 17% during the PM peak; and in 2031 to 16% during the AM peak and 0% during the PM peak. This option could be achieved at a substantially lower cost than Options A and B due to a smaller area of additional carriageway construction required and reduced third party land take requirements.
- 12.25 Option C was therefore chosen and further refined by removing the traffic signals from the design to increase the benefit during off-peak hours by reducing delays. A signalised pedestrian crossing was also added to the design on the eastern A511 arm to improve pedestrian connectivity across the junction.
- 12.26 In order to implement Option C, an area of permanent land take is required on the eastern side of the southern arm, adjoining the existing adopted highway. To enable reconstruction of the embankment, an additional area of land is required temporarily for construction access. This land is included in the CPO to ensure the Project can be constructed.
- 12.27 To facilitate the construction of the improvements at Whitwick Road roundabout and the dualling of the section of road between this roundabout and Thornborough Road roundabout, a construction compound is required and has been incorporated into the CPO as land to be acquired. The land will be acquired on the basis described earlier within this Statement.
- 12.28 Public Bridleway O8 passes along the track which is proposed to be the access to the construction compound and will require an Order for a temporary prohibition under Section 14 of the Road Traffic Regulation Act 1984 to prohibit public access due to the likelihood of danger to the public. An alternative
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diverted route will be advertised.

### **Broom Leys Road Junction – permanent land take required**

- 12.29 The Broom Leys Road junction is a four-arm signalised crossroads between the A511 Stephenson Way and Broom Leys Road.
- 12.30 The proposed Broom Leys junction improvements broadly retain the existing layout but will widen the entry and exit on the A511 to allow two ahead lanes for the A511 in both directions.
- 12.31 To accommodate the two lane approach on the southbound approach of the A511 Bardon Road to the north of the junction, the westbound right turn into Broom Leys Road will be banned.
- 12.32 In order to construct the widened approach to the junction from the south, an area of permanent land take is required on the western side of the southern arm, adjoining the existing adopted highway. Although under the ownership of the Council, it is not adopted highway and so is included in the CPO to ensure all interests are acquired. A further area of land is required to allow construction access.
- 12.33 To facilitate the construction of the improvements at the Broom Leys Road junction, a construction compound is required and has been incorporated into the CPO as land to be acquired. The land will be acquired on the basis described earlier within this Statement.

### **Bardon Road Roundabout and Bardon Link Road – permanent land take required**

- 12.34 The Bardon Road roundabout in Coalville is a three-arm roundabout at the junction between the A511 Stephenson Way to the north, the A511 Bardon Road to the south-east and Bardon Road to the north-west.
- 12.35 It is proposed to add a fourth arm to the south of the Bardon Road roundabout and construct a new link road approximately 450 m in length with a carriageway width of 6.75 m across land to the rear of the properties on Bardon Road (i.e. The Bardon Link Road). The Bardon Link Road will tie-in to the spine road being delivered as part of the Grange Road residential development, contributing to the south-east Coalville Sustainable Urban Extension.
- 12.36 In addition to the Bardon Link Road, the Scheme comprises the following:
- 3 m wide shared footway/cycleway on both sides of the new road;
  - a 12 m long, 13 m wide underbridge through the embankment that carries the Leicester to Burton railway freight line;
  - a balancing pond and associated drainage including a new culvert through the railway embankment;
  - the diversion of a public footpath;

- landscaped areas for ecological mitigation; and
- demolition of four properties along with alterations to a remaining neighbouring property's PMA.

12.37 Construction of the Bardon Link Road requires the acquisition of land and the demolition of four residential properties on Bardon Road, Coalville:

- 38 Bardon Road;
- 40 Bardon Road;
- 42 Bardon Road; and
- 44 Bardon Road.

12.38 It is not possible to construct the Bardon Link Road without the demolition of these properties as connectivity is required to the Bardon Road roundabout.

12.39 The access road off the main Bardon Road currently serves the driveways of nos. 32 to 42 Bardon Road. The reconfiguration of the highway and demolition of four neighbouring properties affects the access to the driveway of no. 36 Bardon Road. A Road Safety Audit identified a safety concern where a vehicle would be required to reverse out of the driveway of no. 36, along the service road and onto the main Bardon Road without a design amendment. To address this issue, it is proposed to transfer an area of land to no. 36 Bardon Road to enable an enlarged driveway to be constructed that would allow a vehicle to turn around within the property curtilage. The CPO includes the land required to carry out these changes.

12.40 The four properties to be demolished are currently tenanted by way of periodic assured shorthold tenancy agreements.

12.41 An options assessment process was undertaken to consider the alignment of the road and the preferred engineering solution for crossing the railway embankment. The alignment options were extremely limited owing to the need to tie in with an existing roundabout to the north and a proposed spine road to the south but full consideration was given to minimising land take and the need to demolish properties.

12.42 WSP were commissioned to produce a report to consider the options for crossing the railway embankment. This work was completed in December 2020 (the Bardon Road Bridge Option Report) and two options were presented.

- Option A proposed going underneath the embankment with an underline bridge;
- Option B proposed crossing over the top with an overline bridge.

The report concluded that the underline bridge was recommended instead of the overline bridge for the following reasons:

- Less land take required;
- Less visually intrusive;
- Easier future inspection and maintenance possibilities;
- Less material to be moved; and
- An overall more economic solution in cost and sustainability

- 12.43 The proposals interface with land owned by Network Rail and a live railway carrying freight trains. It is proposed to create permanent rights over land owned by Network Rail to facilitate the removal of the track and embankment; installation of the underbridge under a 104 hour possession of the railway; and rebuilding of the track and embankment. In addition, permanent rights for the public highway to pass beneath the railway embankment are required. New permanent rights are required to facilitate these works and future maintenance of the works.
- 12.44 The risk of flooding was assessed in relation to the construction of the new Bardon Link Road and underbridge. It was concluded that by creating a route through the railway embankment, flood water that was previously held back by the embankment before passing through the existing culvert in a controlled manner, would now flow uncontrolled over the new highway and through the railway embankment, flooding land to the south which includes residential development.
- 12.45 A number of options were investigated to determine how best to manage flood risk. The option that satisfied the hydraulic model consisted of a large balancing pond to the south of the railway embankment.
- 12.46 The Original Bardon Link Road Permission approved this drainage solution but further discussions with the landowner ensued and an additional option was considered that could reduce the size of the balancing pond (as requested by the landowner/developer) by utilising the area north of the railway embankment as an additional naturalised flood storage area consisting of a number of meandering channels and a lowered basin. This had further benefits of creating an improved ecological area with soft landscaping.
- 12.47 The S73 Bardon Link Road Planning Application (described at Section 14.37 of this Statement) was therefore submitted to alter the drainage design of the Bardon Link Road Permission and thereby reducing the size of the balancing pond and the area of permanent land take required south of the railway embankment.
- 12.48 To facilitate the construction of the new Bardon Link Road and associated drainage and soft landscaping, access for construction activities and a construction compound is required which have been incorporated into the CPO as land to be acquired. The land will be acquired on the basis described earlier within this Statement in relation to land that is required on a temporary basis.
- 12.49 Through the planning process, the landscape and visual impact of the



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proposals was considered and where a negative impact was identified, this was mitigated through soft landscaping proposals where possible; notably to the west of John Cooper Way where the existing residential properties will overlook the new Bardon Link Road, a native woodland area is proposed to screen the Bardon Link Road from the residential properties. An area of land which is currently lightly planted with low shrubs at the edge of the relatively new housing estate is included within the CPO to achieve this.

- 12.50 Public footpath N86 passes through the land on which the Bardon Link Road will be constructed. To facilitate a safe crossing point of the new highway between two traffic calming features and via tactile paving dropped kerbs, this public footpath will be subject to a small diversion, achieved through the SRO.

### **Land required on a temporary basis**

- 12.51 In addition to the land take required and described above at Whitwick Road roundabout, Broom Leys Road junction and the Bardon Road roundabout and Bardon Link Road; land is also required temporarily for siting construction compounds and providing access for construction activities at Hoo Ash roundabout, Thornborough Road roundabout and Field Head roundabout.
- 12.52 To ensure the Scheme can be constructed, these areas of land have been included in the CPO but all efforts will be made to negotiate temporary access with the landowners by licence.
- 12.53 At Broom Leys Road junction, where the compound is proposed at a location over which passes public footpath O6 at the edge of the site, access will be maintained for the public on the footpath throughout construction. If at any point, this is unachievable, an Order for a temporary prohibition under Section 14 of the Road Traffic Regulation Act 1984 to prohibit public access due to the likelihood of danger to the public will be made. An alternative diverted route will be advertised.



## 13. The Side Roads Order (SRO)

- 13.1 The SRO will, subject to confirmation by the Secretary of State for Transport, allow the Council to stop up existing side roads and PMA affected by the Scheme, to improve existing side roads and to create new side roads and PMA required as a consequence of the Scheme.
- 13.2 The full title of the SRO published under the 1980 Act is: The Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023.
- 13.3 The proposed alterations to existing highways and PMA that will be affected by the Scheme are detailed in the Schedule attached to the SRO and shown diagrammatically on the fourteen SRO site plans numbered 1 to 14 respectively. The following descriptions should be read in conjunction with the Schedules in the Order and the Order Site Plans.
- 13.4 The SRO is made under section 14 and 125 of the Highways Act 1980 and authorises the Council to:
- Improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
  - Stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
  - Construct a new highway along each route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
  - Stop up each PMA to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
  - Provide new PMA to premises at each location shown on a Site Plan by thin diagonal hatching.
- 13.5 The proposed arrangements are detailed below.
- 13.6 Any improvements to the existing highway network may result in disposal, replacement, renewal and additions to existing assets within the public highway. The exact work will be dependent upon the detailed design requirements and layout at each section of the highway. The area of improvement shown on the site plans includes the full extent of public highway including verge areas where they form part of the highway, unless otherwise stated.
- 13.7 **Site Plans 1 and 2 of 14 – Hoo Ash Roundabout**
- Highway to be stopped up**
- 13.8 Footpath N25 and highway rights over Bog Lane are to be stopped up from a point approximately 151 m west of Hoo Ash Roundabout running north west along Bog Lane for 51 m.

### **New Highways**

- 13.9 New highway along the route of existing Footpath N25 / Bog Lane. This is to allow the public footpath to be re-provided after completion of the works, as the Footpath N25 will only need to be obstructed by reason of the works temporarily.

### **PMA of access to be stopped up**

- 13.10 PMA to Bog Lane from A511 Ashby Road will be closed during construction. This PMA will be reinstated after construction is completed as described in Section 13.11 of this Statement.

### **New PMA**

- 13.11 To re-provide the PMA to Bog Lane from the A511 Ashby Road after construction of the Scheme as the existing PMA will only be obstructed by reason of the works temporarily.

### **Improvements**

- 13.12 Widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions.

- 13.13 **Site Plans 3, 4 and 5 of 14 – A511 Dual Carriageway**

### **New Highways**

- 13.14 Existing highway boundary to be widened to include 57 m of new highway to the east of the Whitwick Road, 28 m south of the A511 Roundabout at the junction with Hermitage Way / Whitwick Road and A511 Stephenson Way.

### **Improvements**

- 13.15 Alterations to the existing single lane road to a dual carriageway on Stephenson Way between the Thornborough Road and Whitwick Road roundabouts.

- 13.16 **Site Plans 6 and 7 of 14 – Broom Leys Junction**

### **New Highways**

- 13.17 Existing highway boundary to be widened to include 16 m of new highway approximately 8 m east of the A511 Stephenson Way junction with Broom Leys Road.

- 13.18 **Improvements**

- 13.19 Modify the existing traffic signal junction by altering the existing left turn lane on Stephenson Way into Broom Leys Road (eastbound) to enable ahead and left traffic. Removing some of the verge and footway to provide two ahead lanes for traffic travelling northbound on Stephenson Way.

**13.20 Site Plans 8, 9 and 10 of 14 – Bardon Road Roundabout and Bardon Link Road**

**Highway to be stopped up**

- 13.21 Footpath N86 is to be stopped up from a point approximately 93 m south of its connection to the A511 Bardon Road for 115 m in a south westerly direction to a point approximately 59 m north of the entrance of footpath N86 crossing under railway. This footpath will be re-provided as described at Section 13.23 of this Statement.

**New highways**

- 13.22 Creation of the Bardon Link Road, a new highway, from a point on the edge of the existing highway boundary at Number 44, 42, 40 and 38 Bardon Road, heading in a south/south-westerly direction for 450 m. The new highway runs through fields towards the railway line. The new route crosses underneath the line (approximately 267 m South of Bardon Road) via a new underpass which is to be created as part of the scheme. South of the railway, the route continues in a southerly direction for 166 m through fields.
- 13.23 New highway (footpath) from a point on footpath N86 92 m south of the footpath junction with A511 Bardon Road in a South Westerly direction for 55 m towards the new Bardon Link Road.

**PMA to be stopped up**

- 13.24 PMA's for 36, 38, 40, 42 and 44 Bardon Road will be stopped up.

**New PMA**

- 13.25 A new PMA is to be created for access to 36 Bardon Road.
- 13.26 A new PMA is to be created off the new highway BR-N1 approximately 225 m south from Bardon Road along the route of the Bardon Link Road.
- 13.27 A new PMA is to be created off the Bardon Link Road approximately 119 m south of the railway.

**Improvements**

- 13.28 Upgrading of the existing roundabout at the A511 Stephenson Way / Bardon Road Junction to create a new enlarged gyratory to allow a new southern arm and road connection to the Bardon Link Road.
- 13.29 A new 450m length of road south of the Bardon Road Roundabout, with new underbridge through the railway embankment, shared footway/cycle way on both sides, balancing pond, additional drainage features and landscaping. This new road will tie into the spine road of the development off Grange Road to the south.

**13.30 Site Plan 11 of 14 – Birch Tree Roundabout**

**Improvements**

- 13.31 Widened entry and exit lanes allowing three lanes around part of the roundabout to enable an additional lane on the exit towards Coalville, supporting better traffic flow and reducing the risk of collision. Widening on the A511 southbound approach to facilitate an additional lane on the exit of the A511 eastbound.

**13.32 Site Plans 12 and 13 of 14 – Flying Horse Roundabout**

**Improvements**

- 13.33 Modification of the current partially signalised roundabout so that traffic from Stanton Road and traffic from Copt Oak Road can only turn left onto the A511. Traffic travelling on the A511 will not be able to turn right into Stanton Lane. This signalisation aids in regulating traffic flow and thus reducing the potential for accident at this location which currently shows a large number of PICs. The scheme will also see the existing pedestrian crossings kept with an additional crossing provided on Stanton Lane.

**13.34 Site Plans 14 of 14 – Field Head Roundabout**

**Improvements**

- 13.35 Introduction of part time signals on the A50 approaches to the roundabout. A two-lane exit is proposed on Launde Road.

**13.36 SRO Summary**

The making and confirmation of the SRO will enable the Council to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up PMA to premises, required as a consequence of the construction of the classified road and; to provide new private means of access to premises as required for the Scheme. Where PMA are stopped up during the construction phase, suitable temporary PMA will be afforded until such time as any new PMA is provided.

## 14. The Planning Position

- 14.1 Set out below is a description of the relevant planning and associated policies that are considered relevant to the Scheme. The Scheme is either supported by these policies directly, or the Scheme will contribute towards achieving the aims of the policies in question.
- 14.2 Express planning permission exists for part of the Scheme (specifically the Bardon Link Road which benefits from the S73 Bardon Link Road Planning Permission described at Section 14.37 of this Statement), which has been assessed by the planning authority against relevant policies. The remainder of the Scheme will be undertaken in accordance with permitted development rights, which are works that the government considers to be such that blanket planning permission can be provided to highway authorities to undertake without the need for specific assessment by planning authorities. As such these works do not require specific assessment against planning policies. Nonetheless the council considers the Scheme in its entirety is consistent with the planning policy framework.

### National Planning Policy Framework (2023)

- 14.3 The National Planning Policy Framework ("NPPF"), last updated on 20<sup>th</sup> December 2023, sets out the Government's planning policies for England. A review of that recent publication has not indicated any alteration relevant to the Scheme proposals which were published under the previous version of the NPPF. The NPPF places emphasis on achieving sustainable development through meeting three overarching interdependent objectives; economic, to help build a strong, responsive and competitive economy; social, to support strong, vibrant and healthy communities; and environmental, to protect and enhance our natural, built and historic environment.
- 14.4 Central to the NPPF is a presumption in favour of sustainable development, as detailed at paragraph 11, which states that:

*"Plans and decisions should apply a presumption in favour of sustainable development, for decision-taking this means:*

*c) approving development proposals that accord with an up-to-date Development Plan without delay; or,*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

14.5 At paragraph 114:

*'in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that (amongst others):*

- a) appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location.*

14.6 At paragraph 115:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

14.7 Paragraph 116 of the NPPF states that: 'Applications should (amongst other things):

*a) give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles'*

14.8 The aims of NPPF paragraph 116 are assisted by the proposed Bardon Link Road which will provide new pedestrian and cycle links with the inclusion of a shared cycleway/footway along the full length of the route, speed cushions will be included along the length of the road as a method of speed calming; chosen as they allow vehicles with a larger wheelbase (such as buses or ambulances etc.) to straddle them without feeling the deflection. A weight limit is also proposed for the road to prevent HGVs from using the route as a cut through.

14.9 Chapter 12 of the NPPF addresses the Framework's commitment to achieving well-designed places, emphasising that:

*'good design is a key aspect of sustainable development, it creates better places in which to live and work and helps make development acceptable to communities.'*

14.10 Chapter 12 also refers to the importance placed on:

*'effective engagement between applicants, communities, local planning authorities and other interests throughout the process'.*

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## North West Leicestershire Local Plan, March 2021

- 14.11 The development plan for the area comprises The NWLDC Local Plan (as amended by the Partial Review), which was adopted in March 2021 (the "NWLDC Local Plan" or the "Development Plan"). The NWLDC Local Plan vision identifies Coalville as the District's main town. It states within the vision for the future that:

*"As the district's main town, Coalville will have grown significantly and the town will have benefitted from major new investment in infrastructure and as a result, the town centre regeneration as a heritage town will be well underway".*

- 14.12 The key Local Plan policies likely to be significant in the consideration of this proposed development are detailed below:
- 14.13 Chapter 5: Strategy, of the NWLDC Local Plan sets out the main components of the strategy, including how much development is required and where that development should be located. Policy S1: Future Housing and economic development needs, details the requirement for a minimum of 9,620 dwellings and 66 ha of employment land over the plan period (2011-2031).
- 14.14 The Scheme plays a key role in assisting with the housing delivery requirements of the Local Plan as well as the vision for Coalville, as outlined in paragraph 10.6 of this Statement.
- 14.15 Chapter 10: Environment, of the NWLDLP addresses concerns with regards to conserving and enhancing the natural environment. Policy En1: Nature Conservation, states that,
- "proposals for development will be supported which conserve, restore or enhance the biodiversity in the district".*
- 14.16 Chapter 12: Climate Change, discusses the role planning has in helping to minimise the vulnerability and providing resilience to the impacts of climate change. Within chapter 12, Policy Cc2: Flood Risk, seeks in accordance with the NPPF, to direct development proposals to areas with the lowest probability of flooding and to ensure any proposal does not increase the risk of flooding elsewhere. Policy Cc3: Sustainable Drainage Systems, seeks to promote the inclusion of SuDs into development proposals where surface water drainage would be required. Policy Cc3 suggests that SuDs are linked into wider initiatives to enhance green infrastructure, improve water quality, benefit wildlife or contribute to the provision of the ecosystem service.
- 14.17 The above matters have all been addressed in respect of the Bardon Link Road Permission, and measures to address the same have been incorporated into the design for works in other areas (where express planning permission is not required).

## Leicestershire Local Transport Plan 3

- 14.18 The Leicestershire Local Transport Plan 3 (LTP3) Strategy was published in



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2011 with implementation plans published for each three-year period. The LTP3 covers the county of Leicestershire, including the City of Leicester, 7 Boroughs and a number of towns including Coalville. The Local Transport Plan strategy recognises that a number of towns experience 'appreciable congestion' with Coalville being one of the four towns mentioned.

- 14.19 The LTP3 Strategy provides objectives to improve air quality such as encouraging active and sustainable travel and managing the movement of freight and tackling congestion. The County has set a quality-of-life indicator (KPI7) to reduce total CO2 emissions from road transport within the area. The Scheme will assist with this objective by reducing congestion and also providing better accessibility for the new residential development (via the new Bardon Link Road) which may encourage use of more sustainable modes of travel.
- 14.20 The LTP3 focuses on the delivery of transport schemes that will facilitate growth and one of the long-term priorities of LTP3 is to support the economy and population growth through 'more consistent, predictable and reliable journey times for people and goods' (LTP3 Second Implementation Plan, para 1.24). The Scheme provides better links for new and existing developments off Grange Road, and the Bardon Link Road will directly benefit these developments and support growth of the Coalville area.

### **Infrastructure Delivery Plan**

- 14.21 In paragraph 5.10 of the North West Leicestershire Infrastructure Delivery Plan (2016) ("Infrastructure Delivery Plan") it recognises that highway infrastructure improvements at various junctions along the A511 corridor between the M1 and A42 are required in order to ensure that the necessary development can take place.
- 14.22 The Infrastructure Delivery Plan goes on to detail the work required on the A511 corridor which will be delivered by the Scheme.

### **Leicestershire Highway Design Guide, Interim Guidance**

- 14.23 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new development in areas where the Council is the highway authority. The current interim updated version (January 2022) sets out adoption standards for roads which will be adhered to in design of the Scheme.
- 14.24 The Scheme design has been prepared in accordance with the Guidance.

### **Interim Coalville Transport Strategy, Leicestershire, 2021**

- 14.25 The Interim Coalville Transport Strategy ("Transport Strategy") addresses the need for, and funding/delivery of, new or improved transport infrastructure within the Coalville area. The Transport Strategy details the existing transport challenges comprising the congestion on the A511 and low levels of non-motorised user trips. The Transport Strategy also details future growth challenges identifying that Coalville is an area which is under pressure from



development adding to this is the significant growth planned for Coalville as part of the NWLDC Local Plan. Its vision for Coalville is for a town that has grown significantly and benefitted from major investment in new infrastructure by 2031.

- 14.26 The Interim Coalville Transport Strategy builds upon previous studies with the original CTS developed in 2011. The original CTS comprised a series of sustainable transport measures, junction improvements and the building of a Bardon Relief Road to mitigate the projected levels of growth to 2026. This scheme was not found to offer value for money and as a result, that proposal was amended to a Bardon Link Road, with the aim to provide some level of mitigation and support to the delivery of new housing to the south east of Coalville.

- 14.27 The Transport Strategy directly supports the Scheme.

### **North West Leicestershire Cycling Strategy, Part 1: Coalville Supplementary Planning Document, 2018**

- 14.28 The NWL Cycling Strategy (the "Cycling Strategy") identifies that there is little existing infrastructure for cyclists in Coalville. Shared use foot/cycle tracks have been provided in a handful of locations and the Sustrans National Cycle Network Route 52 passes through Coalville however, there is a missing section of this through the town centre.
- 14.29 The Cycling Strategy presents an aspirational Cycle Network Plan for Coalville, prepared following consultation with key stakeholders. The aspirational cycle network plan shows a number of potential cycle routes and groups them by priority.
- 14.30 Proposals for the Bardon Link Road include shared cycleway/footway to be included on both sides of the carriageway between the roundabout and the underbridge.

### **Bardon Road Roundabout and Bardon Link Road Planning Application**

- 14.31 On 20<sup>th</sup> May 2022, the Original Bardon Link Road Planning Application was submitted by the Council for the Bardon Road Roundabout and Bardon Link Road.
- 14.32 The Original Bardon Link Road Planning Application was submitted to the Council as the Planning Authority, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992. Under this regulation, the Council determines planning applications for development which it is carrying out (or which is being carried out on its behalf). The detailed submission can be viewed via the Council's Planning Portal.
- 14.33 Under Part 2, Regulation 6 of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017, a Screening Opinion was requested. However, the screening opinion determined that an

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Environmental Impact Assessment was not required for this application. Nonetheless, a suite of environmental reports were prepared in support of the Original Bardon Link Road Planning Application. These were:

- Phase 1 desk study (geotechnical and geo-environmental);
- Noise assessment;
- Landscape appraisal summary;
- Heritage statement (including archaeology);
- Flood risk assessment and outline drainage strategy;
- Air quality assessment;
- Preliminary ecological appraisal;
- Arboricultural impact assessment;
- Protected species reports (badgers, bats, reptiles, riparian mammals);
- Aquatic ecology survey report; and
- Biodiversity Net Gain (BNG) assessment and report

- 14.34 The resulting information gathered was then used to propose impact mitigation for the Project.
- 14.35 The Council, as Planning Authority undertook a statutory consultation exercise and a small number of minor modifications were proposed.
- 14.36 Leicestershire County Council's Development Control and Regulatory Board resolved on 12<sup>th</sup> January 2023 to approve the Original Bardon Link Road Planning Application subject to conditions (resulting in the "Original Bardon Link Road Planning Permission").
- 14.37 On 20<sup>th</sup> June 2023 an application to make an amendment to the Original Bardon Link Road Planning Permission was submitted under Section 73 of the Town and Country Planning Act 1990 to alter the drainage design and associated landscape proposals as detailed in section 12 and was allocated planning application reference 2023/VOCRMa/0055/LCC ("the S73 Bardon Link Road Planning Application"). The S73 Bardon Link Road Planning Application was approved on 22<sup>nd</sup> September 2023 ("S73 Bardon Link Road Planning Permission"). The S73 Bardon Link Road Planning Permission is the one that will be implemented as part of the Scheme.
- 14.38 The Council is currently finalising the documents to enter into contract with a planning consultant who will support the Council to discharge the conditions attached to the S73 Bardon Link Road Planning Permission. The conditions attached to the S73 Bardon Link Road Planning Permission are not considered to be onerous or unusual and as such the Council considers that there are no impediments within the planning conditions that would prevent or cause delay to the construction of the Bardon Link Road.

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## 15. Human Rights and Equalities

15.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights ("ECHR"). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual. The relevant Articles can be summarised as follows:

- Article 1 of The First Protocol protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

15.2 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the rights protected by the ECHR.

15.3 Paragraph 12 of the DLUHC Guidance sets out how applicants should approach the issue of human rights:

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

15.4 The Council recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme as set out in this Statement outweigh any impact on those individuals. The CPO strikes a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the CPO) and the private rights which will be affected by the compulsory acquisition.

15.5 In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the CPO has been demonstrated in this Statement. The land over which compulsory acquisition powers are sought as set out in the CPO is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

15.6 In relation to Article 6, the Council is content that the proper procedures have been followed for both the consultation on the Scheme and in determining the compulsory acquisition powers included within the CPO. Throughout the

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- development of the Scheme, the Council has given persons with an interest in the land an opportunity to comment on the proposals and has endeavoured to engage with landowners. The Council has had regard to landowner feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme.
- 15.7 Furthermore, any individuals affected by the CPO may submit representations to the Secretary of State during the period specified in the notice advertising the making and preparation of the CPO (a copy of which will be served on all persons affected by the CPO). If an inquiry is held subsequently then any party objecting to the CPO may make representations to the Secretary of State as part of that process. Additionally, if the CPO is confirmed, a person aggrieved may challenge that decision by way of judicial review in the High Court if they consider that the grounds for doing so are made out.
- 15.8 Accordingly, it is considered that those affected by the CPO are entitled to a fair and public hearing.
- 15.9 The Public Sector Equality Duty ("the PSED") was introduced by the Equality Act 2010 ("the EA 2010") as part of the government's aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5<sup>th</sup> April 2011 and means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.
- 15.10 Section 149 of the EA 2010 established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.
- 15.11 The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However, principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time that a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind.
- 15.12 In light of this, the Council undertook an Equality & Human Rights Impact Assessment ("EHRIA") in October 2019 which has been reviewed in April 2022, October 2022 and most recently in March 2024. The EHRIA assessed the impact of the Scheme as well as the potential impact of the use of compulsory purchase powers. The EHRIA found that potential negative impacts for people with the protected characteristics of age and disability,

- notably during the construction period. However there were also potential positive impacts identified if the Scheme succeeds in reducing accidents and congestion. Other potential benefits of the Scheme were found to be assisting with housing delivery and job creation (which helps reduce rural deprivation) and increasing community cohesion through reducing traffic.
- 15.13 In addition the EHRIA finds that the demolition of four houses for the Bardon Link Road will have a negative impact on the families who reside there as they will be required to find other residence - this may result in feelings of insecurity and worry.
- 15.14 The EHRIA carried out an assessment of these impacts and proposes a number of measures to mitigate the impact of the development. The Council has committed to implementing these measures.
- 15.15 The Council considers that the potential negative impacts of the Scheme identified in the EHRIA are significantly outweighed by the benefits. Further, the Council is confident that it can mitigate the potential issues to minimise impacts on those with protected characteristics and the public generally.
- 15.16 The EHRIA will be kept under review as the Scheme progresses.

## 16. Funding

- 16.1 The expected delivery cost of the Scheme is regularly reviewed to take account of a variety of factors including inflation forecasts, material costs, risk realisation and design refinement. The latest completed cost plan in December 2023 estimated the scheme delivery cost to be £63.5m. The DfT are providing a £41.712m grant towards the delivery of the A511 Growth Corridor Scheme from the Major Road Network fund. A further c.£28.6m is available through developer contributions collected through the Transport Strategy.

### **Investment Planning Guidance for the Major Road Network (MRN) and Large Local Majors (LLM) Programme**

- 16.2 In December 2018 the DfT published its investment strategy document for the Major Road Network and Large Local Majors (“LLM”) programmes for the period 2020-2025, announcing £3.5 billion to be invested in the major road network.
- 16.3 This programme seeks to form an MRN; a “middle tier of the country’s busiest and most economically important local authority A-Roads, sitting between the SRN and the rest of the local road network”.
- 16.4 The strategy identified that this tier of roads was prioritised when funding was allocated in 2020-2025, due to their importance. Funding allocations were made to schemes between £20m and £50m. Schemes seeking a contribution of more than £50m were dealt with as potential LLMs.

### **Scheme Specific Funding**

- 16.5 In August 2021 the Outline Business Case (“OBC”) estimated costs of the programme at £47.57m and the DfT confirmed approval of the this which sought £41.712m of the Government’s MRN Fund towards the implementation of the Scheme. On 4<sup>th</sup> October 2023, the government published ‘Network North’; a policy paper outlining a £36 billion plan to improve the transport that people use everyday following the announcement of the cancellation of Northern and Midlands legs of HS2. The A511 Growth Corridor is specifically mentioned as one of the Schemes which will benefit from an uplift in government contribution from 85% to 100% of the original Scheme cost forecast at OBC stage, £47.57m. At the time of writing this Statement, the Council has been advised by DfT that further information will follow about the new funding arrangements.
- 16.6 During the initial stages of developing the scheme, Midlands Connect provided £16,666, the Council provided £98,475 and the LLEP provided £35,000 towards the costs. The balance of the required funding to complete the scheme is to be met from developer contributions as described in Sections 16.7 to 16.10 of this Statement.
- 16.7 Major improvements to the A511 corridor were identified as a priority need through the work to develop the CTS. The CTS identifies the need for

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- developer contributions to be collected from development sites that have a traffic impact on the A511 route within the boundaries of the Scheme these total £28.6m. This was re-affirmed during assessment of the transport impacts of growth proposals, including the NWLDC Local Plan, the Leicester and Leicestershire Strategic Growth Priorities and the Transport Strategy in 2021 .
- 16.8 Developer contributions have been collected through agreements under section 106 of the Town and Country Planning Act 1990 in accordance with Policy IF4 of the NWLDC Local Plan (adopted in 2017 and re-adopted following review in 2021) which requires that where *"new development has a demonstrable impact upon the highway network, contributions towards improvements will be sought commensurate with the impact. The following specific highway improvements are identified as priorities..... the A511 corridor between J22 of the M1 and J13 of the A42"*.
- 16.9 NWLDC policy titled "Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville" was adopted in 2013. This policy sets out the NWLDC's approach towards dealing with competing developer financial contributions from major residential development in its area and gives highway infrastructure investment the highest priority for funding.
- 16.10 Since 2014 NWLDC has been securing developer contributions towards highway improvements that includes the Scheme pursuant to the above policies. The Council has identified sufficient funds through this channel that will be available within the timescales of the Scheme delivery.
- 16.11 The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available. The financial case has demonstrated that the Scheme is affordable, that risks have been taken into account in the costings and are being actively managed, and that efficiency targets are in place and being managed.



## 17. Special Considerations

- 17.1 There are no listed buildings affected by the Scheme.
- 17.2 Three heritage assets have been identified within the land affected by the S73 Bardon Link Road Planning Permission: a former Roman road along the line of Bardon Road and two 19th century railways, one extant and one disused.
- 17.3 The approved Heritage Statement submitted with the Original Bardon Link Road Planning Application and the S73 Bardon Link Road Planning Application concluded that there is potential for these assets to be physically affected by the construction of the proposed development, although any impacts are unlikely to be significant.
- 17.4 The Heritage Statement also indicates that, as the site of the proposed Bardon Link Road is of undeveloped, agricultural nature there is some potential for previously unrecorded archaeology to survive.
- 17.5 There are no ancient monuments or listed buildings affected by the Scheme.
- 17.6 The Scheme does not affect a conservation area, nor land owned by the National Trust, and no protected trees or hedgerows are affected and the location is outside of any floodplain.
- 17.7 The Scheme does not impact on ecclesiastical or burial ground.
- 17.8 The Scheme does not affect any common land, or any area identified as public open space.
- 17.9 The Scheme does not affect any Crown land.



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## 18. Statutory Undertaker Apparatus and Land

- 18.1 In order to mitigate the impact of the Scheme on the undertakings of Severn Trent Water, Gas Networks, National Grid, UK Power Networks and telecommunications companies, the Council has identified a number of diversions of apparatus and protective measures to be taken in respect of apparatus to be retained in situ, which will prevent any disruption to those undertakings. Discussions are ongoing with all Statutory Undertakers to understand the impact of the Scheme on their apparatus and where applicable, arrangements are being made to divert or protect the apparatus under the provisions of the New Roads and Street Works Act 1991 ("NRSWA").
- 18.2 In addition to the statutory public consultation, engagement has taken place with the statutory undertakers to determine likely diversion requirements and estimated costs as part of the NRSWA C3 process. A full refresh of this information has recently been received to ensure that it is current and up to date. The diversions will be contained within the proposed highway boundaries. The Council has identified possible diversions to Severn Trent Water, Cadent Gas Limited, Western Power, BT Openreach, Vodafone and Virgin Media apparatus.
- 18.3 Written confirmation (diversion agreements) that statutory undertakers are content with the proposed solutions in respect of their apparatus are being obtained. Discussions with the affected statutory undertakers are ongoing and the Council is content that agreements will be reached with those undertakers who have not yet provided such written confirmation.
- 18.4 The Council is in regular communication with Network Rail with regards to the proposals that affect land and railway infrastructure in their ownership. Technical approval for the underbridge, culvert and track replacement has been received and a disruptive possession of the railway line has been booked for Christmas 2025 to enable the bridge to be moved into place. Positive discussions are currently ongoing with Network Rail to consider moving this possession date to the summer of 2026. This would have the benefit of reducing the risk of inclement weather affecting the bridge build and allow more time in the construction phase ahead of the bridge installation to prepare for this very technical element of construction.
- 18.5 The Council will continue to liaise with all affected undertakers as the Scheme progresses.

## 19. Implementation of the Scheme

- 19.1 The Scheme will be implemented and delivered by the Council. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in May 2025 once the Full Business Case is approved by DfT and the funding can be drawn down. The works are programmed to take approximately 24 months from starting on site to completion.
- 19.2 The current procurement strategy recommends a mini competition between contractors on the current Midlands Highway Alliance (MHA) Medium Schemes Framework ("MSF4"). The successful contractor would enter into a contract to undertake Stage 1, Early Contractor Involvement ("ECI") around summer 2024. An expression of interest exercise was undertaken in December 2023 to ensure that there is sufficient interest in the bidding process from the four contractors on MSF4. All four contractors responded positively to express their interest in delivering the scheme.
- 19.3 During ECI, the contractor will input on the phasing of the construction works, access, buildability and advise on value engineering.
- 19.4 Site compounds will be used to enable delivery of the Scheme and will accommodate office space; storage for materials and vehicles; and car parking for staff.

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## 20. Objections made to the Orders and the Council's current response to objections

- 20.1 A total of seven Objectors have made objections to the proposals within the Orders which have been received by the Department for Transport. Four of those seven objectors object to the CPO with the remaining three objecting to both the CPO and the SRO.
- 20.2 The Council has considered all of the objections made and remains committed to the pursuit of the Scheme as it is described in the Statement of Reasons, subject only to the specific matters mentioned below. The Council is satisfied that the acquisition of land to undertake the works envisaged remains justified and meets the necessary tests.
- 20.3 Some objectors have suggested that the Council does not need all of the Order Land, in particular with regards to land required temporarily for construction compounds. The Council considers that all of the Order Land is so required and it is essential in that respect that the Council has all necessary land as well as SRO powers required to ensure that the Scheme can be built. The current position is therefore that all of the Order Land is required until a contrary position can be established. The Council is actively considering if some alternative mechanism could achieve that same result or if other land could be obtained and used to do so. Until that is established and guaranteed, the Council intends to pursue the CPO as published. The Council has considered all of the seven objections, and remains satisfied as to the justification of the Orders and that all the Order Land is required to guarantee that the Scheme can proceed. The Council will keep this under review in light of private treaty negotiations that are ongoing.
- 20.4 The points of objection which have been made together with the Council's response to the points is set out below. The Council will address all such matters within the evidence it will produce for the public inquiry. The Council will be presenting evidence at the public inquiry to substantiate its responses as indicated. The Council reserves the right to add to or alter the response given if additional information is brought forward in support of the objection.
- 20.5 The Council will continue to engage with all objectors up to and including at the public inquiry. That process has already commenced with the Council seeking to engage with all objectors or their agents to identify the Council's position and to discuss matters by way of a written response to the objection made intended, if possible to lead to points of objection being met. The Council will seek to continue that approach to examine whether points of objection can be resolved with objections being withdrawn. The Council will keep the DfT informed in respect of those various matters especially where objections are met.
- 20.6 The following list of objectors follows the order that the objections were delivered to DfT. Wherever possible the Council will identify CPO objections

first, followed by matters related to the SRO.

### **OBJ 1 – W M Morrison Supermarkets Limited ("Morrisons")**

20.7 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) Morrisons was only made aware of the CPO following receipt of letter dated 30<sup>th</sup> November 2023.
- b) Morrisons did not receive notice of CPO until 19<sup>th</sup> December 2023 and closing date for objections is 5<sup>th</sup> January 2024 and therefore period of time was unreasonably limited.
- c) Morrisons did not receive any information regarding the Side Roads Order and only became aware of this following an online search for the Statement of Reasons.
- d) No information has been provided to Morrisons regarding the proposed works and there has been no engagement in respect of the land acquisition on the current store operation and future expansion of the store. There has been limited consideration by the Council of the impact of the proposed scheme on the lawful operation of the store.
- e) The Council has not taken any reasonable steps to acquire the land by agreement – compulsory purchase should only be made as a last resort. The Council has made no attempt to engage and undertake negotiations. Further no offer of compensation has been forthcoming and no fee undertaking to cover Morrisons costs has been proposed.
- f) Morrisons is of the opinion that the Council's Statement of Reasons fails to show that reasonable resources are available and does not show any information or breakdown as to the estimated costs of the scheme or availability of funding. A scheme cost breakdown should be provided in an open and transparent manner.

20.8 The Council's response to Morrisons' objections:

- a) The Council is not privy to the internal arrangements of Morrisons or how information is passed between various departments within it. Accordingly, all the Council can indicate is the steps taken by it to ensure that its statutory responsibilities were properly met. In general terms the Council, via its land referencing agents made extensive efforts to contact Morrisons prior to the CPO being made and sent to Morrisons. Full details can be made available, and will be set out in evidence should the need arise, but the following is a précis of the situation: a statutory requisition for information was issued on 24<sup>th</sup> April 2023; a telephone call to the Coalville Morrisons store was made on 25<sup>th</sup> July 2023; an online form was submitted requesting the Morrisons property team contact was completed on 9<sup>th</sup> October 2023; a further

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follow up to the requisition was sent on 25<sup>th</sup> October 2023; correspondence was received from Morrisons property team on 27<sup>th</sup> November 2023 and the requisition was re-issued on this date. That précis would indicate that Morrisons should have been aware of the situation as they were actively engaged with the Council prior to the 30<sup>th</sup> November 2023 in respect of the Scheme. In addition public consultation in respect of the Council's intentions had been undertaken on previous dates.

- b) Once again, the Council must stress that it is not aware of the internal arrangements within the company for passing details between various departments. The Council is aware of the statutory process related to the preparation, drafting and presentation of statutory orders in the form identified within this Statement of Case, including the basis for service of them. The Council is satisfied that all relevant and applicable Statutory procedures have been complied with. The Council holds evidence via Royal Mail's track and trace system that demonstrates documents in the form of the CPO and Statement of Reasons were delivered to Morrisons' registered address on 4<sup>th</sup> December 2023. As such the CPO was duly served on Morrisons as per the requirement of the legislation (indeed with an objection period in excess of the statutory minimum) and any delays in the relevant personal within Morrisons becoming aware of the service of the CPO are due to the internal administration of Morrisons. Details will be provided in evidence to confirm this if necessary.
- c) The Highways Act 1980 does not require that the SRO to be served on Morrisons individually, as its PMA is not being impacted. The SRO was publicised in accordance with the requirements of the legislation. In any event by way of the documents served on Morrisons in respect of the CPO, which provides a link to the Council's website, full details of the SRO should have been available to Morrisons from 30<sup>th</sup> November 2023.
- d) In respect of questions about the engagement with Morrisons the Council would refer back to the contents of 20.7(a) and (b) above. The Council's approach in respect of Morrisons operation and use of the land is to ensure that there is minimal, if any, disruption to that which is currently taking place. The land within the CPO is plots 007 and 008 and its intended use is to allow road and footway changes and some working space. The current use of the land appears as a vegetated strip of land. The land within the CPO is not part of the store or any built development and is not part of the car park or any vehicle manoeuvring area. In respect of the use of the land, the information available to the Council indicates that it is not used for operational purposes but is land at the edge of the land holding. It is located directly adjacent to the highway, at the bottom of an embankment with a balancing pond between it and the main part of the site. In any event the Council will consider these matters further with Morrisons in an attempt to resolve the objection. The Council has drafted and shared heads of terms in respect of an agreement between the two parties in

response to the situation and these matters are currently being discussed.

- e) In respect of questions about the engagement with Morrisons the Council would refer back to the contents of 20.7(a) and (b) above. The Council's approach in respect of Morrisons operation and use of the land is to ensure that there is minimal, if any, disruption to that which is currently taking place. The land within the CPO is plots 007 and 008 and its intended use is to allow road and footway changes and some working space. The current use of the land appears as a vegetated strip of land. The land within the CPO is not part of the store or any built development, it is not part of the car park or any vehicle manoeuvring area. In respect of the use of the land the information available to the Council indicates that it is not used for operational purposes but is land at the edge of the land holding. It is located directly adjacent to the highway, at the bottom of an embankment with a balancing pond between it and the main part of the site. In any event the Council will consider these matters further with Morrisons in an attempt to resolve the objection. The Council has drafted and shared heads of terms in respect of an agreement between the two parties in response to the situation and these matters are currently being discussed.
- f) The position in respect of funding has been addressed, in so far as it is required at this stage, within the Statement of Reasons and within this Statement of Case. A draft costs breakdown is not required for the purposes of the Statement of Reasons once it is made clear that funding is not an impediment in respect of the pursuit of the Scheme. In addition, the various planning documents and committee reports and decisions in respect of the Scheme set out the position fully, including how costs have changed over the years and the means by which the Council will be able to cover the costs. All necessary resources to pursue the Scheme are available or the means by which they will be achieved are clear.

- 20.9 Save for a legal comment on service of the SRO, which the Council rejects given that all the relevant applicable and necessary statutory procedures have been complied with, the Council notes that the objection from Morrisons does not raise any objections or concern with the SRO itself. As such the Council believes the objection, as it relates to the SRO should properly be treated as not being a substantive objection given that it has no basis relevant to the Orders.

## **OBJ 2 – Helen Jean Measures and David William Measures**

- 20.10 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) A concern is raised regarding loss of property which is held as an

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investment and funding for their retirement.

- b) No attempt has been made to acquire interest by agreement.

20.11 The Council's response to Mr and Mrs Measures' objections:

- a) Two points appear to emerge from this objection; the first is the loss of property and the second the loss of value associated with that. In respect of the first, the Council would confirm that the acquisition of the property in full is an essential requirement to enable the Scheme to proceed. The property at 40 Bardon Road, Coalville is required to permit the Scheme to be built and its acquisition is therefore in the public interest and justified. As for the second element, this relates essentially to questions of finance, value and compensation. Compensation is not a matter for the inquiry. Mr and Mrs Measures, as well as all other parties whose properties are affected by the CPO, will be entitled to compensation in accordance with the Compensation Code. The Council has been in negotiations with Mrs and Mrs Measures and has made an offer in line with market value and the Compensation Code.
- b) The Council does not accept that it has made no attempt to discuss acquisition or otherwise acquire the land without use of CPO. The instigation and use of CPO powers is not prevented whilst discussions are taking place as that might lead to an unnecessary waste of time. The Council has followed that guidance in this case. Further, the Council has followed and complied with all necessary statutory procedures and has issued the CPO to ensure that there is no delay in the Scheme. Such an approach does not prevent discussions continuing and that is the intention in this matter. The Council has been in contact with Mr and Mrs Measures through their agent prior to the making of the Orders and those contacts will continue. Full records of the contact between the parties can be made available if required. The following is a summary of the engagement: a statutory requisition for information was issued on 24<sup>th</sup> April 2023; a completed response to the requisition was received from Mr and Mrs Measures' agent on 12<sup>th</sup> May 2023; and between 16<sup>th</sup> May 2023 and 4<sup>th</sup> January 2024 thirteen attempts to contact by telephone and or email were made to the agent and some of them actually resulted in a response including some discussions.

### **OBJ 3 – Network Rail Infrastructure Limited (NRIL).**

20.12 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) Operational railway land may be adversely affected.

20.13 The Council's response to NRIL objection:



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- a) The objection received from NRIL is indicated as being a holding objection pending the resolution of any issues and the certainty of the scheme coming forward. As such it reflects the position reached between the Council and NRIL as to the position. The prospect of a road leaving Bardon Road travelling south to connect with potential development sites and the road network beyond has been known for many years. All and any such option to accommodate such a route would out of necessity, cross the railway. The proposal is contained within the Development Plan and as such NRIL were aware of the proposal. The objection entered is intended to protect their interest pending final decisions being made as to how that is to be achieved. The Scheme is a matter of longstanding discussions between the Council and NRIL on technical matters relating to the proposed Scheme works, where the Bardon Link Road crosses the railway line, which are referred to in sections 12 and 18 of this Statement. Productive negotiations have taken place and agreement in principle has been reached on the temporary closure of the railway to allow the Scheme works to be constructed. Parties have now engaged legal representatives to draw up agreements and the Council is confident that an agreement will be reached. The Council will keep the Department informed as to how these discussions progress but the Council is confident given the history, the discussions which have taken place and the basis on which the Scheme has been developed that agreement will be reached.

#### **OBJ 4 – North West Leicestershire District Council**

- 20.14 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:
- a) Use of Plot 005 is objected to as alternative redevelopment, comprising an eco park with Trim Trail Equipment and a bridge has already begun and further work is due to commence in 2024. The functionality of the bridge would be impacted by the CPO.
- 20.15 The Council's response to NWLDC's objection:
- a) The objection raised by NWLDC does not raise any in principle or wider objection to the Scheme, its format, location or layout other than in respect of one particular aspect. NWLDC acknowledge and support the Scheme, it recognises land will be required to enable the Scheme to be built and the Council understands has no desire to cause any delay in the provision of the Scheme. NWLDC is in fact a part funder of the Scheme and supports it. The difficulty that has arisen relates to one plot of land identified as being necessary to enable the Scheme to be delivered with it being used, albeit on a temporary basis for the provision of a compound or storage area. Since the matter was originally discussed with NWLDC, where no objection to the use of that land was raised, the NWLDC has permitted and actually part funded



works to take place to create an asset as a trim trail. The Council, although needing the land shown in plot 005 to enable the Scheme to be built does not want to prevent the NWLDC proposal from being successful. It may well be the case that the acquisition of Plot 005 will turn out not to be necessary if an alternative provision to fulfil the same function in an equally acceptable way can be found. That matter is currently being progressed through discussions between the two councils. The Council is in negotiations with NWLDC regarding its objection and is working proactively to resolve concerns as well as considering alternative objections for delivery of the Scheme. The Council anticipates that a remedy to the objection can be achieved and will update the DfT on this as the matter progresses.

### **OBJ 5 - Wilson Enterprises Limited (WEL)**

20.16 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) There is no operational requirement to take Plot 38 in its entirety and no supporting evidence that this could not be dealt with by acquiring temporary rights as opposed to acquisition.
- b) Development aspirations of WEL are adversely prejudiced by permanent acquisition of Plot 38. Existing development plots owned by WEL which have benefit of planning consent will be compromised.
- c) The CPO would sever WEL's retained development from the new link road as this creates a ransom strip between retained land spine road and Plot 37.
- d) The CPO does not contain sufficient detail on the interaction between the Bardon Link Road and the spine road of the adjacent development proposals on retained land.
- e) The extent of Plot 37 is incorrectly shown in the CPO and excludes land to the west. There is uncertainty regarding accuracy of Plots 37 and 38 and the boundaries shown.
- f) There is no regard for pre-existing legal agreement between the parties regarding matters of permanent land take and temporary use.
- g) The CPO increases the Council's compensation liability and unnecessarily sterilises consented residential development land which is subject to a live outline planning application.
- h) The proposal in the CPO disregards WEL's stated requirement to agree areas required permanently and temporarily in advance of CPO.
- i) Insufficient detail on accommodation works or the demarcation of land to be permanently acquired post scheme has been provided.

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- j) The boundary details do not adequately confirm that all land to be acquired will be suitably physically enclosed on the boundary with the retained land.
  - k) There is insufficient detail provided on drainage arrangements.
  - l) There are no current provisions that access will be maintained to plot 38 and associated areas during the scheme.

20.17 The Council's response to WEL's objections:

- a) The Council has promoted a Scheme to meet identified objectives in the most appropriate and efficient way. In doing so the Scheme meets the planning policy requirements set out in the Development Plan and will enable the bringing forward of development. Part of that development being the proposals that WEL are seeking to promote south of the railway line for which access is required. WEL's development is not reliant on the Scheme in planning terms, the Scheme will provide such a means to access that location in a way that enjoys the benefit of planning permission. WEL did not raise any objection to the grant of that planning permission. The various plots of land referred to in the CPO identified all the land required to enable the Scheme to be carried out. At this time the Council does not have legal powers to seek temporary possession of land (given that the provisions of the Neighbourhood Planning Act 2017, which would grant such powers, is not yet in force) and accordingly can only acquire land on a permanent basis or rights over land. Due to the nature of the works as requiring physical alterations to the property and access to be maintained to plot 38 during the construction period, the acquisition of new rights alone would not be adequate and the permanent acquisition of the land required is the only option available. Accordingly, the only option is to acquire the land as being necessary for the Scheme to proceed. That includes plot 38 as being required as a construction compound to facilitate the construction of the balancing pond on plot 37 and the construction of the Bardon Link Road itself. The Council can however indicate that once construction is complete and subject to ensuring the proper operation of the Scheme itself the Council would intend to ensure that land within the Scheme, including Plot 38 would be offered back to the owners from whom the land is acquired if they wish to take it. In the meantime, the Council must ensure that it has access to all the land required to ensure that the Scheme can be built and operated. In addition, and as a separate exercise to the pursuit of the CPO the Council will continue to engage with WEL to seek to find an alternative option to acquisition if that is possible and provided it guarantees that the land will be available to the Council to achieve its aims. That process has started and ongoing negotiations, including discussion of heads of terms for an agreement between the parties has commenced. The Department will be kept informed of any progress in respect of these discussions.
- b) The general position in respect of the acquisition of plot 38 has been

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explained above in paragraph (a). The land is required for the Scheme to enable the balancing pond to be constructed along with the Bardon Link Road and the only way to guarantee that is to acquire the land on a permanent basis. In addition, the Scheme provides a number of connectivity benefits to the WEL's development. WEL's development intentions are to bring forward a phased development and the land within plot 38 is not part that is to be developed imminently.

- c) Access to the Bardon Link Road from the spine road within WEL's land is an important aspect of the Scheme, as such there is no prospect of the Council permanently severing WEL's land from the Bardon Link Road as this would be inconsistent with the Scheme. The Bardon Link Road will be a highway maintainable at public expense and will join up directly with the WEL's spine road, so no severance will occur as a matter of fact. WEL does not currently have access via the north for its land due to the existing severance from the railway – the Scheme resolves that severance. The issue of severance is in any case a matter for compensation, not an issue of the inquiry.
- d) This point of objection is based on the suggestion that there is a lack of detail in respect of the interaction between the Bardon Link Road and the spine road through the development to the south. The purpose of the Scheme is to provide access to the south of the railway and to connect with that spine road and as such it will seek to make such a connection within the Order land itself and within the planning permission granted. Previous and ongoing discussions have taken place with the Council's engineering services and WEL, with CAD plans shared to confirm WEL's spine road and the Bardon Link Road align. Discussions are continuing. The spine road has been constructed by WEL to a level 300mm higher than previously agreed between WEL and the Council. The Council's design team responsible for the Scheme will ensure that the design and construction of the Scheme will accommodate the spine road so that connection in accordance with relevant design requirements are met. This has no effect on the Orders themselves.
- e) The Council does not understand the content of this objection. Further enquiries have been made with WEL to understand the concern and discussions will take place with WEL to alleviate the concern once it is understood. However, the Council is satisfied that the plot identification in the CPO Schedule and Maps is accurate.
- f) The Council does not understand the content of this objection. Further enquiries have been made with WEL to understand the concern and discussions will take place with WEL to alleviate the concern once it is understood. However, the Council is satisfied that the plot identification in the CPO Schedule and Maps is accurate.
- g) Please refer to the response at (a) above. The Council has promoted a Scheme to meet identified Objectives in the most appropriate and efficient way. In doing so the Scheme meets the planning policy

requirements set out in the Development Plan and will enable the bringing forward of development. Part of that development being the proposals that WEL are seeking to promote south of the railway line for which access is required. WEL's development is not reliant on the Scheme in planning terms, the Scheme will provide such a means to access that location in a way that enjoys the benefit of planning permission. WEL did not raise any objection to the grant of that planning permission. The various plots of land referred to in the CPO identified all the land required to enable the Scheme to be carried out. At this time the Council does not have legal powers to seek temporary possession of land (given that the provisions of the Neighbourhood Planning Act 2017, which would grant such powers, is not yet in force) and accordingly can only acquire land on a permanent basis or rights over land. Due to the nature of the works as requiring physical alterations to the property and access to be maintained to plot 38 during the construction period, the acquisition of new rights alone would not be adequate and the permanent acquisition of the land required is the only option available. Accordingly, the only option is to acquire the land as being necessary for the Scheme to proceed. That includes plot 38 as being required as a construction compound to facilitate the construction of the balancing pond on plot 37 and the construction of the Bardon Link Road itself. The Council can however indicate that once construction is complete and subject to ensuring the proper operation of the Scheme itself the Council would intend to ensure that land within the Scheme, including plot 38 would be offered back to the owners from whom the land is acquired if they wish to take it. In the meantime, the Council must ensure that it has access to all the land required to ensure that the Scheme can be built and operated. In addition, and as a separate exercise to the pursuit of the CPO the Council will continue to engage with WEL to seek to find an alternative option to acquisition if that is possible and provided it guarantees that the land will be available to the Council to achieve its aims. That process has started and ongoing negotiations, including discussion of heads of terms for an agreement between the parties has commenced. The Department will be kept informed of any progress in respect of these discussions.

- h) The use of CPO powers is established under statute and is subject to specific and authoritative guidance. The Council has followed that approach and is content that all necessary procedures are in place. In addition the Council has engaged with WEL to seek to accommodate WEL's own requirements and continues to do so, which will hopefully result in an agreed position. In the meantime the stated "requirement" of WEL to agree areas of permanent and temporary land take as they describe it in advance of the CPO does not override the essential steps which the Council needs to follow. The Council is of the view that the use to which the various plots is to be put is known to WEL through the extensive discussions that have taken place but the only way to guarantee the Scheme can proceed to follow the approach the Council has. The Council engaged with WEL prior to making the Order and

finalising the design, taking into account WEL's representations. However, the Council's final design, as well as the extent and nature of the land take has been informed by design requirements.

- i) Plot 37 is required permanently to enable a balancing pond to accommodate drainage requirements for the Scheme to be provided. The Council understands that WEL accept that provision. As for plot 38 the Council has identified the need for that and has drawn boundaries accordingly to enable it to be used for the stated purpose. As indicated previously following the successful provision of the Scheme that plot 38 will be capable of being offered back to the current owners who will decide whether to accept it or not.
- j) When construction on the Scheme begins the Council will fence off the land required. At this point the Council does not know precise boundaries or locations of the enclosures. The Council is in discussion with WEL and is willing to enter into an agreement that will cover issues such as enclosures in any event it will not and cannot extend beyond the areas shown pink in the CPO documents and described in the schedule.
- k) The Council submitted its drainage design for the Bardon Link Road along with the S73 planning submission. These plans are publicly available through the Planning Portal and have been shared with WEL. Any further details requested by WEL can be provided by the Council but are details not relevant to the Orders themselves but are rather details in respect of the planning permission to be brought forward on the order lands.
- l) The Council will not provide access to plot 38 during construction for safety reasons.

## **OBJ 6 - Cadent Gas Limited**

20.18 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) Cadent has submitted a holding objection due to infrastructure (low and medium pressure gas pipes and associated equipment) within or in close proximity to the Order Land.

20.19 The Council's response to Cadent's objection:

- a) The Council is in discussions with Cadent to understand its infrastructure extent and requirements. The Council will work proactively to address any issues that arise from this process. It is not anticipated that any change to the Orders will be required.

## **OBJ 7 - Annie Connors**

20.20 The points of objection identified by the Council as arising from the written objection are listed below. The Council's response will follow using a matching numbering system so that the objection to the Orders and the Council's response to the objection can be read together:

- a) A copy of the plan identifying the land is not currently available on the Council's website. Due to the lack of a map accompanying the CPO it is impossible to determine the effect of the land take proposed by the Council on Ms Connors' land.
- b) It is anticipated that the land take proposed will impact on two residential gypsy / traveller pitches. These under planning policy for traveller sites would need to be replaced. This issue cannot be resolved through the Land Chamber.
- c) The land take proposed is more extensive than the 142m<sup>2</sup> (blocks 19 and 20) for which the CPO is sought. The CPO does not match the actual proposal.
- d) There is a lack of landscaping to the east (buffer zone from residential property).
- e) The land behind Bardon Road (subject to the CPO) is a road to nowhere. The land is not allocated for housing, environmental improvements etc through the grant of planning consent.
- f) The land subject to the CPO abuts onto land granted planning permission (outline) in 2013 13/00956/OUTM for 2700 houses. The status of application 01/00636/FUL needs to be transparently identified.
- g) The CPO is seeking to secure commercial gain for the developers of 13/00956/OUTM.

20.21 The Council's response to Ms Connors' objections:

- a) The CPO maps, as well as general arrangement drawings were available on the website from the day of first publication, 1<sup>st</sup> December 2023. They were also sent to Mrs Connors on 30<sup>th</sup> November 2023 (confirmed by Royal Mail special delivery receipt) and available on deposit. Following subsequent discussions with Ms Connors and her representatives a new plan showing her specific plot has been provided to aid negotiations. Assistance has also been given to instruct a surveyor to represent Ms Connors.
- b) Planning permission for this part of the Scheme, the Original Bardon Link Road Planning Permission was granted on the 12<sup>th</sup> January 2023 (and later the S73 Bardon Link Road Planning Permission on 23<sup>rd</sup> September 2023). That was following a period during which all the usual and necessary requirements associated with the planning



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application for the Scheme were published, advertised and generally made public. That process followed a similar planning process related to the promotion of the Development Plan by the local authority. At no stage throughout that process was the Council made aware of the status of the land as accommodating the travelling community. Part of the reason for that is probably because the Scheme itself does not impinge on any land actually authorised for use as a traveller site either in terms of the arrangement of the pitches, the internal arrangements, or the access to the location. However, once the Council became aware of the traveller pitches on Ms Connors' land, the Council took steps to ascertain the position. On investigation of this issue the Council has ascertained that the Order Land does not impact on the traveller pitches; either their lawful location as per the planning permission for the property or the actual position of any caravans or residential buildings. Due to the objection from Ms Connors, the Council's project team for the Scheme has reacted to the information now supplied in respect of Mrs Connors land. As such the project team has since worked with the Council's Travellers Liaison Officer to seek to mitigate impacts. The Equality & Human Rights Impact Assessment has been updated to take this into account. The Council considers there is no impact from the Scheme on the existing pitches which can continue to be used in accordance with the planning permission authorising the use of the property as a traveller site.

- c) The claim that the dimensions in the CPO are inaccurate is not correct, and the land take shown in the CPO map is accurate. This perception is likely to have been arrived at due to a landscape plan, which is not formerly part of the Orders themselves but was produced for illustrative purposes, which incorrectly showed landscaped areas to the rear of 46 Bardon Road. That landscape plan has now been replaced to align with CPO acquisition requirement and this has been clarified to Ms Connors and her representatives.
- d) The Council assumes that the reference in this element of the objections should refer to 'west' rather than 'east', as the Bardon Link Road is located to the west of Mrs Connors' property. On that basis the Council confirms the landscape plan approved as part of the S73 Bardon Link Road Planning Permission shows a hedgerow alongside the western boundary of no. 46 Bardon Road as well as 4 new trees. To the rear of the property, the hedgerow continues alongside the highway along with a 1.8m close boarded fence to provide noise mitigation too. Directly behind the property, a tree/shrub native woodland is proposed, all of which will provide a buffer zone.
- e) The necessity for the Bardon Link Road is discussed at length throughout this Statement. It is required due to the benefits it will have on the strategic road network, which is supported by traffic modelling data. The Bardon Link Road is part of a planned package of measures to help improve traffic conditions and accessibility in and around Coalville. The provision of the Bardon Link Road will provide a shorter and more direct route for traffic from the immediate local area in and

around Bardon to the A511 and the strategic road network. This would reduce the need for traffic to use the longer and less suitable local road network, where traffic will have a greater effect on residents through impacts such as congestion and air quality. The Bardon Link Road will also encourage more traffic to use the A511, which is more suitable for medium and long-distance journeys and where the other improvements associated with the A511 upgrade can have a beneficial impact. Further the benefits of the Bardon Link Road have been extensively examined through the planning process, as well as the OBC that resulted in the award of DfT funding for the Scheme. It is also supported by the NWLDC Development Plan. The Bardon Link Road will benefit residents living in the new Coalville Sustainable Urban Extension ("SUE") but will also benefit through traffic to or from the south. Land to the south of the railway and north of Grange Road, the SUE, is allocated for development and in fact is being developed. The Bardon Link Road connects to the spine road within this development. This element of the objection appears to contradict other aspects of the objection which allege (to be addressed below) that the Bardon Link Road is intended to commercially benefit developers. The spine road to which the Bardon Link Road has been constructed as such demonstrates that there is no practical force to an allegation that there is a 'road to nowhere'.

- f) Pending planning application under reference 01/00636/FUL was submitted to NWLDC as planning authority in 2001 but has not been determined – the Council does not know the reason for this. It appears to cover some of the same land as covered by the later outline permission under reference 13/00956/OUTM (and its associated reserved matters approvals) which is currently being constructed and contains the spine road which will connect to the Bardon Link Road. As such the Council assumes planning application 01/00636/FUL has effectively been superseded but has no information to confirm that assumption. In any case the Council does not understand the relevance of this to the Orders or how it supports the objection being made.
- g) The objection alleges the CPO, via the Bardon Link Road is seeking to secure commercial gain for the developer of planning permission 13/00956/OUTM. The justification for the Bardon Link Road is based on a full and detailed assessment process including the use of traffic modelling data to meet justified planning aims and will bring benefits including those to the strategic route network. This is explained in detail within this Statement. Whilst the Scheme provides an alternative access for the development under planning permission 13/00956/OUTM, that planning permission is not reliant on the Scheme coming forward and is being developed regardless of the Scheme.

20.22 The Council has carefully considered the objections. Notwithstanding the issues raised, the Council remains satisfied as to the justification of the Orders



and that all the land shown within the CPO as being the Order Land is required.

## 21. Overall Conclusions

- 21.1 This Statement sets out why compulsory powers have been sought in the CPO and explains why the Council considers such powers to be necessary, proportionate, and justified. It further confirms the need for the SRO
- 21.2 In determining the extent of the compulsory acquisition powers proposed in the CPO, the Council has had regard to the requirements of the relevant legislation and to the advice in the DLUHC Guidance and the DfT Guidance. The Council is content that the scope of the powers sought and the extent of the interests in the land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Council to construct, operate and maintain the Scheme.
- 21.3 The Council has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the Scheme. The Council has sought to acquire interests in the Land by agreement wherever practicable.
- 21.4 The Council has considered the human rights of the individuals affected by the compulsory acquisition powers. It is satisfied that there is a compelling public interest case for compulsory acquisition and that the public benefits arising from the Scheme will outweigh the harm to those individuals.
- 21.5 Without the granting of compulsory acquisition powers, the Council considers that it will not be possible to construct the Scheme or realise the public benefits arising from it.
- 21.6 The Scheme has strong support from Government through the DfT and the MRN funding. Further support for the Scheme is found in the NPPF, which both emphasises the importance of, and indeed the "critical need" for, projects such as the Scheme. Local planning policy is supportive of the Scheme, with North West Leicestershire District Council recognising the need for improvements to transport infrastructure, including the Scheme, to enable the ambitions in their plans to be realised.
- 21.7 The Council considers that there is a compelling case in the public interest for confirmation of the CPO and that the CPO, if confirmed, would strike an appropriate balance between public and private interests.
- 21.8 In respect of the SRO, this is required to stop up existing side roads and PMA affected by the Scheme, to improve existing side roads and to create new side roads and PMA required as a consequence of the Scheme. Confirmation of the SRO will ensure the Scheme can be implemented and completed in full completed.

## 22. Inspection of Documents

- 22.1 The documents listed in section 24 of this Statement are available for inspection at: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/a511-growth-corridor-scheme> or copies can be provided on request via the contact details listed at section 23 below.
- 22.2 Copies of the documents have also been deposited at the following address and may be viewed during normal officer hours: Leicestershire County Council, County Hall, Glenfield, Leicester LE3 8RA.

## 23. Contact Details

- 23.1 Further information on the Scheme and the Orders can be obtained from Leicestershire County Council by email: [A511MRN@leics.gov.uk](mailto:A511MRN@leics.gov.uk) or phone: 0116 305 7009.

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## 24. List of Related Documents

- 24.1 Without limitation, the Council may refer to the following documents and legislation in the event of a public inquiry into the Orders:

### **Order documents**

- CPO Order and Schedule
- CPO map (consisting of five maps)
- CPO Notices
- SRO Order, Schedule and SRO Plan Folio
- SRO map (consisting of 14 maps)
- SRO Notices
- Statement of Reasons
- Relevant Date Letter
- Scheme Plans (consisting of eight plans)

### **Original Bardon Link Road Planning Application documents**

- Planning Statement
- Statement of Community Engagement
- Transport Assessment
- Biodiversity Net Gain Report
- Arboricultural Impact Assessment
- Air Quality Assessment
- Aquatic Ecology Report
- Flood Risk Assessment
- Heritage Statement
- Noise Assessment
- Landscape and Visual Appraisal
- Bat Report
- Reptile Report
- Riparian Mammals Report
- Overview Plan
- Landscape Plan

### **Section 73 Bardon Link Road Planning Application documents**

- Cover Letter

- Biodiversity Net Gain Report
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Landscape and Visual Appraisal Addendum
- Overview Plan
- Landscape Plan

#### **Legislation selected provisions (as amended)**

- The Highways Act 1980
- The Acquisition of Land Act 1981
- The Town and Country Planning Act 1990
- New Roads and Street Works Act 1991
- The Human Rights Act 1998 (incorporating the European Convention on Human Rights (as amended) (2021))
- The Town and Country Planning (General Permitted Development) (England) Order 2015
- Highways (Inquiries Procedure) Rules 1994
- Compulsory Purchase (Inquiries Procedure) Rules 2007

#### **National Policy and Guidance**

- Major Road Network and Large Local Majors Programmes: programme investment planning (2018)
- Guidance on Compulsory purchase process and The Crichel Down Rules (2019)
- Circular No. 2/97, Department for Transport Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority
- Transport Analysis Guidance – the Transport Appraisal Process (2018).
- The National Planning Policy Framework (2023)
- Network North: Transforming British Transport (2023)

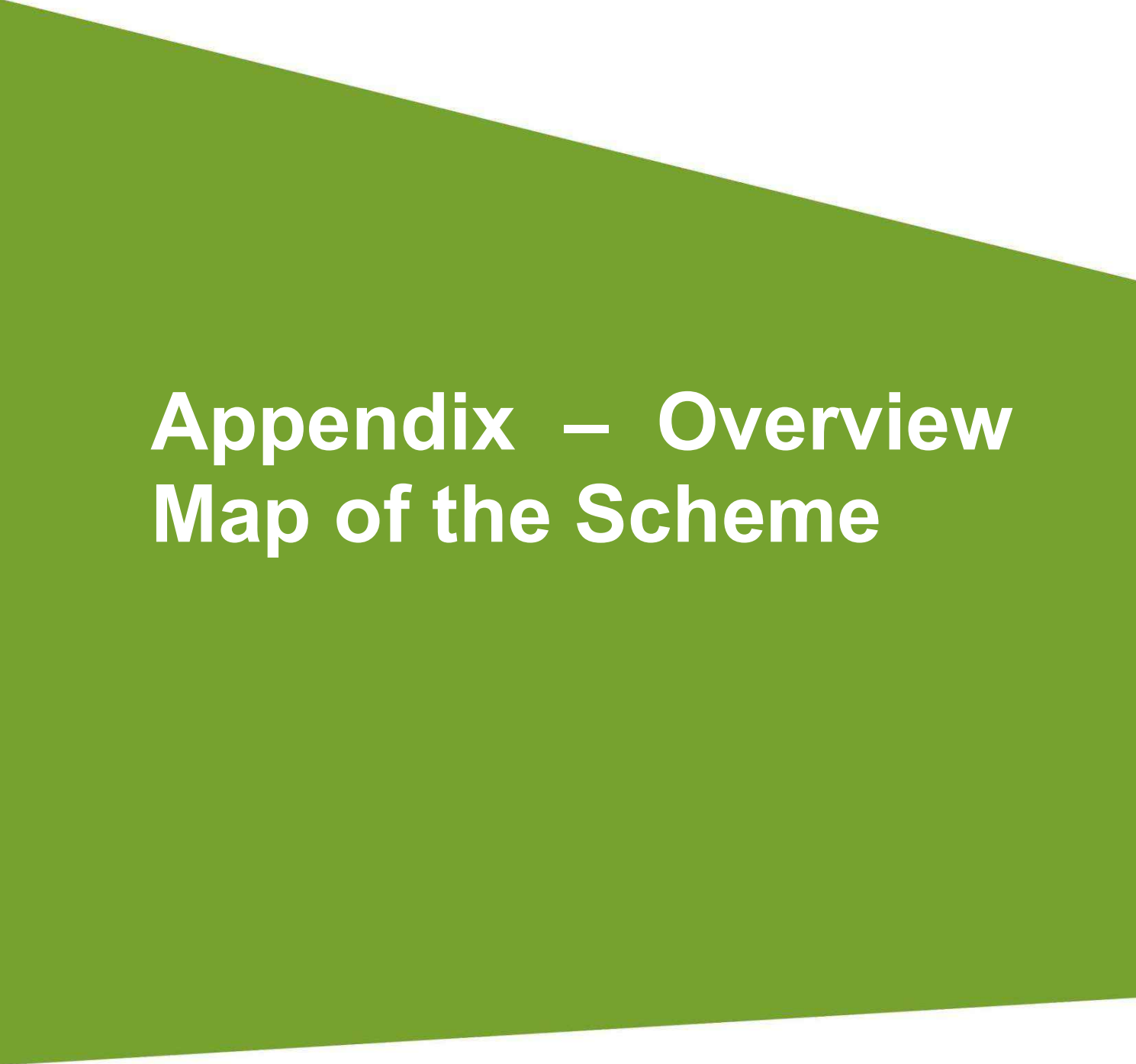
#### **Local Policy and Guidance**

- Leicester and Leicestershire Enterprise Partnership (LLEP) Strategic Economic Plan 2011-2020
- Infrastructure Delivery Plan (2016)
- North-West Leicestershire Local Plan (2017)
- Local Development Scheme 2018 – 2021

- Leicestershire Local Transport Plan 3 (2011)
- Leicestershire Highway Design Guide, Interim Guidance (2022)
- Interim Coalville Transport Strategy, (2021)
- Good Design for North West Leicestershire: Supplementary Planning Document, (2017)
- North West Leicestershire Cycling Strategy, Part 1: Coalville Supplementary Planning Document (2018)

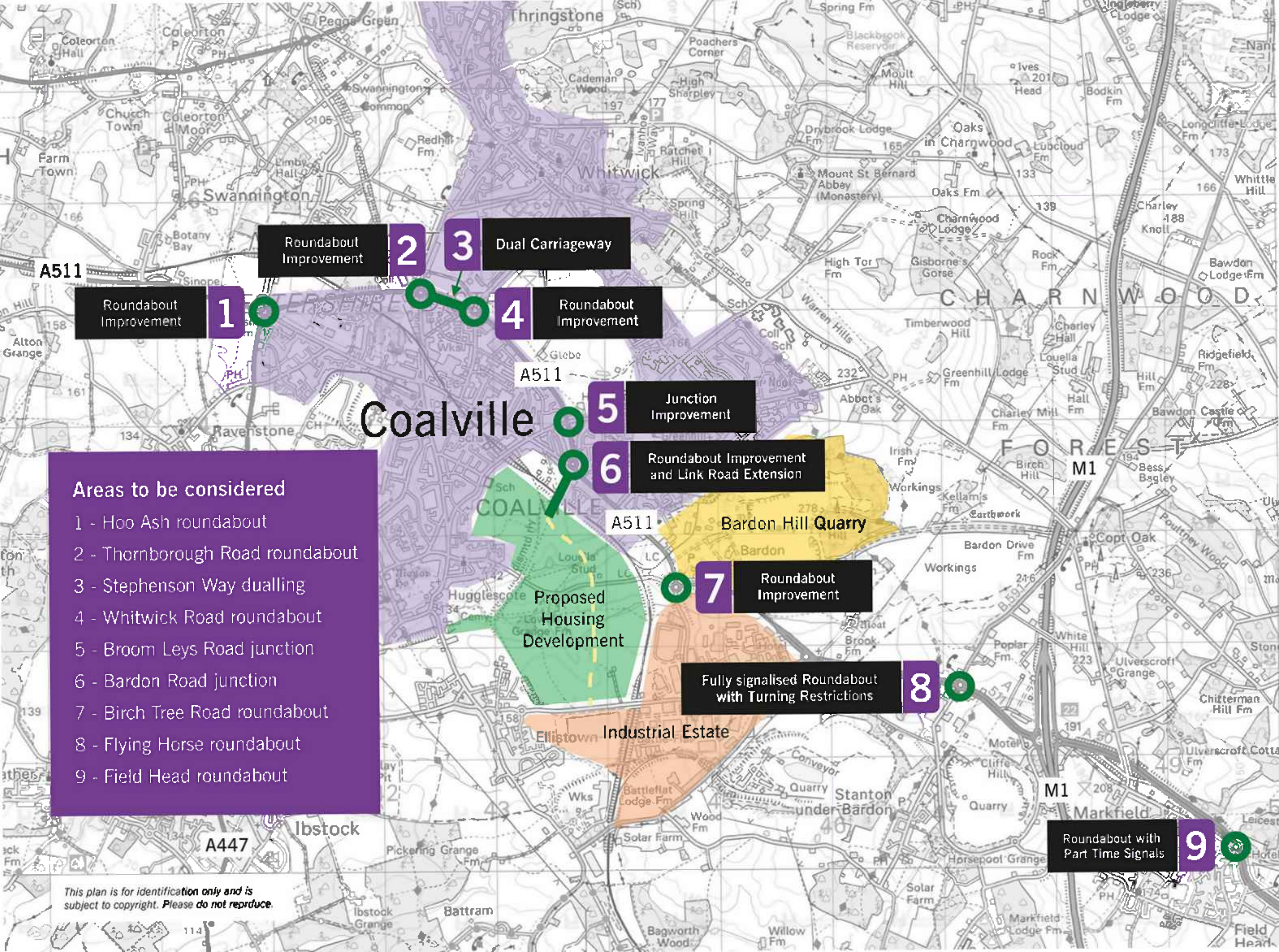
**Other**

- Council Cabinet Report (March 2022)
- Council Cabinet Report (15 September 2023)
- Bardon Road Bridge Option Report (2021)
- Strategic Outline Business Case (July 2019)
- Outline Business Case (July 2020)
- Options Assessment Report (December 2019)
- Appraisal Specification Report (June 2019)
- Junction Option Feasibility Report (Stage 1) (2017)
- Equality & Human Rights Impact Assessment (last updated March 2024)

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# **Appendix – Overview Map of the Scheme**





Roundabout Improvement

2

3

Dual Carriageway

4

Roundabout Improvement

5

Junction Improvement

6

Roundabout Improvement and Link Road Extension

7

Roundabout Improvement

8

Fully signalled Roundabout with Turning Restrictions

9

Roundabout with Part Time Signals

### Areas to be considered

- 1 - Hoo Ash roundabout
- 2 - Thornborough Road roundabout
- 3 - Stephenson Way dualling
- 4 - Whitwick Road roundabout
- 5 - Broom Leys Road junction
- 6 - Bardon Road junction
- 7 - Birch Tree Road roundabout
- 8 - Flying Horse roundabout
- 9 - Field Head roundabout