

Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023

Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023

PINS Ref: NATTRAN/EM/HAO/299

LLC1: Proof of Evidence of Ann Carruthers

Promoter

dated 20 May 2024

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1 Introduction

1.1 Qualifications and experience

1.2 I, Ann Carruthers, am the Director of Environment and Transport for Leicestershire County Council (the **Council**). I have been in this role since 2017 and have worked in the highways and transport sector for approximately 30 years. I have a BA (Hons) 2:1 from the University of Strathclyde and an MSC in Transportation Engineering from Napier University. I am a Fellow of the Chartered Institute of Highways and Transportation, and I am President-elect of the Association of Directors of Environment, Economy, Planning and Transport. I chair the Midlands Highway Alliance+ and I am a member of the Highway Sector Council. I hold an Institute of Leadership and Management (ILM) level 3 Diploma.

1.3 In my current role I am responsible for all highway, transport, environment and waste services for Leicestershire, overseeing a revenue spend of £100m annually and a capital programme of £200m with our services delivered by 1,000 staff across the department. I previously worked as Assistant Director for the Council for 2 years during which time I was responsible for all the Council's highway and transport operation ranging from the development and delivery of the highway capital programme (including major schemes and highway maintenance); delivery of the County's home to school and Special Educational Needs transport service; the development and delivery of the County's statutory Local Transport Plan; support for public transport, cycling and walking; as well as ensuring the delivery of the in-house highway operations carrying out highway maintenance, grass cutting, winter gritting, drainage works and minor road improvements.

1.4 Prior to working with the Council, I have worked with a number of local authorities across England and Scotland as well as with the State Highway Authority of New Zealand. While for the early part of my career I gained experience across many service areas ranging from traffic management and transport modelling to development control and minor scheme delivery, for a number of years more latterly I focused on strategic transport and policy matters including identifying and developing infrastructure programmes needed to support growth and progressing to delivery.

1.5 This Proof of Evidence is made in response to the objections made to the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023 (the **SRO**) and the Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023 (the **CPO**) (together, the **Orders**) in connection with the Leicestershire County Council A511 Growth Corridor (also referred to in this Proof of Evidence as the **Scheme**).

1.6 The facts and matters set out in this Proof of Evidence are within my own knowledge. The facts set out below are true to the best of my knowledge and belief. Where reference is made to facts which are outside my knowledge, I set out the source of my information and I believe such information to be true.

1.7 I have been assisted by other professional advisors and officers of the Council with the preparation of this Proof of Evidence, some of whom will also provide evidence to the inquiry.

1.8 The evidence presented in this Proof of Evidence builds upon the information already presented as part of the Statement of Reasons and Statement of Case.

1.9 To the best of my knowledge and belief, all statutory processes have been met.

- 1.10 The Council proposes modifications to four plots in the CPO (plots 005, 006, 040 and 041). Further details on these proposed modifications are set out from paragraph 10.10 of this Proof of Evidence.
- 1.11 **Involvement with the Scheme**
- 1.12 I became Senior Responsible Officer for the Scheme in April 2021 when a colleague left the authority. My role is as the day to day decision maker on the Scheme using the most up to date information on finance, risk, programme, legislative requirements and resourcing provided by the Project Manager at the Project Board. As the Senior Responsible Officer, I am also responsible for ensuring reporting to the Department's Programme Board and also that key decisions in relation to the project are taken by the Council's Cabinet.
- 1.13 Throughout my time working on the Scheme, I have been working alongside Pat Clarke – Assistant Director for Highways and Transport Operation at the Council, who leads the Engineering Services team responsible for designing the improvements identified along the A511 Growth Corridor.

2 **Scope of Evidence**

2.1 When I became the Senior Responsible Officer for the Scheme, it was at the stage of going through Outline Business Case (**OBC**) approval. However, I have familiarised myself with the Scheme's development process prior to my involvement and my evidence therefore covers the background to the development of the Scheme by the Council in close association with the Department for Transport (**Dft**) and North West Leicestershire District Council (**NWLDC**).

2.2 I set out the following in my evidence:

2.2.1 The background, evolution and overview of the Scheme;

2.2.2 Enabling Powers;

2.2.3 Description of the Order Land and Land Ownership

2.2.4 Scheme Description and Need for the Scheme;

2.2.5 Planning Position;

2.2.6 Purposes of the Orders;

2.2.7 Need and Justification for the CPO and SRO;

2.2.8 Funding of the Scheme;

2.2.9 Human Rights and Equalities Impacts; and

2.2.10 Responses to the objections.

3 **Background, evolution an overview of the scheme**

3.1 The Scheme 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 Proof of Evidence as the "A511 Growth Corridor"). Further details of the Scheme can be found in section 5 of this Proof of Evidence.

3.2 **Scheme background**

3.3 The Scheme is situated along the 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.

3.4 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. It provides access to large areas of housing as well as employment and service areas, both within the local area and at larger centres such as Leicester.

3.5 The demand from both local and through-traffic, combined with capacity limitations along the route are a significant cause of the congestion currently experienced. This is compounded by the amount of new development brought forward across this area over a number of years, both residential and employment. North West Leicestershire is one of the fastest growing districts in the country in terms of population. According to the 'North West Leicestershire Economic Growth Plan Evidence Base 2022-2025' which is Document LP11 in the List of Documents, in the past 10 years the district's population has increased by 11.9%. This is a faster rate than the East Midlands region (8.0%) and for Great Britain (6.5%) over the same time period. These figures demonstrate the population impact necessitating new homes being built in the area, as well as the need for increased employment opportunities in the locality which can be met by business growth. Observed and further expected growth such as this requires a resilient road network. The Scheme will ensure that the A511 Corridor allows for more reliable journeys and contributes towards the resilience of the wider road network.

3.6 Due to it connecting two elements of the Strategic Road Network (**SRN**): the A42 and the M1, the A511 acts as a key artery for commuter and freight movements. At present, delays to traffic on the A511 mean that the benefits of the ongoing capacity and reliability investments on the SRN by National Highways are not fully realised as the delays on the A511 affect access and egress on the SRN.

3.7 The A511 Growth Corridor currently experiences notable levels of congestion and peak hour delays at several of its key junctions which results in journey time delay upwards of forty seconds at each junction and leading to tailbacks that disrupt the flow of traffic along the approaching links, resulting in speeds of less than 10 mph on sections of road designed for 60mph. This lack of journey time reliability reduces people's ability to utilise the network freely, reducing their choice of amenities which they can access, particularly at peak times. It is potentially a deterrent to inward investment as poor journey time reliability and congestion add cost and reduce productivity for business. It also operates as a constraint on new residential development coming forward in line with Local Plan requirements.

3.8 The A511 acts as a key north-west to south-east corridor, with its eastern end connecting to Leicester and the M1. Additionally, there are currently a wide number of transport, logistics and industrial firms on the corridor, including Amazon, as well the Bardon Hill

Quarry (a nationally significant quarry and aggregate business), which is reflected in the high levels of employment in these sectors in local demographics. The existing levels of congestion on the corridor make freight movement slower, less reliable and subsequently more expensive, reducing productivity.

3.9 The Scheme is near the centre of an area known as "The Golden Logistics Triangle"; an area comprising around 289 square miles that is renowned for its high density of distribution facilities. According to the Office for National Statistics (**ONS**), this triangle is within a four hour drive of 90% of the British population, thereby making it ideally located for goods distribution around the country. The ONS report that the rise of transport and storage has accelerated in the last two years, especially in the midlands and eastern parts of the UK following EU exit and the COVID-19 pandemic. The A511 is a key link in the movement of goods within this "Golden Logistics Triangle".

3.10 **Early stages of the Scheme**

3.11 In 2008 the Council and 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.

3.12 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.

3.13 In 2014, the Leicester and Leicestershire Local Enterprise Partnership secured Growth Deal funding from the DfT towards delivery of improvements at M1 Junction 22 in 2016 and A42 Junction 13 in 2017. Developer contributions have subsequently been secured for improvements at the remaining locations along the A511.

3.14 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:

3.14.1 identified all of the necessary infrastructure to mitigate the cumulative impact of the known growth and regeneration aspirations in the district;

3.14.2 ensured that the investment priorities to support growth in the Coalville area were understood; and

3.14.3 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.

3.15 On 23rd 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 SRN and the rest of the local road network. The A511 forms a key link in the region's MRN as described in the paragraphs that follow.

- 3.16 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'.
- 3.17 Since 2017, the Council has commissioned a further study using Leicestershire's Pan-Regional Transport Model 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. Further details regarding the updated model are contained within the Proof of Evidence of Mark Dazeley.
- 3.18 The A511 MRN works have also been subject to Strategic and OBC approvals (Documents SA4 and SA5 in the List of Documents), which have allowed the Scheme to secure funding from the DfT.
- 3.19 **Development of the Scheme**
- 3.20 In total, 28 different potential interventions were assessed in the Option Appraisal Report (OAR) (Document SA6 in the List of Documents) 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.
- 3.21 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 (Document NP27 in the List of Documents). This is a process which involves discarding options that:
- 3.21.1 would clearly fail to meet the key objectives identified for intervention;
 - 3.21.2 do not fit with existing local, regional and national programmes and strategies, and do not fit with wider government priorities, and,
 - 3.21.3 would be unlikely to pass key viability and acceptability criteria (or represent significant risk) in that they are unlikely to be:
 - (a) 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;
 - (b) technically sound;
 - (c) financially affordable; and,
 - (d) acceptable to stakeholders and the public.

- 3.22 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.
- 3.23 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 as well as supporting the growth proposals in NWLDC's Local Plan 2011-2031 (Document LP3 in the List of Documents).
- 3.24 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. 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.
- 3.25 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.
- 3.26 **Planning position**
- 3.27 Save in respect of the Bardon Link Road (discussed below), all works related to the Scheme will be carried out in accordance with planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (**GPDO**) (Document L6 in the List of Documents). In particular the 'permitted development' rights granted to Highway Authorities pursuant to Schedule 2, Part 9 Class A of the GPDO which permits the carrying out by a highway authority:
- "on land within the boundaries of a road, of any works required for the maintenance or improvement of the road; or*
- on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway."*
- 3.28 The Scheme includes the introduction of the Bardon Link Road, which comprises the construction of a new 450m length of road south of the Bardon Road Roundabout, with new underbridge through the railway embankment, shared footway/cycleway 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.

- 3.29 On 20th May 2022, the Original Bardon Link Road Planning Application was submitted by the Council for the Bardon Road Roundabout and Bardon Link Road.
- 3.30 A planning application reference 2022/RegMa/0069/LCC (**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). Key documents from the Original Bardon Link Road Planning Application are included as Documents P1 to P26 in the List of Documents.
- 3.31 Under Part 2, Regulation 6 of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 (Document L10 in the List of Documents), a Screening Opinion was requested. However, the screening opinion determined that an 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:
- 3.31.1 Phase 1 desk study (geotechnical and geo-environmental) (Document P8 in the List of Documents);
 - 3.31.2 Noise assessment (Document P19 in the List of Documents);
 - 3.31.3 Landscape appraisal summary (Document P20 in the List of Documents);
 - 3.31.4 Heritage statement (including archaeology) (Document P18 in the List of Documents);
 - 3.31.5 Flood risk assessment and outline drainage strategy (Document P17 in the List of Documents);
 - 3.31.6 Air quality assessment (Document P15 in the List of Documents);
 - 3.31.7 Preliminary ecological appraisal (Document P13 in the List of Documents);
 - 3.31.8 Arboricultural impact assessment (Document P7 in the List of Documents);
 - 3.31.9 Protected species reports (badgers, bats, reptiles, riparian mammals) (Documents P9-12 in the List of Documents);
 - 3.31.10 Aquatic ecology survey report (Document P14 in the List of Documents); and
 - 3.31.11 Biodiversity Net Gain (BNG) assessment and report (Document P6 in the List of Documents).
- 3.32 The resulting information gathered was then used to propose impact mitigation for the Project as follows:
- 3.32.1 Noise – 1.8m high close boarded fencing is proposed at strategic locations along the Bardon Link Road to reduce the impact of noise from the road on existing nearby residents.

- 3.32.2 Archaeology – a series of investigative surveys are planned, commencing in June 2024, to understand the potential for archaeology and inform mitigation prior to construction if required.
- 3.32.3 Invasive species – biosecurity measures will be put in place during construction to protect against the spread of invasive species present on site.
- 3.32.4 Protected species – an ecological watching brief for vegetation clearance is planned. Reptile hibernacula will be created to provide habitat for reptiles on the site. Further surveys are planned to understand the presence of bats and badgers.
- 3.32.5 Landscape and visual impact – a planting proposal has been developed to offer screening of the Bardon Link Road for existing residents.
- 3.32.6 Biodiversity – the drainage design and landscaping proposals underwent an iterative process to ensure a biodiversity net gain is achieved across the Bardon Link Road site as requested by the County Ecologist.
- 3.33 The Council, in its role as Planning Authority undertook a statutory consultation exercise on the proposals for the Bardon Link Road in June 2022 and a small number of minor modifications were proposed:
 - 3.33.1 amendments to the access to no. 36 Bardon Road to satisfy road safety concerns about vehicles accessing this property;
 - 3.33.2 amendments to the road markings on the Bardon roundabout to clarify the lane positions; and
 - 3.33.3 addition of bollards to control vehicle movements.
- 3.34 Leicestershire County Council's Development Control and Regulatory Board resolved on 12th January 2023 to approve the Original Bardon Link Road Planning Application subject to conditions (resulting in the **Original Bardon Link Road Planning Permission**).
- 3.35 On 20th 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 22nd September 2023 (**S73 Bardon Link Road Planning Permission**). The S73 Bardon Link Road Planning Permission is the consent that will be implemented as part of the Scheme.
- 3.36 The primary difference between the Original and S73 Bardon Link Road applications is the location and scale of the drainage pond south of the railway embankment.
- 3.37 The layout presented in the S73 Bardon Link Road Planning Application utilises existing wetland areas to the north of the railway line (east of the proposed highway), to create a more natural water storage area that reduces the scale of the balancing pond required to the south of the railway embankment. In turn this creates an enhanced wetland habitat to

the north and reduces the amount of earthworks and associated construction activity required to the south of the railway embankment.

3.38 Current status of the Scheme

3.39 The Council have appointed AECOM as planning consultants to support the Council in discharging the planning 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. These conditions are discussed in more details in the Proof of Evidence of Esme Portsmouth.

3.40 The Council are also currently progressing a tender exercise to engage a mini competition with the contractors on the Midland Highway Alliance's Medium Schemes Framework 4 (MSF4) in June 2024. This process will secure a Contractor to support the project team through a period of Early Contractor Involvement (**ECI**) under an NEC Stage 1 contract.

3.41 The ECI contractor will support the project team to finalise the detailed design of the Scheme through value engineering and construction phase planning. A final construction cost estimate will be established in December 2024 and the Council will then submit the Full Business Case to the DfT for approval this same month. Subject to this approval, the Council will then be able to draw down the full grant allocation from the DfT to deliver the Scheme and enter into the Stage 2 NEC contract with the contractor.

4 **The enabling powers**

- 4.1 The Highways Act 1980 (Document L1 in the List of Documents) empowers LCC to acquire land compulsorily which it requires to construct and improve a highway. Relevant Statutes that the Council may refer to are included in the "List of Documents".
- 4.2 Section 239 of the 1980 Act enables the Council as the Highway Authority for the area to "acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense", as well as any land required for the improvement of a highway.
- 4.3 Section 240 of the 1980 Act provides that the Council as Highway Authority may acquire land required for the use in connection with construction or improvement of a highway.
- 4.4 Section 246 of the 1980 Act 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.
- 4.5 Section 250 of the 1980 Act 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.
- 4.6 Section 260 of the 1980 Act allows the Council to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.
- 4.7 Section 14 of the 1980 Act authorises the Council as the Highway Authority to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided.
- 4.8 Section 125 of the 1980 Act empowers the Council to deal with any private means of access (**PMA**) affected by the new road including the provision of a new means of access.
- 4.9 The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable the Council, using the powers it holds as a Highway Authority, to provide the Scheme that would achieve improvement of the highways network.

5 Description of the Scheme and need for the Scheme

5.1 Description of the Scheme

5.2 The Scheme (identified as Package 1 in the OAR) comprises nine 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:

Table 1: Overview of Improvements

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. (Drawing no. MRN.A511-000/001/002/017/HG/SK01 REV D)
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK02 REV C)
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK02 REV C)
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK02 REV C)
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. Reconstructing the verge and footway on Stephenson Way to the south-west of the junction, utilising land owned by the Council to enable carriageway widening that will provide two ahead lanes for traffic travelling northbound on Stephenson Way. This will enable improved vehicle throughput, reduced queuing and

Project	Description of Improvements
	thus reduced air pollution. (Drawing no. MRN.A511-000/001/002/017/HG/SK03 REV C)
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK04). Note that this Bardon Road Roundabout project and the Bardon Link Road project described below are considered together to make up one project of the nine that comprise the Scheme.
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 for approximately 290m south of Bardon Road which then changes to shared footway/cycleway on the eastern side and a footway on the western side, attenuation basin, 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. (Drawing no. MRN.A511.000-H1-1P-1H_OVERVIEW REV B). Note that this Bardon Link Road project and the Bardon Road Roundabout project described above are considered together to make up one project of the nine that comprise the Scheme.
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK05 REV B)
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. (Drawing no. MRN.A511-000/001/002/017/HG/SK06 REV C)

Project	Description of Improvements
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 at this junction, with historic data showing a cluster here. (Drawing no. MRN.A511-000/001/002/017/HG/SK07 REV C)

5.3 Need for the Scheme

- 5.4 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 which are detailed in section 6 of this statement.
- 5.5 The need for improvements is recognised at the local level by Leicester and Leicestershire Enterprise Partnership in its Strategic Encamping Plan (**SEP**) (Document LP1 In the List of Documents) 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. NWLDC's Local Plan (Document LP3 In the List of Documents) also recognises the need for growth in the locality with policy S1 detailing the requirement for a minimum of 9,620 dwellings and 66 ha of employment land over the plan period (2011-2031). The Scheme will support this proposed growth by providing a more resilient road network.
- 5.6 NWLDC's Local Plan Scheme plays a key role in assisting with the housing delivery requirements of the Local Plan as well as the vision for Coalville.
- 5.7 In order to meet the ambition for the A511 Growth Corridor as described within the SEP and NWLDC Local Plan, 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. Information contained within the Proof of Evidence of Mark Dazeley provides the most up to date traffic modelling data and analysis.
- 5.8 The cost to the local economy of congestion will be exacerbated by the level of traffic growth resulting from the many residential, commercial and employment developments currently committed and Coalville's location near the centre of the "Golden Logistics Triangle". The ONS 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.

- 5.9 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 22% 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.
- 5.10 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.
- 5.11 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.
- 5.12 These issues mean there was a clear need for intervention.
- 5.13 To address the issues identified above along the A511 Corridor, and taking into account national, regional, and sub-regional policy and strategy; seven objectives were identified at the concept stage.
- 5.14 The final Scheme was assessed against the objectives set out at concept stage. The paragraphs that follow describe how the Scheme meets these objectives:

5.14.1 **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.

5.14.2 **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 during a five year period between 2014 and 2018, 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.

5.14.3 **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. With its central location within the "Golden Logistics Triangle", the A511 supports the movement of goods around the midlands and beyond. Key nationally significant logistical centres such as the East Midlands Gateway and the developing Hinkley National Rail Freight Interchange are also in close proximity (10 miles and 14 miles respectively) to the A511 Growth Corridor. Improvements to journey times expected along the A511 during peak times aids the efficient movement of goods along the corridor.

5.14.4 **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, with construction underway on the initial phase of units. This is 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, including the 3,500 proposed to the south-east of Coalville. The Bardon Link Road Project will deliver a new section of road, linking to ongoing housing development off Grange Road to the south of Coalville and will provide the means to cross the railway.

5.14.5 **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, East Midlands Freeport and the strategic rail freight interchange at Castle Donington. Car and bus passengers as well as freight carriers 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. Traffic Modelling has indicated that due to redistribution of traffic around the network, the introduction of the Bardon Link Road will reduce the number of vehicles passing through the Birch Tree Roundabout. This is forecast to be a 10.2% reduction in the morning peak and a 9.7% reduction in the evening peak in the forecast year of 2042.

5.14.6 **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, supporting all road users but especially important for the logistics sector which has a high concentration of businesses in the area. 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 as well as reducing potential congestion and impact on communities when this occurs.

5.14.7 **Objective 7 - Improve air quality and traffic noise impact along the corridor**

Stationary vehicles queuing at congested junctions results in increased carbon monoxide, nitrogen dioxide and particulate matter being omitted in the locality, therefore increasing air pollution. The Scheme will reduce queue lengths at junctions along the A511 corridor, therefore reducing the potential for build-up of these air pollutants. 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. 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.

6 Planning position

6.1 I set out below a description of the 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.

6.2 Express planning permission exists for part of the Scheme (specifically the Bardon Link Road) which benefits from the S73 Bardon Link Road Planning Permission, and 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.

6.3 The planning policy position is considered further in the proof of evidence of Esme Portsmouth.

6.4 The National Planning Policy Framework (Document NP5 in the List of Documents)

6.4.1 The National Planning Policy Framework (**NPPF**), last updated on 20th 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, which was in place when the Orders were made. 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.

6.4.2 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.'

6.4.3 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.

6.4.4 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'.

6.4.5 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;

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

6.4.6 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 to aid safety and make the environment more attractive for active travel; 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.

6.4.7 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.'

6.4.8 Chapter 12 also refers to the importance placed on:

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

6.5 **North West Leicestershire Local Plan, March 2021 (Document LP3 in the List of Documents)**

6.5.1 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".

- 6.5.2 The key Local Plan policies likely to be significant in the consideration of this proposed development are detailed below:

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).

- 6.5.3 The Scheme plays a key role in assisting with the housing delivery requirements of the Local Plan as well as the vision for Coalville.

- 6.5.4 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".

- 6.5.5 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.

- 6.5.6 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).

6.6 **Leicestershire Local Transport Plan 3 (Document LP5 in the List of Documents)**

- 6.6.1 The Leicestershire Local Transport Plan 3 (**LTP3**) Strategy was published in 2011 with implementation plans published for each three-year period. The LTP3 covers the county of Leicestershire. The Local Transport Plan strategy recognises that a number of towns experience 'appreciable congestion' with Coalville being one of the four towns mentioned.

- 6.6.2 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) including cycling and walking facilities which may encourage use of more sustainable modes of travel.

- 6.6.3 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.

6.7 **Infrastructure Delivery Plan (Document LP2 in the List of Documents)**

- 6.7.1 In section 4.1.2 of the North West Leicestershire Infrastructure Delivery Plan (2022) (**Infrastructure Delivery Plan**), which has been prepared to support the overall spatial strategy and selection of sites for inclusion in the new Local Plan, it recognises that the A511 Growth Corridor is an important scheme which will address long-standing congestion issues along the corridor. Section 5.1 of the Infrastructure Delivery Plan outlines different growth options and each refers to the potential for congestion increase along the A511.

- 6.7.2 The Scheme is a key highway improvement project to support the growth laid out in the Infrastructure Delivery Plan.

6.8 **Leicestershire Highway Design Guide, Interim Guidance (Document LP6 in the List of Documents)**

- 6.8.1 The Leicestershire Highway Design Guide (LHDG) 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. The refreshed final version of the LHDG is in production, expected to be finalised later in 2024.

- 6.8.2 The Scheme design has been prepared in accordance with the Guidance.

6.9 **Interim Coalville Transport Strategy, Leicestershire, 2021 (Document LP7 in the List of Documents)**

- 6.9.1 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.

6.9.2 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.

6.9.3 The Transport Strategy directly supports the Scheme.

6.10 **North West Leicestershire Cycling Strategy, Part 1: Coalville Supplementary Planning Document, 2018 (Document LP9 in the List of Documents)**

6.10.1 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.

6.10.2 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.

6.10.3 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.

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

6.11.1 The Council's Development Control and Regulatory Board resolved on 12th January 2023 to approve the Original Bardon Link Road Planning Application subject to conditions (resulting in the Original Bardon Link Road Planning Permission). Local Members Councillor Merrie and Councillor Smith stated during the Board meeting that they welcomed the application, noting that there were few concerns raised during the consultation but all had been addressed.

6.11.2 On 20th 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 22nd September 2023 (S73 Bardon Link Road Planning Permission). The S73 Bardon Link Road Planning Permission is the consent that will be implemented as part of the Scheme.

6.11.3 The Council has entered into contract with a planning consultancy who are supporting 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.

7 Purpose of the Orders

- 7.1 The CPO has been made to enable construction of the Scheme. The SRO has been made to enable construction and operation of the Scheme by dealing with all necessary access points, rights of way and highways that interact with the Scheme.
- 7.2 The purpose of the CPO is therefore to ensure that LCC has all the land it requires and has acquired all the interests necessary to guarantee that the Scheme can proceed.
- 7.3 The proposed alterations to existing highways and PMA that would be affected by the Scheme are described in the Schedule to the SRO and shown on the relevant plans to the Order. The Scheme's SRO will allow:
- 7.3.1 improvements to existing Highways;
 - 7.3.2 the stopping up of Private Means of Access;
 - 7.3.3 the creation of New Private Means of Access;
 - 7.3.4 the stopping up of Highway; and
 - 7.3.5 the creation of new Highway.
- 7.4 Where alterations are being made to existing Rights of Way it is necessary to acquire land and use the SRO to extinguish rights and create new rights. The intended process is as follows:
- 7.4.1 purchase the extent of the required highway intended to be altered;
 - 7.4.2 remove Highway rights by stopping up through the SRO; and
 - 7.4.3 create new Highway rights through the SRO.

8 Need and justification for the CPO and SRO

- 8.1 The Council must be able to guarantee that the land and interests that are needed to provide for the Scheme are available to ensure that the proposal can be built. The land and interests shown in the CPO is that required for that purpose.
- 8.2 The proposal to provide the new road is within the statutory purpose of the Council and the use of CPO powers is the only realistic option to ensure the meeting of its statutory function within the shortest possible timescale. Without the CPO the Council will not be able to meet its programme, required by its grant funding. In doing so the Council is meeting its ambitions as set out in supporting policy documents and achieving the benefits of the Scheme.
- 8.3 Guidance on the use of CPO powers is contained within publication of the Compulsory Purchase and Crichel Down Rules (Document NP2 in the List of Documents); published originally in 2015 and updated as recently as July 2019 (the **DLUHC Guidance**). That DLUHC Guidance at paragraphs 12 - 16 identifies the factors which the Secretary of State can be expected to consider, in deciding whether or not to confirm a CPO, which include:
- 8.3.1 whether there is a compelling case in the public interest and sufficiently compelling reasons for the powers to be sought at this time;
 - 8.3.2 whether there is substantive information provided as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. It should be demonstrated that the funding is either available now or early in the process;
 - 8.3.3 that the scheme is unlikely to be blocked by any physical or legal impediments to implementation purpose for which the land is being acquired fits in with the adopted planning framework;
 - 8.3.4 the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area; and
 - 8.3.5 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
- 8.4 In addition, Department for Transport Circular 2/97 (Document NP3 in the List of Documents) provides guidance on the use of compulsory purchase powers. It states that the Secretary of State will not confirm a CPO until he is satisfied that planning permission for the Scheme has been granted. As set out above, that process has been undertaken and planning permission granted for the Scheme. Conditions imposed on that permission will be addressed.
- 8.5 The Council considers that the tests described above are satisfied and that there is a compelling case in the public interest for the confirmation of the CPO. Full details of the Order land is contained within section 10 of this Proof of Evidence.
- 8.6 The SRO will, subject to Confirmation of 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, divert a public right of way (and private means of access) as a consequence of the main works. The proposed alterations to existing highways and private

means of access that would be affected by the Scheme are described in the Schedule to the SRO and shown on the relevant plans to the Order. These alterations are summarised in section 9 of this Proof of Evidence.

- 8.7 The Scheme will require alteration of side roads and accesses and the Order made under Sections 14 and 125 of the Highways Act 1980 (Document L1 in the List of Documents) implements these alterations.
- 8.8 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 private means of access 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.

9 **The proposals contained within the SRO**

9.1 A more detailed analysis of the provisions contained within the SRO is contained in the Proof of Evidence of Ben McGrath.

9.2 The following paragraphs outline the changes proposed within the CPO that require associated works under the SRO. The Council is satisfied that all legal tests are met.

9.3 **Hoo Ash Roundabout**

Plot 001 and 002 of the CPO cover land required by the Council for use as a temporary site compound for the duration of the construction of the part of the Scheme at Hoo Ash roundabout. The use of this land affects an existing PMA and public footpath N25. The SRO provides for stopping up the PMA and public footpath where it leaves the existing adopted highway and creating a new PMA and public footpath over this same land on completion of the works.

9.4 **Whitwick Roundabout**

The Council intends to acquire plot 007 to enable the carriageway to be widened at this location. Consequentially, the land will become adopted highway and is included within the SRO as new highway.

9.5 **Broom Leys Road Junction**

The Council intends to acquire plot 010 to enable the carriageway to be widened at this location. Consequentially, the land will become adopted highway and is included within the SRO as new highway.

9.6 **Bardon Road Roundabout and Bardon Link Road**

9.7 The Council intends to acquire four properties (plots 012, 015, 016, 017) on Bardon Road to enable the Bardon Link Road to be constructed. Consequentially, the existing PMAs to these properties will be stopped up as provided for in the SRO.

9.8 The access arrangements to property no. 36 Bardon Road requires amending to extend the PMA to facilitate safe access and egress to and from the property. This is provided for in the SRO by way of a new PMA.

9.9 The Council is constructing a new section of road (the Bardon Link Road) south of the Bardon Road Roundabout. This will become new highway and is provided for in the SRO.

9.10 To facilitate the existing public footpath N86 crossing the new Bardon Link Road, this public right of way will be diverted, as provided for in the SRO by a section of stopped up highway and a section of new highway. The alternative route crosses the new Bardon Link Road and continues along the shared footway/cycleway to the point where it meets the continuation of footpath N86. The Council is satisfied that the alternative route is reasonably as convenient as the existing route.

9.11 To provide access into private land north of the railway embankment, a new PMA is proposed and provided for in the SRO.

- 9.12 To provide maintenance access into the drainage pond area, a new PMA is proposed and provided for in the SRO.

10 The CPO Order land and land ownership

10.1 Location and description of the Order Land

10.2 With the exception of the Bardon Link Road, the vast majority of the proposed improvements that comprise the Scheme and are described in section 5 of this statement, can be carried out within the extents of the adopted highway or on land already owned by the Council. The additional land requirements are therefore relatively limited, aside from the land required to construct the Bardon Link Road and associated drainage features.

10.3 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**) (Document OD2 in the List of Documents). It comprises 42 plots, each of which is described in the CPO Schedule (Document OD1 in the List of Documents).

10.4 The land comprises plots required permanently at three locations:

10.4.1 Whitwick Road Roundabout;

10.4.2 Broom Leys Road Junction; and

10.4.3 Bardon Road Roundabout and Bardon Link Road.

10.5 At Whitwick Road Roundabout, an area of 253.8 square metres of grass verge and woodland (plot 007) is required to enable the carriageway on the approach to the roundabout to be widened.

10.6 At Broom Leys Road Junction, an area of 14.8 square metres of woodland (plot 010) is required to enable a wider approach from the south of the junction to be constructed. Although this land is already under the ownership of the Council, the inclusion in the CPO ensures that all rights are secured.

10.7 South of the Bardon Road Roundabout, an area of 34,425.1 square metres (plots 012, 013, 015, 016, 017, 018, 019, 020, 021, 022, 024, 025, 026, 033, 037) is required to construct the Bardon Link Road, associated drainage features and landscaping.

10.8 The CPO also includes the acquisition of new permanent rights over an area of 10,847.9 square metres (plots 032, 034 and 035) without acquisition over land owned by Network Rail in respect to the creation of an underbridge and culvert below the railway embankment related to the Bardon Link Road. Discussions are ongoing with Network Rail and it has been agreed via Heads of Terms that plot 032, which is not operational railway land, will be purchased by the Council to enable it to install and maintain drainage infrastructure that will serve the new highway. A legal undertaking to formally agree this approach is underway.

10.9 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:

- 10.9.1 at Hoo Ash Roundabout, an area of 21,907.9 square metres (plots 001, 001A, 002 and 003) is required for the duration of the works for use as a site compound and to provide working area alongside the highway;
- 10.9.2 at Thornborough Road Roundabout, an area of 1,043.8 square metres (plot 004) is required for the duration of the works for use as a site compound;
- 10.9.3 at Whitwick Road Roundabout, an area of 17,995.3 square metres (plots 005 and 006) was identified as being required for a site compound for the duration of the works. An objection from the landowner (NWLDC) was received on the basis that use as a compound would compromise their plans for the land. Through discussions that followed, NWLDC has identified an alternative plot of land in their ownership in close proximity to the site which they have offered to the Council to use as a site compound. The Council is satisfied that this alternative plot is suitable for use as a site compound and propose a modification to the CPO as detailed in paragraph 10.12 once a formal agreement is in place;
- 10.9.4 also at Whitwick Road Roundabout, a further area of 263.3 square metres (plot 008) is required for the duration of the works to provide a working area to construct the highway improvements at this location;
- 10.9.5 at Broom Leys Road Junction, an area of 10,845.7 square metres (plot 009) is required for the duration of the works for use as a site compound;
- 10.9.6 also at Broom Leys Road Junction, a further area of 40.3 square metres (plot number 011) is required for the duration of the works to provide a working area to construct the highway improvements at this location;
- 10.9.7 south of the Bardon Road Roundabout, an area of 33024.44 square metres (plots 014, 023, 027, 028, 029, 030, 031, 036, 038) is required for the duration of the works for use as a site compound and to provide a working area to construct the highway improvements, landscaping and associated drainage; and
- 10.9.8 at the Field Head Roundabout, an area of 1,262.4 square metres (plot numbers 040 and 041) was required for the duration of the works for use as a site compound. The Council is now proposing to modify the CPO to remove these plots (see paragraph 10.13 below).

10.10 **Proposed modifications to the CPO**

- 10.11 As currently advised and following further Scheme development and the consideration of representations made by persons potentially affected by the CPO, the Council has decided that certain modifications can be made to the CPO which will benefit the proposals. Currently there are two locations where such changes can be promoted as they are beneficial. In respect of these the Council will bring forward modifications to the CPO by way of formal draft modifications at the inquiry. The Council will write to the Inspector in respect of these modifications prior to the inquiry, as well as notifying the person or organisation concerned.
- 10.12 The Council proposes a modification to the CPO to remove plots 005 and 006 because a reasonably convenient alternative site for use as a compound location has been offered by NWLDC, the owner of plot 005. A legal agreement securing use of this site has been agreed by both parties and therefore the Council is satisfied that it has available to it the land it

requires to construct the Scheme. Full details of the discussions with NWLDC that have led to this proposed modification are contained in section 14 of this Proof of Evidence.

10.13 The Council is also proposing a modification to the CPO to remove plots 040 and 041. Due to design requirements, including a reassessment of the existing provision nearby that can cater for the Council's needs. It is now considered that a construction compound in this location is no longer required as there is sufficient room within the existing highway boundary to accommodate the requirements. This is explained in the Proof of Evidence of Ben McGrath.

10.14 **Description of land ownership**

10.15 The Council's appointed Land Agent, Bruton Knowles, has engaged with all affected landowners.

10.16 A detailed analysis of the land ownership and landowner engagement is contained in the Proof of Evidence of Nigel Billingsley

11 Scheme funding

- 11.1 The Council has secured funding for the Scheme.
- 11.2 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.
- 11.3 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".
- 11.4 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.
- 11.5 In August 2021 the OBC submitted in support of the Scheme estimated costs to deliver the scheme at £47.57m. The DfT confirmed approval of the OBC which sought £41.712m of the Government's MRN Fund towards the implementation of the Scheme.
- 11.6 On 4th October 2023, the government published 'Network North'; a policy paper outlining a £36 billion plan to improve the transport that people use every day 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 Proof of Evidence, the Council has been advised by DfT that further information will follow about the new funding arrangements arising from the Network North plan.
- 11.7 In 2021 the DfT wrote to the Council (**Appendix AC1** to this Proof of Evidence) confirming programme entry into the MRN programme and laying out ten conditions of funding. The conditions can be viewed in full on the letter at Appendix AC1 but in summary they relate to carrying out the scheme in accordance with the Council's submitted funding bid, ensuring a valid procurement process and keeping the DfT informed of progress. The Council is able to comply with all conditions and therefore there are no impediments to delivering the Scheme.
- 11.8 In March 2022 a paper was taken to the Council's Cabinet reporting that a full cost review had been undertaken and it was expected that the total outturn Scheme costs could fall within a range of £50m to £70m. The Cabinet agreed with the recommendation to accept the revised cost range estimate.
- 11.9 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. The remainder of the funding required is available through developer contributions collected through the Transport Strategy.
- 11.10 Once the final target cost has been established and in anticipation of DfT approving the Full Business Case (**FBC**), a further report will be taken to the Council's Cabinet to report on the

updated forecasted Scheme costs along with a recommendation to draw down the funding from the DfT, if appropriate.

- 11.11 The Council is currently seeking to engage a contractor to enter into a Stage 1 NEC contract to undertake ECI on the Scheme. Tender documents are being prepared by the project team with a view to go out to a mini competition under the Midland Highway Alliance's (MHA) MSF4 around June 2024. The project team will work with the contractor to carry out value engineering and plan the construction phase with a target cost expected around December 2024. In the meantime, the FBC is under preparation and will be submitted to the DfT around December 2024 once the target cost has been received. The Council expects the ECI phase to refine the design and focus in on the details of construction of the Scheme by engaging with suitable expertise; a positive process that will help to reduce future risk during delivery of the Scheme. The Council does not foresee any impediments to delivering the Scheme.
- 11.12 In March 2022, the Scheme's Benefit Cost Ratio (BCR) was recalculated in light of the forecasted costs increasing from £47.6m at OBC stage to £62.7m at that time in March 2022. 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. This demonstrated that the Scheme offered medium to high value for money when considered against DfT's value for money categories. Work has recently been undertaken to update the BCR to represent the latest position. This work is fully outlined in the Proof of Evidence provided by Mark Dazeley.
- 11.13 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 developer contributions to be collected from development sites that have a traffic impact on the A511 route within the boundaries of the Scheme. 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. The exact amount of developer contributions that will be received is dependent on the number of units constructed and the value of contribution agreed at the time for each development. The Council is satisfied that sufficient developer contributions will be received to fully fund the scheme when combined with the £41.712m from the MRN fund.
- 11.14 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"*.
- 11.15 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.
- 11.16 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 to fund the Scheme delivery. The Council has considered the different scenarios for the likely timescales of receipt of the developer contributions using NWLDC's trajectory of house building. It has identified a likely requirement to forward fund some developer contributions if the uplift under Network North from the DfT is not received.

- 11.17 The Council's section 151 Officer has confirmed by signed letter at **Appendix AC2** that in the event that the uplift under Network North from the DfT is not forthcoming, which would remove the need for any forward funding at the current forecasts, it is able to forward fund the developer contributions in advance of them being received.
- 11.18 The Council is content that the necessary funds for land acquisition and subsequent construction of the Scheme will be available. The latest Scheme cost estimate is £63.5m which would be made up of the DfT grant of £41.7m and £21.8m of developer contributions. The Council's projected contingency can be met by forecasted developer contributions should additional funds be required to deliver the Scheme. 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.

12 Human rights and equalities impacts

12.1 Human rights

12.2 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights (**ECHR**) (Document L5 in the List of Documents). 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:

12.2.1 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;

12.2.2 Article 6 entitles those affected by compulsory powers to a fair and public hearing; and

12.2.3 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.

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

12.4 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."

12.5 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 the evidence provided 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.

12.6 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 evidence provided by the Council. 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 which are outlined in section 6. In this respect the interference with human rights is both proportionate and justified.

12.7 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 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.

- 12.8 The Council undertook an Equality & Human Rights Impact Assessment (**EHRIA**) in October 2019 which was reviewed in April 2022, October 2022 and most recently in March 2024 (Document SA8 in the List of Documents). 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.
- 12.9 The EHRIA finds that the demolition of four houses will have a negative impact on the families who reside in these properties on Bardon Road. The land over which compulsory acquisition powers are sought as set out in the CPO, subject only to the proposed modifications, 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 which are outlined in section 6.
- 12.10 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.
- 12.11 In light of the significant public benefit which would arise from the implementation of the Scheme, the Council has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.
- 12.12 In addition to the publicity and consultation on the planning application for the Scheme, all known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.
- 12.13 **Equalities impacts**
- 12.14 The Public Sector Equality Duty (the **PSED**) was introduced by the Equality Act 2010 (Document L12 in the List of Documents) 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 5th 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.
- 12.15 Section 149 of the Equality Act 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.

- 12.16 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.
- 12.17 The EHRIA is kept under regular review and updated when new information becomes known to ensure that all individuals' needs are carefully considered. Most recently in J 2024, it was brought to the Council's attention that a family whose property is impacted by the CPO are members of the traveller community and their literacy skills limited what they were able to understand from the information that had been provided to them. As soon as this issue was brought to the Council's attention, measures were put in place to ensure the family received the support they required to understand the information provided to them; most notably by ensuring that they have a suitably qualified representative to safeguard their interests and communicate with them as required.
- 12.18 The Council has had due regard to equalities issues at all stages of the Scheme's development. Mitigation measures to limit the impacts on people with particular characteristics have been and will be implemented as set out in the EHRIA. It is also notable that the Scheme will have a number benefits for groups with protected characteristics.

13 Other considerations

13.1 Statutory undertakers

13.2 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**) (Document L4 in the List of Documents). **Appendix AC3** to this Proof of Evidence contains a tracker which is the record of engagement that the Council has had to date with all of the Statutory Undertakers affected by the Scheme.

13.3 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.

13.4 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.

13.5 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.

13.6 The Council will continue to liaise with all affected undertakers as the Scheme progresses.

13.7 Consents and licences

13.8 During the ecological surveys undertaken at the Bardon Link Road site, badger setts were recorded in the embankment carrying the railway track. It is this embankment which is required to be excavated under a disruptive possession of the railway to install the underbridge. Further surveys will be carried out to determine the location of these setts in relation to the proposed works at the appropriate time as it is noted that badgers are mobile. If any setts are to be affected by the works, the Council will require a licence from Natural England to interfere with them. The possible requirement for a licence is not considered an impediment to the delivery of the scheme and sufficient time is contained in the programme to complete the licence approval process, if required. Further details are contained within the Proof of Evidence of Professor Max Wade.

14 Response to objectors

14.1 Introduction

In this section I have set out my responses to the objections received in respect of the Order. Please note that my responses are provided on behalf of the Council and should be read against the responses provided by Nigel Billingsley, Ben McGrath and Mark Dazeley who have also addressed some of the objections.

14.2 CPO and SRO

14.3 Objection dated 27th December 2023 - W M Morrison Supermarkets Limited (OBJ 1)

14.3.1 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 30th November 2023;
- (b) Morrisons did not receive notice of CPO until 19th December 2023 and closing date for objections is 5th 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; and
- (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.

14.3.2 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. Further details are set out in the evidence of Nigel Billingsley, but the following is a précis of the situation: a statutory requisition for information was issued on 24th April 2023; a telephone call to the Coalville Morrisons store was made on 25th July 2023; an online form was submitted requesting the Morrisons property team contact was completed on 9th October 2023; a further follow up to the requisition was sent on 25th October 2023; correspondence was received from Morrisons property team on 27th 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 30th 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 4th 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 30th November 2023;
- (d) in respect of questions about the engagement with Morrisons the Council would refer back to the contents of 14.3.2(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 has been considering 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 have been agreed in principle by both parties. The agreement is in the process of being finalised by lawyers representing the Council and Morrisons and once signed, the Council expects Morrisons to withdraw its objection to the orders;

- (e) in respect of questions about the engagement with Morrisons the Council would refer back to the contents of 14.3.2 (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 have been agreed in principle by both parties. The agreement is in the process of being finalised by lawyers representing the Council and Morrisons and once signed, the Council expects Morrisons to withdraw its objection to the orders; and
- (f) the position in respect of funding has been addressed at each stage as required. Further details have been added within this statement to demonstrate that the Council is content that it has sufficient funds available to it to deliver the Scheme.

14.3.3 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.

14.3.4 **Current Position**

14.3.5 Heads of Terms have been agreed between the Council and Morrisons regarding the permanent acquisition of land (plot 007) and the use of a further plot of land (plot 008) during the construction phase. Lawyers representing the Council have drafted the following documents to enable the Council and Morrisons to enter into

the required agreements. It is expected that once all agreements have been signed by both parties, Morrisons will be in a position to withdraw their objection to the Orders:

- (a) Licence - relating to the use of plot 008 during the construction phase. The Council has no requirement to permanently acquire this land and therefore has agreed with Morrisons to enter into a licence to secure its temporary use;
- (b) Option Deed – relating to the permanent acquisition of plot 007. The Council requires permanent acquisition of this plot to construct the widened carriageway at this location; and
- (c) HM Land Registry form TP1 (Transfer of part of registered titles(s)) – relating to the permanent acquisition of plot 007. This form is required to complete the title transfer.

14.3.6 The Council has provided draft documents to Morrisons for their approval.

14.4 Objection dated 3rd January 2024 - Network Rail Infrastructure Limited (NRIL) (OBJ 3)

14.4.1 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.

14.4.2 The Council's response to NRIL objection:

- (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 at the time that the orders were made. 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 was 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. 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. An agreement in principle has also been reached for the Council to permanently acquire plot 032, which is not operational railway land, to enable it to install and maintain drainage infrastructure that will serve the new highway. A legal agreement to formally agree this approach is underway.

14.4.3 **Current position**

14.4.4 Heads of Terms have been agreed between the Council and NRIL. NRIL has suggested (and the Council agree) permanent transfer of plot 032 to the Council. This is not operational railway land and the Council propose to install and amend drainage features relating to the Scheme. NRIL have also agreed to dedicate as highway the section of the Bardon Link Road which passes over land in their ownership. Further, NRIL have agreed to grant the Council rights in order to use and maintain two ditches within plot 035. Finally, NRIL and the Council have agreed that the Council will install the new culvert that is required through the railway embankment and NRIL will maintain this structure in the future.

14.4.5 Lawyers working on behalf of NRIL have drafted an Agreement by Deed that mirrors the agreements made through the Heads of Terms. This Agreement by Deed is currently being reviewed by the Council before returning to NRIL for signing.

14.4.6 Separately, the project team is in discussions with NRIL's Asset Protection Team to agree an Asset Protection Agreement (**APA**) which provides for the required permissions from NRIL for the Council to install the underbridge and for NRIL to take on ownership and maintenance responsibility for this structure once constructed. The Council is currently awaiting receipt of the draft APA from NRIL.

14.4.7 It is expected that once the Agreement by Deed has been signed by both parties, NRIL will be in a position to withdraw their objection to the Orders.

14.5 **Objection dated 4th January 2024 - Wilson Enterprises Limited (WEL) (OBJ 5)**

14.5.1 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;
- (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; and
- (l) there are no current provisions that access will be maintained to plot 38 and associated areas during the scheme.

14.5.2 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 granting 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 are continuing 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;

- (b) the general position in respect of the acquisition of plot 38 has been explained above in paragraph (i). 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 requests for a meeting with WEL have been made. 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 requests for a meeting with WEL have been made. 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 granting 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 has continued 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. The Council has met with WEL to progress the 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. Further information is contained in Ben McGrath's statement regarding the design of the Scheme and land required to construct the Scheme;

- (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 Bardon Link Road Planning Application. These plans are publicly available through the Council's 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; and
- (l) the Council will not provide access to plot 38 during construction for safety reasons.

14.5.3 **Current Position**

14.5.4 The Council, through its land agents Bruton Knowles, has been working to arrange a meeting with WEL in order to fully understand the nature of all the points in their objection. A meeting took place on 16th May 2024 which was productive and the Council believes a voluntary agreement with WEL to acquire the necessary land and rights is likely be finalised prior to the inquiry. The Council will provide updates to the Inspector as this matter progresses and in any event at the inquiry

14.5.5 The Council has engaged with WEL throughout the design process of the Bardon Link Road and the Bardon Link Road Planning Application to amend the drainage design of the Scheme at the request of WEL, to allow more land to be released for housing development. The Council is expecting that once all points are discussed between both parties, an agreement will be reached.

14.6 **CPO only**

14.7 **Objection dated 2nd January - Helen Jean Measures and David William Measures (OBJ 2)**

14.7.1 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 investment and funding for their retirement; and
- (b) no attempt has been made to acquire interest by agreement.

14.7.2 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 Mr and Mrs Measures and has made an offer in line with market value and the Compensation Code. Full details of engagement with Mr and Mrs Measures is contained within the statement of Nigel Billingsley; and
- (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 issued the CPO to ensure that there is no delay in the Scheme. Such an approach does not prevent discussions continuing and considerable attempts have been made by the Council and its land agents to engage with Mr and Mrs Measures and their land agent. Full details of engagement with Mr and Mrs Measures is contained within the statement of Nigel Billingsley.

14.7.3 **Current Position**

14.7.4 On 17th January 2024 the Council, through its land agent Bruton Knowles, made a monetary offer for the acquisition of Mr and Mrs Measures' property by agreement. This offer was refused by Mr and Mrs Measures and the Council then proceeded to understand what their grounds of refusal were. Through its

land agent Bruton Knowles, numerous attempts to engage with Mr and Mrs Measures' agent were made (including over twenty attempts to contact by telephone and emails sent in addition – full details of correspondence are contained within the engagement tracker provided in the evidence of Nigel Billingsley). On 15th May a counter offer was received from Mr and Mrs Measures' agent, which the Council is considering.

14.8 Objection dated 4th January 2024 - North West Leicestershire District Council (OBJ 4)

14.8.1 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.

14.8.2 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. Through discussions which followed, NWLDC suggested two alternative plots within the vicinity of plot 005 which it was willing to offer to the Council for use as a works compound and storage area. The Council has agreed that the site of the former Leisure Centre off Silver Street approximately 1km away from the Whitwick Road Roundabout would be suitable for use as a works compound and storage area.

14.8.3 Current Position

14.8.4 On 9th April, the Council sent NWLDC a draft Option Agreement and licence to formally agree use of the alternative site. NWLDC responded on 25th April 2024 with some requested changes to the Option Agreement and Licence to which the Council was content and able to accommodate, therefore making the necessary changes and resending the documents to NWLDC on 3rd May 2024. Further

communication followed around the point of agreeing the covering of NWLDC's internal fees by the Council.

14.8.5 The Option Agreement and Licence were signed by the Council on Thursday 16th May 2024 ready to complete.

14.8.6 The Council proposes a modification to the CPO to remove plots 005 and 006 because a reasonably convenient alternative site for use as a compound location has been offered by NWLDC. The Option Agreement and Licence securing use of this site have been agreed by both parties and therefore the Council is satisfied that it has available to it the land it requires to construct the Scheme. The Council will write formally on this modification prior to the inquiry providing a draft modified CPO and Map to reflect the proposed modifications.

14.9 Objection dated 5th January – Cadent Gas Limited (OBJ 6)

14.9.1 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.

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

(a) The Council is in discussions with Cadent to understand its infrastructure extent and requirements. The information provided by Cadent to the Council to date does not indicate that any of Cadent's infrastructure is within or in close proximity to the Order Land, as stated in their objection. All of the identified apparatus that Cadent has identified is within the existing adopted highway boundary.

14.9.3 Current Position

14.9.4 On 22nd April 2024 Cadent provided the Council with a draft APA which it has asked the Council to agree and sign. The Council has a duty under Part 3 of the NRSWA to work with Cadent to ensure that its apparatus within the existing adopted highway is identified, protected and if necessary diverted to enable the Scheme to be constructed. As all of Cadent's apparatus is within the adopted highway and all apparatus following completion of the Scheme will also be within the existing adopted highway, the Council does not believe that an APA is required as Cadent's interests are already protected through the duties the Council has under NRSWA. The Council has communicated this to Cadent.

14.10 Objection dated 12th January 2024 – Annie Connors (OBJ 7)

14.10.1 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 142m2 (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; and
- (g) the CPO is seeking to secure commercial gain for the developers of 13/00956/OUTM.

14.10.2 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, 1st December 2023. They were also sent to Mrs Connors on 30th 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 12th January 2023 (and later the S73 Bardon Link Road Planning Permission on 23rd September 2023). That was following a period during which all the usual and necessary requirements associated with the planning 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 and aligns with the approved drawings under the S73 Bardon Link Road Planning Permission. The Council has been considering with its advisors whether the landscaping to the rear of 46 Bardon Road can be reduced and work on this is ongoing. However unless and until any variation to the S73 Bardon Link Road Planning Permission is approved, Ms Connors land is required to deliver the Scheme in accordance with planning permission;
- (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 Ms 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; and
- (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.

14.10.3 **Current Position**

- 14.10.4 On receipt of Ms Connors' objection, and noting that a difficulty in understanding the written information provided, the Council provided Ms Connors and the Council's Traveller Liaison Officer with a list of RICS accredited surveyors. A suitable surveyor was appointed by Ms Connors and the Council sent all communication through this appointed surveyor at Fisher German LLP.
- 14.10.5 The Council's design team has committed to reconsidering the design of the Bardon Link Road, in respect landscaping to the rear of Ms Connors' property. However until this work is completed, and any amendment to the S73 Bardon Link Road Planning Permission obtained, Ms Connors land is required to deliver the Scheme. The Council has made every effort to revisit all aspects of the design to reduce the impact of the CPO on Ms Connors' property.

- 14.10.6 Communication between Ms Connors' surveyor and Bruton Knowles between 21st March 2024 to 4th April 2024 sought to reach an agreement in principle on what Ms Connors would find an acceptable proposal. It was communicated to the Council that Ms Connors' preferred option is to be offered a suitable alternative for the storage and use of caravans rather than a monetary offer. The Council is not in a position to be able to provide land to store or use caravans and is of the opinion that the land it requires to construct the Scheme does not benefit from planning consent for use as a caravan site in any case. The Council is investigating whether it can reduce the area of land required permanently to construct the Scheme as far as possible to reduce the impact on Ms Connors' property.
- 14.10.7 A monetary offer was communicated by Bruton Knowles to Ms Connors' surveyor, however the surveyor has since confirmed he no longer acts for Ms Connors.
- 14.10.8 The Council will continue discussions with Ms Connors and investigate the land take requirement. If this results in any changes to the Scheme the Council will inform the Inspector immediately.
- 14.11 **Objection summary**
- 14.12 The Council is in ongoing discussions with all parties who have objected to the Order(s) with the aim of reaching mutual agreement and will update this information as matters progress.
- 14.13 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, save for the modifications proposed to plots 005, 006, 040 and 041, as being the Order Land is required.

15 Conclusion

- 15.1 As is explained above, I have been working on the Scheme since April 2021. My role is as the day to day decision maker on the Scheme using the most up to date information on finance, risk, programme, legislative requirements and resourcing provided by the Project Manager at the Project Board.
- 15.2 The Scheme consists of highway improvements at nine locations along the A511 between Hoo Ash Roundabout in the west and Field Head Roundabout in the east. 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. Its central location in the "Golden Logistics Triangle" also makes it a key route for the movement of goods across the midlands and the peak time delays currently experienced along the route hamper the efficient movement of goods.
- 15.3 The demand from both local and through-traffic, combined with capacity limitations along the A511 are a significant cause of the congestion currently experienced. This is compounded by the amount of new development brought forward across this area over a number of years, incorporating residential, employment and commercial sectors, and the fact that North West Leicestershire is one of the fastest growing districts in the country.
- 15.4 The Council undertook an optioneering exercise to consider a number of different interventions and packages of improvements along the A511 Growth Corridor. 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 final Scheme was the package that was found to rank highest in terms of meeting the objectives set.
- 15.5 The Council has identified 42 plots of land that it needs to deliver the Scheme, either as permanent acquisition or for use for the construction duration as a site compound, construction access or material storage. The Council is making all efforts to acquire the land it requires by agreement. However, to ensure that it can deliver the Scheme, these plots of land are included in the CPO.
- 15.6 The Council has identified alterations required to existing highways and private means of access that are a consequence of construction of the Scheme. These changes are included in the SRO.
- 15.7 Seven objections were received by the Council to the CPO; three of those also objected to the SRO. The Council has carefully considered all points of objection and has set out how it has responded to each in this statement. Discussions with the objectors continue with a view to reaching agreements that would enable the objections to be removed.
- 15.8 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.

16 **List of documents**

- 16.1 Within the Statement of Reasons and also the Statement of Case, the Council produced a list of documents that may need to be referred to. That list has been replaced by the inquiry library and core documents list which will contain the relevant document references.
- 16.2 The Council will place all such documents, or internet links to those documents, onto the Scheme website (<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/a511-growth-corridor-scheme>) for access purposes. For those not able to use the internet to access that information or those who may wish to raise questions they can email A511MRN@leics.gov.uk or phone: 0116 305 7009 and seek the advice from the project manager for the Scheme or from a member of the team. The Council will seek to ensure that the requirements are met and that anyone interested will have access as required to consider the proposals.

17 **Statement of Truth and Declaration**

17.1 **Statement of truth**

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

17.2 **Declaration**

17.2.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

17.2.2 I confirm that I understand and have complied with my duty to the inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

17.2.3 I confirm that I am not instructed under any conditional or other success based fee arrangement.

17.2.4 I confirm that I have no conflicts of interest.

17.2.5 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the inquiry.

Signed:



Dated: 20th May 2024

ANN CARRUTHERS

Appendix AC1
DfT Funding Letter



Department for Transport

Angie Dunn MSc(Eng) EngTech MICE
Senior Engineer
Asset & Major Programmes
Environment & Transport Department
Leicestershire County Council

By e-mail

Charlie Sunderland
LOCAL INFRASTRUCTURE
DEPARTMENT FOR TRANSPORT
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4 August 2021

Dear Angie,

Following the receipt of your Business Case for the above scheme and subsequent discussions, this letter confirms that Ministers have agreed to provide Leicestershire County Council with the agreed level of funding below, subject to the following conditions, and thereby confirm Programme Entry for the scheme within the Major Road Network programme. This should allow your Authority to complete the negotiation of all the remaining legal and procurement processes (but not enter into final contractual or other legal commitments) following which a request for Full Approval can be made. Once Full Approval has been granted the required contractual and other legal commitments can be entered into.

DfT Funding

As part of this approval the Department will provide a maximum capped funding contribution of up to **£41.712 million** towards the estimated total scheme cost of **£48.729 million**. Should Full Approval of your scheme be granted, funding will be paid as capital grant under Section 31 of the Local Government Act 2003. We will discuss with you the final profile of funding and the extent to which funding is to be provided in advance of Full Approval. For this purpose, I would be grateful if you would let me have your latest estimated profile of spending including a breakdown of costs to be incurred prior to Full Approval.

Terms and Conditions of Funding

This offer of funding is subject to the following conditions:

- i. This funding approval is granted entirely without prejudice to any view that the Secretary of State or other Ministers may take on any future application for statutory powers or in accordance with any other functions.
- ii. The scheme must be implemented in accordance with the scheme proposals as set out in your funding bid as submitted to the Department and subject to any changes which may occur as a result of further design or as a result of any remaining statutory procedures. Ministers reserve the right to reconsider their decision on funding if there are any changes to the overall cost, scope or design of the scheme which they consider to be material, particularly where such changes would alter the value for money of the scheme. You must notify the Department immediately of any such material changes.
- iii. The Department's contribution will be up to a maximum of **£41.712 million**. We expect you to keep the cost estimate for the scheme under review. Should the total estimated costs fall below **£48.729 million** the Department's contribution will also reduce proportionately. No further funding will be provided by the Department. Leicestershire County Council is solely responsible for meeting any expenditure over and above this amount.
- iv. Should this scheme progress to Full Approval, further detailed conditions would apply to any grant payable. The grant would be claimed annually in advance.
- v. Leicestershire County Council will be solely responsible for the validity of the procurement process for the scheme.
- vi. Leicestershire County Council continues to develop the business case for the scheme in accordance with the Department's Transport Business Case guidance and Transport Appraisal Guidance (WebTAG).
- vii. The Department is kept closely informed of progress with, and expenditure on, the scheme. It is important that you complete and return quarterly monitoring forms by the due date. In general, updates of progress, and information on work carried out should be shared with DfT on an open and transparent basis and no reasonable request for information withheld.
- viii. A DfT representative may attend Project Board meetings as observer and Project Board papers and minutes should be provided to DfT on request.
- ix. Leicestershire County Council will carry out a full evaluation of the scheme, the details of which we would wish to discuss with you and agree before Final Approval. We would expect you to make the results of this evaluation available to the Department.
- x. Given the adverse safety issues that the scheme's traffic model has produced, Leicestershire County Council must work up accident mitigation measures at the FBC stage which we will assess against safety impacts in other schemes within the Local Major scheme portfolio.

I should be grateful for written confirmation that Leicestershire County Council agrees to these conditions, including certification from your Section 151 Officer that the Council accepts the above terms and conditions.

Full Approval

You are required to submit a final business case to the Department for Full Approval. This will need to include:

- confirmation of the overall cost and scope of the scheme;
- a declaration that that you have acquired all the necessary statutory powers to construct the scheme;
- confirmation that you have completed the procurement process to a stage where you have a preferred bidder and a firm and final offer; and
- confirmation from your S151 officer that Leicestershire County Council has the ability to cover all remaining funding required over and above the capped Departmental amount including any additional funding required as a result of the remaining legal and procurement processes.

We look forward to working with you on updating the Business case and to receiving a bid for Full Approval once any remaining legal and procurement processes have been satisfactorily completed.

I am copying this letter to Louise Clare, DfT Area Lead and Swati Mittal, MRN & Strategic Roads Manager, Midlands Connect.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Sunderland'.

Charlie Sunderland

Appendix AC2
Section 151 Officer Letter

Wednesday 8th May 2024

Dear Ann Carruthers

Re: A511 Growth Corridor Scheme (the Scheme) - Funding Considerations

As Leicestershire County Council's (the **Council**) Section 151 officer, I am writing to confirm that the Council has fully considered the costs of the Scheme and remains committed to the scheme, with funding being secured.

The overall funding package currently estimated to deliver the Scheme is £63.457m. The Scheme funding includes £41.712m of funding awarded by the Department of Transport (**DfT**) through its Major Road Network programme.

The Council will contribute £21.745m of capital funding to the overall funding package. The Council's contribution consists of developer contributions that have either been received or will be forward funded in anticipation of receipt. The Council is satisfied that there are sufficient developer contributions allocated towards the Scheme to cover the costs of the Scheme, alongside DfT funding. The Council is aware that there could be a requirement to forward fund developer contributions in advance of them being received. The Council's capital programme is part of the Medium-Term Financial Strategy approved annually by the Council. Officers will recommend an updated capital programme reflecting the forward funding requirements at the relevant time, once the final target cost is known.

Should additional funds be required to deliver the Scheme, the Council has contingency plans to ensure that the scheme can still progress.

I hope this confirms Council's position with regards to the funding of the scheme.

Yours faithfully

Declan Keegan
Director of Corporate Resources



Corporate Resources

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RB
Email: resources@leics.gov.uk

Declan Keegan, Director of Corporate Resources

www.leics.gov.uk

Appendix AC3

Statutory Undertaker Engagement Tracker



Statutory Undertakers tracker -(SU)

Date Updated 29/02/2024		REV 2		LCC ref		JM/RS/MRN A511-000										
Ref Line	SU	Sub folder	Status & link	Type	Stats Ref	Sk ref	LCC drg ref	Stats drg ref	Date	Title	Anticipated duration on site Weeks	Lead in time - estimate d Weeks	Description of works	OS grid ref or post code	Allowances by others	Notes
1a	Openreach 2024		<u>NEW</u>	coms	905812		Hoo Ash	905812	04/12/2023	Hoo Ash Roundabout, Near Claremont Drive, Coalville, LE67 2ND	Not provided	12	Diversion of assets	LE67 2ND	TBA	Survey payments to be made to confirm diversions and final cost - current estimates based on worst case - diversions !!!
1b	Openreach 2024		<u>NEW</u>	coms	905813		Stephenson Way	905813	11/12/2023	Stephenson Way Dualling,,,Near Adcock Road,Coalville	Not provided	12	Diversion of assets	442365 535172	TBA	Awaitng review on site from BT and trial hole data
1c	Openreach 2024		<u>NEW</u>	coms	905815		Broom Leys	905815	07/12/2023	Broom Leys Lane Junction, Near Broom Leys Road	Not provided	12	Diversion of assets	Le674DD	TBA	Awaitng review on site from BT and trial hole data
1d	Openreach 2024		<u>NEW</u>	coms	905816		Bardon Road	905816	12/12/2023	Bardon Road Roundabout,Coalville	Not provided	12	Diversion of assets	Area 6	TBA	Awaitng review on site from BT and trial hole data
1e	Openreach 2024		<u>NEW</u>	coms	905818		Birch Tree Roundabout	905818	11/12/2023	Birch Tree Roundabout, Near Bardon Road, Coalville,	Not provided	12	Diversion of assets	LE67 1TD	TBA	Awaitng review on site from BT and trial hole data
1f	Openreach 2024		<u>NEW</u>	coms	905820		Junction of Little Shaw, Near Brown Blue Close,	905820	12/12/2023	905820_Junction of Little Shaw, Near Brown Blue Close, Markfield, Area 8	Not provided	12	Diversion of assets	447153 311644	TBA	Awaitng review on site from BT and trial hole data
1g	Openreach 2019	1	<u>C3</u>	coms	BQRA31/82092/BE/ER 905821		MRN A511-000_H0_2_7 C3 NRSWA Request	YZV02273Q 905821	08/07/2019	Fieldhead roundabout	6	12		449625, 310156		Drawings and works look low - more details needed and a revisit based on latest design
2	Nation Grid (western Power)	1	<u>C3</u>	ES	3433621 WPD_C3_Ashby Rd Roundabout.PDF	sk01	MRN A511-000_H0_2_7 C3 NRSWA Request	3433621	27/08/2019	A511, A447 & Ashby Road Roundabout	N/S	N/S	Approx. 140m of LV cable Approx. 45m of HV cable Approx.140 of service cable	440980, 315028	TM and tree / vegetation clearance	Full review of TM needed to understand impacts on cost
3	Nation Grid (western Power)	2	<u>C3</u>	Es	3467083 WPD_C3_A511 Thornbrough Rd Hermitage Rd.pdf	SK02	MRN A511-000_H0_2_2 C3 NRSWA Request.pdf	3467083	29/08/2019	A511, Thornborough Rd, Hermitage Rd O.S Grid Reference: 442964, 314942	N/S	N/S	Approx. 200m of HV Cable Approx. 100m of LV Cable	442964, 314942	TM and tree / vegetation clearance	still awaiting update
4	Nation Grid (western Power)	3	<u>C3</u>	ES		sk03		3467094		Broom Leys Lane Junction, Near Broom Leys Road	N/S	N/S			TM and tree / vegetation clearance	Full review of TM needed to understand impacts on cost

Ref Line	SU	Sub folder	Status & link	Type	Stats Ref	Sk ref	LCC drg ref	Stats drg ref	Date	Title	Anticipated duration on site Weeks	Lead in time - estimate d Weeks	Description of works	OS grid ref or post code	Allowances by others	Notes
5	Nation Grid (western Power)	4	C3	ES	Diversion of Western Power Distribution (East Midlands) plc ("WPD") apparatus at	Sk05		3467105	02/09/2019	A511, Birch Tree Roundabout	N/S	N/S	Approx. 80m of HV Cable Approx. 200m of LV Cable	444625, 312544	TM and tree / vegetation clearance	Full review of TM needed to understand impacts on cost
6	Nation Grid (western Power)	5	C3	PDF	Diversion of apparatus	Sk04		3467118		Bardon Road Roundabout, Coalville	N/S	N/S	Relocation of cables		TM and tree / vegetation clearance	Full review of TM needed to understand impacts on cost
7	Nation Grid (western Power)	6	C3	PDF	no works - caution only	Sk06		3467129							TM and tree / vegetation clearance	no works from 2024 review
8	Nation Grid (western Power)	7	C3	ES	Diversion of Western Power Distribution (East Midlands) plc ("WPD") apparatus at A511, Field Head Roundabout, Coalville	Sk07	MRN A511-000_H0_2_7 C3 NRSWA Request	3467136	28/09/2019	A511, File Head Roundabout, Coalville	N/S	N/S	LV & service cables. No abnormal lead times.	449625, 310156	TM and tree / vegetation clearance	no works from 2024 review
	Nation Grid (western Power)	8	C4	Es	Punch through	Sk08									TM and tree / vegetation clearance	awaiting details from NG
9	Severn Trent Water	1	C3	ES	A511, A447 Asby Road Roundabout - (Phase 1).		no diversion drg !!	8358737	10/06/2019	Hoo Ash STW_C3_Response Letter 8358737	12	12	Open Cut: 170m of 125mm PE, 12m of 90mm PE, SV x 5, WO x 5, UPT x 1, Line stop x 1, trial hole x 2, Meter x 1, Bends	N/S	see notes - very specific and potential costs !!	Design note and trial holes to be reviewed and actioned
10	Severn Trent Water	2	C3	ES	C3 Estimate for: A511 Thornborough Rd.		no diversion drg !!	835880	14/06/2019	02 Thornborough Rgt Dualling	12	12	Open Cut: 160m of 125mm PE, 30m of 90mm PE, SV x 3, WO x 8, UPT x 9, Line Stops x 2, Trial Holes x 4, Bends x 9	N/S	see notes - very specific and potential costs !!	Design note and trial holes to be reviewed and actioned
11	Severn Trent Water	3	C3	ES	A511 Broom Leys Rd, Coalville Phase 3		no diversion drg !!	8358749	10/06/2019	04 Bardon Road Rbt	12	12	Open Cut: 150m of 125mm PE, WO x 2, UPT x 4, Services x 18, trial holes x 2, Bends x 4	N/S	see notes - very specific and potential costs !!	Design note and trial holes to be reviewed and actioned

Ref Line	SU	Sub folder	Status & link	Type	Stats Ref	Sk ref	LCC drg ref	Stats drg ref	Date	Title	Anticipated duration on site Weeks	Lead in time - estimate d Weeks	Description of works	OS grid ref or post code	Allowances by others	Notes
12	Severn Trent Water	4		N/A	No works					05 Birch Tree Rbt						file empty
13	Severn Trent Water	5	C3	Es	Estimate for: Flying Horse Roundabout Phase 6.		no diversion drg !!	8358519	14/06/2019	07 Flying Hourse Rbt	12	12	Open Cut: 38m of 180mm PE, SV x 2, WO x 3, UPT x 2, Line stops x 1, Trial hole x 2, Bends x 3	N/S	see notes - very specific and potential costs !!	Design note and trial holes to be reviewed and actioned
14	Severn Trent Water	6	C3	ES	C3 Beverage In Roundabout(phs 5)		Not affected	8358738	10/06/2019	08 Beveridge Ln						No works
15	Severn Trent	7		N/A	No works					09 Field Head Rbt						file empty
16	Severn Trent Water	8		N/A	No works					Punch through						file empty
17	Virgin Media	1	C3	ES	01 Hoo Ash Rbt		VM	VM/CIP/358678 vm/cip/464508	17/05/2019	A511, A447 & Ashby Road Roundabout, LE67 3LJ,	N/S	12	Slew and lower duct section plus demolish and rebuild chamber to facilitate lowering	N/S	to be reviewed	Estimated survey cost not recorded but normally 10%
18	Virgin Media	2	C3	N/A	No works		VM	VM.CIP.358679 /2	17/05/2019	02 Thornb Rbt dualling - Hermitage Rd Rbt			no works			No works
19	Virgin Media	3	C3	ES	02 Thornborough Rbt		VM	VM/CIP/358679 9	16/05/2019	02 Thornborough Rbt	N/S	12	Lower section of duct and demolish and rebuild chamber out of area of works	N/S	to be reviewed	Design under review to determine full scope
20	Virgin Media	4	C3	Es	03 Broom Leys		VM	VM/CIP/358681 1	17/05/2019	03 Broom Leys	N/S	12	1 :Section of Duct o/s 85 Broomleys Road to be lowered. 2: Section duct work to be slew and lowered	N/S	to be reviewed	Design under review to determine full scope
21	Virgin Media	5	C3	ES	No works		VM	VM/CIP/358684 4	17/05/2019	05 Birch Tree Rbt			no works		to be reviewed	No works
22	Virgin Media	6	C3	Es	Beverage Lane Roundabout, Coalville, LE67 4HQ.,		VM	VM/CIP/358688 8	17/05/2019	06 Charnwood Arm Rbt	N/S	12	Section of duct to be slew and lowered + chamber rebuilt out of area of works	N/S	to be reviewed	Design under review to determine full scope
23	Virgin Media	7	C3	Es	Flying Horse Roundabout, LE67 9QA.,		VM	VM/CIP/358692 2	17/05/2019	07 Flying Horse Rbt			no works			No works

Ref Line	SU	Sub folder	Status & link	Type	Stats Ref	Sk ref	LCC drg ref	Stats drg ref	Date	Title	Anticipated duration on site Weeks	Lead in time - estimate d Weeks	Description of works	OS grid ref or post code	Allowances by others	Notes
24	Virgin Media	8	C3 New	Es	A511, Field Head Roundabout, Colville, LE67 9NB,		VM	VM/CIP/35869 6 - old ref 462691 464508 464509 464510 464511 464514 464516	17/05/2019	09 Field Head Rbt	N/S	12	Chamber to be demolished and be built to facilitate lowering of 4way duct in new Carriageway Section of 1 way duct to be lowered in carriageway works	N/S	to be reviewed	Timescales: Approximately 16 weeks for completion of works, following receipt of the C5 payment and AGREED PROGRAMME OF WORKS & START DATE with appointed Site Agent. NOTE: ANY alteration to original scheme and/or programme of works may result in a re-evaluation of timescales and will require agreement between the Virgin Media Project Planner and clients appointed Site Agent.
25	Cadent gas	NEW	c3	es			Cadent gas	EMGD240196	23/02/2024	EMGD240196 Ashby Road, Leicester, LE67 2ND						New estimates received following updated review
26																
27	Total ex risk															
28	RISK														Risk	
29	G Total															