



The Planning Inspectorate

---

# **Report to the Secretary of State for Transport**

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State for Transport**

**Date: 6 August 2024**

---

**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

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

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

Date the Inquiry opened: 11 June 2024

Date the Inquiry closed: 17 July 2024

Ref: NATTRAN/EM/HAO/299

## **TABLE OF CONTENTS**

CASE DETAILS	4
THE CASE FOR LEICESTERSHIRE COUNTY COUNCIL	9
THE CASE FOR OBJECTORS	17
THE COUNCIL'S RESPONSE TO THE OBJECTIONS	18
INSPECTOR'S CONCLUSIONS	19
on the Compulsory Purchase Order	26
on the Side Roads Order	28
INSPECTOR'S RECOMMENDATIONS	28
APPENDICES	29



### **ABBREVIATIONS**

BLR	Bardon Link Road
CPO	Compulsory Purchase Order
CPO Guidance	Guidance on Compulsory Purchase Process and the Crichel Down Rules
DfT	Department for Transport
MRN	Main Road Network
OBC	Outline Business Case
PIC	Personal Injury Collision
PMA	Private Means of Access
SRN	Strategic Road Network
SRO	Side Roads Order
The Council	Leicestershire County Council
The Scheme	Leicestershire County Council A511 Growth Corridor proposals
WMMS	W M Morrison Supermarkets Ltd



## **CASE DETAILS**

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

The Compulsory Purchase Order (CPO) was made under sections 239, 240, 246, 250 and 260 of the *Highways Act 1980 and the Acquisition of Land Act 1981*.

Summary of Recommendation: I recommend that the CPO be confirmed, subject to the modifications in the Schedule<sup>1</sup>.

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

The Side Roads Order (SRO) was made under sections 14 and 125 of the *Highways Act 1980*.

Summary of Recommendation: I recommend that the SRO be confirmed, subject to the modifications in the Schedule<sup>2</sup>.

---

## **PREAMBLE**

### **The Inquiry and site visits**

- 1 I have been appointed by the Secretary of State for Transport (the Secretary of State) to conduct concurrent Inquiries (referred to as the Inquiry) for the purpose of hearing representations and objections concerning the Orders.
- 2 A pre-Inquiry note was sent to parties on 7 May 2024 and was made publicly available through the Council's scheme website. The Inquiry opened on 11 June 2024 and sat, under the terms of the Highways (Inquiry Procedure) Rules 1994 and the Compulsory Purchase (Inquiry Procedure) Rules 2007 (to the extent applicable), on 11 and 12 June 2024. The Inquiry was then adjourned to allow for the completion of paperwork relating to the withdrawal of resolved objections, with closing submissions made in writing on 16 July 2024. The Inquiry was then formally closed, in writing, on 17 July 2024.
- 3 Before and during the Inquiry, I undertook unaccompanied visits to various publicly accessible locations which were the subject of representations. I carried out an accompanied site visit on 12 June 2024 to see land relating to the remaining objections as well as the line of the Bardon Link Road.

---

<sup>1</sup> MOD5

<sup>2</sup> MOD6

---



## **Purpose of the Orders**

- 4 The Statement of Reasons prepared by Leicestershire County Council (the Council) introduces the Council's published proposals for the Leicestershire County Council A511 Growth Corridor (the Scheme) which consists of highway improvements at nine locations along the A511 between Hoo Ash Roundabout in the west and Field Head Roundabout in the east (this stretch of highway is referred to in this Statement as the A511 Growth Corridor plus the construction of a new link road off Bardon Road (the Bardon Link Road, or BLR). These nine specific interventions, (the Projects) along with other works will seek to improve the existing road between those two points.
- 5 The Compulsory Purchase Order (the CPO) is needed to enable land and any other interests in the land that is not within the ownership or control of the Council to be acquired to permit the works to be carried out to deliver the Scheme.
- 6 In addition to making the CPO, the Council has made the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023 (the SRO) in order to carry out works to existing highways as well as private means of access (PMA) that are necessary to enable the Scheme to be built.
- 7 The CPO will allow the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme, which it does not currently own or control. It will also ensure that the necessary improvements are made to the local highway network including the incorporation and implementation of appropriate mitigation measures. Much of the work required along the line of the A511 Growth Corridor already falls within the current highway boundary.
- 8 The SRO will empower the Council to stop up existing side roads and PMA affected by the Scheme, to improve side roads, divert a public right of way, create a new shared footway/cycleway and replacement PMA.
- 9 The Scheme will deliver seven key objectives which themselves align with the Department for Transport's (DfT) five central Main Road Network (MRN) objectives.
- 10 The seven key objectives are to:
  - a) Make journeys on the A511 faster and more reliable;
  - b) Provide a resilient and safer road network, resilient to road collisions;
  - c) Improve reliability and capacity for freight along the A511 Growth Corridor and in doing so, support the efficient operation of logistics and mineral extraction needs of the area;
  - d) Support North West Leicestershire District Council's objectives of facilitating economic and housing growth by delivering improved transport infrastructure;
  - e) Improve connectivity for all road users;
  - f) Support the Strategic Road Network (SRN) by providing a reliable and resilient link to the M1 and A42; and
  - g) Improve air quality and traffic noise impact along the corridor.



## **Objections to the Orders**

- 11 Of the 7 duly made objections (OBJ1-7), 3 were withdrawn before the start of the Inquiry (OBJ4, OBJ5 and OBJ6), 2 were formally withdrawn during the Inquiry, although their intention to do so was known beforehand (OBJ2 and OBJ3). I have taken the withdrawals into account and have not considered those objections further.
- 12 One duly made objection to the CPO and SRO remains (OBJ1). One duly made objection to the CPO only, remains (OBJ7).

## **Suggested Modifications**

- 13 Prior to the start of the Inquiry, the Council indicated that it wished to modify the Orders<sup>3</sup> to remove plots of land and make a number of corrections and clarifications, in response to their own ongoing work and following correspondence from the DfT.
- 14 During the Inquiry, the Council undertook to remove a further plot from the Orders<sup>4</sup>, and further correspondence was received from the DfT regarding additional corrections and clarifications. All of these changes were included in modified Order documents<sup>5</sup>. Consideration in my report is given to those latest Order documents.

## **Scope of this Report**

- 15 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances, documents and abbreviations used are attached as appendices. Proofs of evidence were added to at the Inquiry through written and oral evidence.

---

<sup>3</sup> MOD1, MOD2

<sup>4</sup> ID7

<sup>5</sup> MOD5, MOD6

---



## **DESCRIPTION OF THE SITES AND THEIR SURROUNDINGS**

16 The Scheme involves the construction of a number of highway improvements at nine locations throughout the A511 Growth Corridor.

17 The nine Projects and their locations are;

- A511 Hoo Ash Roundabout: Widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times.
- A511 Thornborough Road Roundabout: Widened entry and exit to the roundabout allowing two ahead lanes for the A511 in both directions. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times. The existing toucan crossing on the western (McDonalds) side of the A511 will be retained to facilitate pedestrian and cyclist movements.
- A511 Stephenson Way Dualling: Alter the existing single lane road to a dual carriageway on Stephenson Way between the Thornborough Road and Whitwick Road roundabouts. This will increase vehicular capacity along the A511.
- A511 Whitwick Road Roundabout: Widened approaches and exits allowing two ahead lanes for A511 in both directions and from Thornborough Road from the south. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times. New signalised pedestrian crossing on the junction's eastern side (Morrisons). This will aid walking and cycling movements between Whitwick and Coalville.
- A511 Broom Leys Road Junction: Modify the existing traffic signal junction by altering the existing left turn lane on Stephenson Way into Broom Leys Road (eastbound) to enable ahead and left traffic. Removing some of the verge and footway to provide two ahead lanes for traffic travelling northbound on Stephenson Way. This will enable improved vehicle throughput, reduced queuing and thus reduced pollution.
- A511 Bardon Road Roundabout: Upgrading of the existing roundabout at the A511 Stephenson Way / Bardon Road Junction to create a new enlarged gyratory. This will enable a new southern arm and road connection to the BLR.
- A511 Birch Tree Roundabout: Widened entry and exit lanes allowing three lanes around part of the roundabout to enable an additional lane on the exit towards Coalville, supporting better traffic flow and reducing the risk of collision. Widening on the A511 southbound approach to facilitate an additional lane on the exit of the A511 eastbound. This will increase the capacity of the junction and reduce vehicular queue lengths on the A511, particularly at peak times.



- A511 Flying Horse Roundabout: Modification of the current partially signalised roundabout so that traffic from Stanton Road and traffic from Copt Oak Road can only turn left onto the A511. Traffic travelling on the A511 will not be able to turn right into Stanton Lane. This will aid in the regulation of traffic flow, increasing vehicular capacity along the A511 and reducing the likelihood of queues along the A511 effecting the M1 junction 22. The scheme will also see the existing pedestrian crossings kept with an additional crossing provided on Stanton Lane.
  - A50 Field Head Roundabout: Introduction of part time signals on the A50 approaches to the roundabout. A two-lane exit is proposed on Launde Road. This adjustment enables regulation of the traffic flow across the roundabout to reduce queuing times on the A511 which will also reduce likelihood of queues along the A511 effecting the M1 junction 22. The improved traffic control is expected to have a positive effect on the number of PIC's (Personal Injury Collisions) recorded at this junction, with historic data showing a cluster here.
- 18 In addition to the nine projects, the BLR: A new 450m length of road south of the Bardon Road Roundabout, with new underbridge through the railway embankment, shared footway/cycle way on both sides, balancing pond, additional drainage features and landscaping. This new road will tie into the spine road of the development off Grange Road to the south, providing a shorter and more direct route for traffic from the immediate local area in and around Bardon to the A511 and SRN. Construction of the BLR requires the acquisition and demolition of four residential properties on Bardon Road.
- 19 The land and new rights proposed to be compulsorily acquired pursuant to the CPO, as made, comprises 42 plots, with the need for permanent acquisition at Whitwick Road Roundabout, the Broom Leys Road Junction, Bardon Road Roundabout and the BLR. The remaining land is required temporarily for the purpose of construction access, works and to locate compounds. The Council does not intend to acquire these plots permanently, but access must be guaranteed.
- 20 The SRO allows the Council to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up PMA to premises, required as a consequence of the construction of the classified road and; to provide new PMA to premises as required for the Scheme. Where PMA are stopped up during the construction phase, suitable temporary PMA will be afforded until such time as any new PMA is provided.



## **THE CASE FOR LEICESTERSHIRE COUNTY COUNCIL**

*The gist of the material points made by the Council in its written and oral submissions were:*

### **Statutory formalities**

- 21 At the start of the Inquiry, the Council confirmed that all statutory formalities have been complied with.

### **Introduction**

- 22 The Council has promoted the CPO and the SRO in order to deliver the A511 Growth Corridor. This Scheme will contribute to addressing traffic problems in the A511 Growth Corridor, enable economic regeneration and facilitate new housing and employment development. The Scheme will contribute to local housing and economic growth, but also has a national role as an economically important A road, connecting elements of the SRN.
- 23 The Council considers that the task before the Inquiry is to consider the merits of the Orders having regard to the evidence called by the parties (that is, both the Council and objectors to the Scheme).
- 24 The Council considers it important to note that planning permission is already in place for the Scheme, either through the use of permitted development rights for those parts already within highway or through specific planning permission already granted for the BLR.
- 25 The reasons for the Orders, the justification, development and refinement of the Projects and the Scheme are clearly and concisely described in the Council's Statement of Case and Reasons<sup>6</sup>. Further detail is found in the Council's Proofs of Evidence and their Summaries<sup>7</sup>.

## **The Compulsory Purchase Order**

### **Introduction**

- 26 The Council has advanced a clear and robust case for the making of the CPO. The need is unchallenged, and no alternative routes or locations for the Scheme have been advanced.

---

<sup>6</sup> OD7, ID13

<sup>7</sup> LCC1-5 and RP1

---



### ***Whether there is a compelling case in the public interest***

- 27 As is well-established in the Ministry for Housing, Communities and Local Government publication entitled '*Guidance on Compulsory Purchase Process and the Crichton Down Rules*' (CPO Guidance)<sup>8</sup> and in caselaw, in order for the CPO to be confirmed it is necessary that the Council demonstrate the existence of a '*compelling case in the public interest*' in support of confirmation of compulsory purchase powers. Whilst these submissions do not rehearse in detail the evidence before the Inquiry, the Council indicates that they do summarise that position in respect of each of the various issues which the Inspector identified as being relevant to the demonstration of a '*compelling case*'.

#### ***Justification for Compulsory Purchase – Benefits***

- 28 The Council indicates that the benefits which the Scheme would deliver are wide ranging and have been extensively discussed in evidence and there is no evidence to the contrary. The position is summarised in the following paragraphs.

#### ***Economic and social impacts***

- 29 The North West Leicestershire Local Plan 2011 to 2031 identifies the A511 Growth Corridor as one of five growth areas. The Scheme will provide capacity to mitigate traffic growth in that area, assisting in the delivery of 5,275 new homes as well as the other investment and growth aims set out in that plan. Supporting plan aims will also assist in the overall economic regeneration of Coalville and the wider area. The BLR also creates a new direct link between ongoing housing development and the rest of Coalville.
- 30 The Scheme will also improve reliability and freight capacity along the Growth Corridor, supporting key local industries including logistics and mineral extraction.

#### ***Traffic impacts***

- 31 The Council identifies that congestion is currently, and has for many years, been an issue in the area<sup>9</sup>, and without the Scheme, population, employment and traffic growth along and beyond the A511 Growth Corridor would increase congestion, queuing and lead to increased pollution. This would ultimately begin to limit the ability of the Growth Corridor to deliver.

---

<sup>8</sup> NP2

<sup>9</sup> ID13, LCC2, ID12



- 32 The Scheme is not a major intervention, but a series of changes, some minor, which unlock the potential of the Growth Corridor and allow traffic to flow. It will reduce travel times and delays, transfer traffic to more suitable roads, increase capacity, improve journey reliability times and reduce conflicting movements at junctions, thereby improving safety.
- 33 The traffic modelling on which the Scheme is founded, and on which the outcomes above are based is robust, up-to-date, reliable and of the highest possible quality. Model outcomes have been so closely correlated to real-world outcomes that the greatest possible confidence can be placed in the modelling<sup>10</sup>, and by extension, the transport evidence and case.
- 34 Further the Scheme lies close to the centre of the Golden Logistics Triangle<sup>11</sup>, 289 square miles of land within a four-hour drive of 90% of the British population, well-served by major and strategic roads, with a high-density of logistics and distribution businesses.

#### *Road safety impacts*

- 35 The Scheme would make the A511, which is part of the MRN, more attractive to the traffic which, by design and intention, should be using it. For much the same reason as above, the right traffic on the right roads<sup>12</sup> leads to less incidents/accidents, as vehicles are more likely to travel on appropriate routes.

#### *Air quality impacts*

- 36 Mr Dazely confirmed in examination and in his evidence that somewhat counterintuitively, more traffic on roads better able to accommodate it, leads to more overall miles travelled, but those miles are travelled more efficiently, leading to air quality improvements<sup>13</sup>.

#### *Value for money*

- 37 With reference to the DfT's 'Value for Money Framework', the Council reported, at the Outline Business Case (OBC) stage<sup>14</sup>, that the calculated benefit to costs ratio for the Scheme fell within the range representative of medium to high value for money. There is no evidence to suggest that this is not the case.

---

<sup>10</sup> LCC2, ID12

<sup>11</sup> ID12

<sup>12</sup> LCC2

<sup>13</sup> LCC2

<sup>14</sup> SA4, SA5, ID13,



*Compelling case-conclusion*

- 38 Having regard to the various matters in this section, it is submitted by the Council that it has demonstrated a compelling case in support of the authorisation of compulsory powers for the purposes of the CPO Guidance in the context of the CPO. All relevant policy requirements are met. Furthermore, the advantages and benefits which the Scheme would deliver are substantial and would clearly outweigh any adverse impacts. The Council considers that there is, in the true sense of the words, a compelling case in the public interest why the compulsory purchase powers sought should be authorised.
- 39 The Scheme enjoys the benefit of planning consent which reflects the public benefit that it gives rise to. Taking into account all its elements, the Scheme allows the seven objectives to be met as well as improvements to traffic flow, conditions, efficiency and reliability. These are long-standing ambitions which will enable the area to meet its growth ambitions. The area is recognised as being at the heart of the Growth Corridor with significant ambitions to provide for future residential and economic growth. It is intended to provide for more housing and more commercial growth and that growth is reliant on the effects of the Scheme.
- 40 There is considerable support for the Scheme from a wide range of stakeholders, including the District Council, the landowners and finally there is the lack of opposition to the principle of the Scheme.
- 41 Even in respect of the remaining objectors it is not claimed that the public interest is not served, but rather and quite understandably Ms Connors (OBJ7) preferred if it could be served without taking her land and Morrisons (OBJ1) held similar views.

***Whether the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected***

- 42 The Council acknowledges that the Scheme will have an impact on individuals but considers that the significant public benefits that will arise outweigh any impact. The compelling case in the public interest for the compulsory acquisition powers included in the CPO has been demonstrated, the land is the minimum necessary, and the Scheme has been designed to minimise harm whilst achieving its objectives.



- 43 The Council has undertaken, and kept under regular review, an Equality & Human Rights Impact Assessment<sup>15</sup>. This found that potential adverse impacts identified through the assessment can be mitigated by appropriate measures and are therefore justifiable and legitimate, and that the Scheme would result in benefits for groups with protected characteristics and provide opportunities for advancing equality. It concluded that providing the embedded mitigation and recommendations outlined in the Assessment <sup>16</sup>are implemented, then the Scheme should meet its responsibility in relation to equality, diversity community cohesion and human rights.
- 44 Taking all of that together, and considering the objectives of the Scheme, the Council considers that the interference with the human rights of those affected is both proportionate and justified.

***Whether the Council has a clear idea of how it is intending to use the land it seeks to acquire***

- 45 Section 13 of the CPO Guidance directs that an acquiring authority should *'have a clear idea of how it intends to use the land which it is proposing to acquire'*. In this regard the Council's position is robust, and straightforward. The CPO land is required for delivery of the Scheme.
- 46 The Inspector has been provided with detailed plans<sup>17</sup> for the Order which demonstrate the precise nature of the works to be undertaken pursuant to the Scheme, on the various plots of land to be acquired. In addition, the Scheme has been under development since 2008<sup>18</sup> with a clear set of objectives. On this basis the Council considers that it has unequivocally satisfied the requirement that it have a 'clear idea' as to how it will use the land/rights in respect of which it is seeking compulsory purchase powers.

***Whether the Council can show that all necessary resources are likely to be available to achieve that end within a reasonable timescale***

- 47 Section 14 of the CPO Guidance requires that the *'...acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required'*. Against the above background, the Council says that delivery of the Scheme (including land assembly) is costed, and the funds to meet those costs are identified and secured.

---

<sup>15</sup> SA8

<sup>16</sup> SA8

<sup>17</sup> P25, P37, MOD5, MOD6

<sup>18</sup> SA1-SA10, P25, P37



- 48 Evidence as to the resources available to acquire the CPO land and deliver the Scheme was given by Ms Carruthers<sup>19</sup>. It set out that a mixture of central government grant funding through the MRN programme and developer contributions collected through the Transport Strategy would be sufficient to meet the costs of the Scheme.
- 49 Costs have been subject to review, and it is considered that the funding available is still sufficient for the revised cost ranges<sup>20</sup>. It should also be noted that the October 2023 Network North policy paper identified the Scheme as one which would benefit from an uplift in government contribution from 85% to 100% (based on the original OBC forecast cost)<sup>21</sup>.
- 50 The Council considers that it has satisfied this policy requirement.

***Whether the Scheme is likely to be blocked by any physical or legal impediments to implementation***

- 51 Section 15 of the CPO Guidance identifies the need '*...to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation*'. In the present case there is no suggestion of any physical impediment in any objection, nor has any party identified any legal impediment either.
- 52 Express planning permission for those parts of the Scheme which require it is in place, and all other parts benefit from permitted development rights. The Scheme is also supported by the Local Development Plan and other relevant planning and economic development policies for the area<sup>22</sup>.
- 53 As regards other legal requirements, there are certain licences which would need to be obtained in order for the Scheme to be delivered; by way of example, licences from Natural England for works affecting bats and badgers. However, the (unchallenged) evidence of Ms Carruthers<sup>23</sup> is that there is no reason why these would not be forthcoming when applied for at the appropriate stage of development.

---

<sup>19</sup> LCC1, RP1

<sup>20</sup> LCC1, ID12, SA4, SA5

<sup>21</sup> LCC1, NP6

<sup>22</sup> LP1-14

<sup>23</sup> LCC1

---



- 54 The Council says therefore, the evidence before the Inquiry is unequivocally to the effect that there is no physical or legal impediment why the Scheme would not be delivered. On the contrary, the evidence is that it would be delivered, with detailed evidence provided on the process for contractor appointment, final sign off and go-ahead<sup>24</sup>. There is also clear evidence<sup>25</sup> that works to the railway<sup>26</sup>, which require long lead times are being actively managed and programmed.
- 55 The Council considers that, once again, the relevant requirement of the CPO Guidance is satisfied.

### **CPO Conclusion**

- 56 The Council concludes that there is a compelling case in the public interest for confirmation of the CPO and that the purposes for which the CPO was made sufficiently justify interfering with the human rights of those with an interest in the land affected. It is on this basis, and having regard to the above considerations, that the Council considers that the CPO should be confirmed.

### **The Side Roads Order**

- 57 The Council says that the SRO is a necessary element of the Scheme, in that certain stretches of highway must be stopped up in order to deliver the Scheme. Referencing the *Highways Act 1980*, the Council highlighted the statutory requirements for the confirmation of an SRO;
- a) No highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
  - b) The stopping up of a private means of access shall only be authorised if no access to the premises is reasonably required; or if another reasonably convenient means of access to the premises is available or will be provided.
  - c) Provision has been made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted.

---

<sup>24</sup> LCC1

<sup>25</sup> LCC3, LCC4, ID13

<sup>26</sup> Dictated by availability of line possession to enable safe working, and the need to complete those works in a single phase.

---



### **SRO Conclusion**

58 The Council considers that the statutory criteria are satisfied. Although the SRO is technically subject to an objection (OBJ1), the Council's evidence, including their rebuttal of that objection<sup>27</sup> is uncontested. Moreover, that objection is so close to resolution that it should be treated as withdrawn<sup>28</sup>. There is no reason in the Council's view, why the SRO should not be confirmed.

### **Overall Conclusion of the Council's Case**

59 Having regard to the conclusions set out above, the Council asks that the Inspector recommend confirmation, and that the Secretary of State confirm the CPO and SRO as modified.

---

<sup>27</sup> ID13

<sup>28</sup> ID11

---



## **THE CASE FOR OBJECTORS**

### **OBJ1 – W M Morrison Supermarkets Ltd (WMMS)**

*WMMS did not attend the Inquiry and submitted no further evidence beyond their original written objection. The gist of the material points made by WMMS in written submissions were:*

60 W M Morrisons Ltd object to the CPO and the SRO, particularly plots 007 and 008.

61 The grounds of objection are:

- a) They were unaware of the Orders.
- b) There was insufficient information on the timing of the works, limited engagement and lack of clarity on the effect of the Scheme on the operation of their store and any future expansion plans.
- c) There was limited consideration of the effects of the Scheme.
- d) The Statement of Reasons for the Orders is insufficient.
- e) The Orders are premature and lack supporting evidence.

### **OBJ7 – Ms Connors**

*The gist of the material points made by Ms Connors in written and oral submissions were:*

62 Ms Connors objects to the CPO, particularly plots 018 and 019, but makes reference to plots 020, 021 and 022.

63 The grounds of objection are:

- a) Concern over the public availability of the CPO drawings.
- b) The CPO will result in the loss of two Gypsy/Traveller pitches, which would need to be replaced.
- c) The site is the only one in the area for an Irish Traveller family, and it hosts three generations of the same family in 9 caravans, 1 house and a building.
- d) There are 11 vehicles and 2 dog kennels on the wider site, but notably the kennels, a water supply and stores in plots 018 and 019.
- e) It will be extremely difficult to remove everything from plots 018 and 019; there is no other space available to replace that land.
- f) The CPO would result in wider effects on 46 Bardon Road given the above.
- g) There is a lack of landscaping proposed for the road.
- h) A planning application is under consideration to regularise the use of plots 018 and 019 for use as Gypsy/Traveller pitches.
- i) Plots 020, 021 and 022 are also partly or wholly in use by Ms Connors, partly under adverse possession.
- j) No desire for financial compensation but wants alternative land.



## **THE COUNCIL'S RESPONSE TO THE OBJECTIONS**

### **OBJ1 – W M Morrison Supermarkets Ltd (WMMS)<sup>29</sup>**

- 64 The Council made extensive efforts to contact WMMS, and ultimately, WMMS were in contact with and engaged with the Council in respect of the Scheme. All statutory procedures were complied with in preparing, drafting and presenting the Orders.
- 65 Heads of Terms between the Council and WMMS have been agreed. Documents have been drafted to allow the permanent acquisition of plot 007 and a licence for the use of plot 008. Work is ongoing on finalising these documents to allow the objection to be withdrawn.<sup>30</sup>

### **OBJ7 – Ms Connors<sup>31</sup>**

- 66 The Council published all plans and information relating to the Scheme, and following discussions with Ms Connors, sent her specific detailed plans, assisted in the instruction of a surveyor, and worked to connect Ms Connors with the Council's Travellers Liaison Officer.
- 67 The Council considers that there is no conflict between existing authorised traveller pitches and the Scheme, which already has planning permission. That planning process did not raise any issues around impacts on the use of the land as a traveller site, as the land required for the Scheme is neither the lawful location of a pitch nor the site of any caravan or residential building. The reference by Ms Connors to the requirements of Planning Policy for Traveller Sites was noted, but not relevant to this process, as this process does not rehearse or reexamine the planning merits of the Scheme<sup>32</sup>. Detailed landscaping proposals have been included in the planning permission for the BLR<sup>33</sup>. The Council has committed to keeping under review the proposed landscaping for the BLR in respect of Ms Connors' land.
- 68 Ms Connors' preferred resolution, that alternative land be offered is not one which is available to the Council. It is outside the legitimate use of CPO powers and is not something which the Council would pursue. Despite their description as such<sup>34</sup>, plots 020, 021 and 022 are not under adverse possession<sup>35</sup>. That is a legal term, which does not apply here, as the evidence<sup>36</sup> shows that those plots have been in use by Ms Connors for less than ten years.

---

<sup>29</sup> ID13, LCC1, RP1, ID11, ID12

<sup>30</sup> ID11

<sup>31</sup> ID13, LCC1, RP1, LCC4, ID12

<sup>32</sup> The evidence of Ms Portsmouth

<sup>33</sup> P38

<sup>34</sup> OBJ7

<sup>35</sup> The evidence of Mr Billingsley

<sup>36</sup> RP1

---



## **INSPECTOR'S CONCLUSIONS**

### **The Compulsory Purchase Order**

#### **Tests**

69 The CPO Guidance indicates that the main matters for consideration are whether:

- there is a compelling case in the public interest for use of compulsory purchase powers as proposed in the Order;
- the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration in this case will be given to Article 1 of the First Protocol – right to peaceful enjoyment of their possessions;
- the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire;
- whether it is able to show that all necessary resources are likely to be available to achieve that end within a reasonable time-scale; and
- the scheme is likely to be blocked by any physical or legal impediments to implementation, such as the programming of any infrastructure accommodation works or remedial work which may be required, or the need to obtain a consent or licence.

70 I will deal with those requirements in turn.

#### ***Whether there is a compelling case in the public interest***

71 In promoting the Scheme and the Orders, the Council has made a strong case for its need. The Scheme delivers on local, regional and national priorities<sup>37</sup>; contributing to improving traffic conditions, improving journey times and reliability, supporting the local economy and assisting in the delivery of housing and employment growth. Failure to carry out the Scheme would lead to the continued worsening of traffic conditions along the A511 Growth Corridor, with junctions reaching or nearing their capacity<sup>38</sup>. As such, I am satisfied that there is a clear need for the Scheme.

72 The Council has demonstrated that in developing the Scheme they went through an extensive optioneering and alternatives assessment process, first identifying the Objectives, then the Options<sup>39</sup>, refining these into the Projects that make up the Scheme. I am satisfied that all reasonable alternative options have been appropriately considered.

---

<sup>37</sup> LCC1 and LCC5

<sup>38</sup> LCC2 section 5

<sup>39</sup> SA6, LCC1

---



- 73 Taking all of the above into account, I am satisfied that there is a compelling case in the public interest for compulsory acquisition.

### **Suggested CPO modifications**

- 74 Prior to the start of the Inquiry, the Council and DfT identified a number of modifications<sup>40</sup> that would need to be made to the CPO in the event that the Secretary of State determines that it should be confirmed. Following correspondence, further changes and corrections were identified. In addition, modifications removing plot 019 in relation to Ms Connors' objection (OBJ7) were committed to during the Inquiry, and have now been incorporated into a final, consolidated set of modifications<sup>41</sup>.
- 75 Taken together, these modifications (described in detail in the preamble to MOD5) remove plots 005, 006, 019, 040 and 041 from the Order and make a number of minor amendments and corrections to the Order and Schedule. This final modification, and indeed, the preceding ones, demonstrate that the CPO process is working as it should, with the Council being willing to fine tune the Scheme to fully meet the legal test for the use of the CPO powers.
- 76 Based on what I have read and heard, I consider that the modifications would be necessary and would be unlikely to prejudice the interests of anyone. I conclude, in the event that the CPO is to be confirmed, it would be necessary to modify it in accordance MOD5.

### ***Whether the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected***

- 77 The CPO Guidance indicates that in order to justify a CPO it is necessary to be sure that the purposes for which the CPO 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. The CPO would result in the acquisition and demolition of 4 residential properties, but no objections have been made in their respect. The Order would however be to deprive those parties identified in its schedules of titles and/or rights to land. Article 1 indicates that:

*'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.'*

---

<sup>40</sup> MOD1

<sup>41</sup> MOD5



- 78 The majority of the land subject of the CPO is highway land or adjoins it, but for 4 residential properties, the plots required for the BLR and plots 018 and 019 owned by Ms Connors (OBJ7).
- 79 I have therefore considered the human rights of the property owners, and adjoining property owners in this case under the Human Rights Act 1998. Whilst there will be some limited interference with these rights under both Article 1 and Article 8, I am satisfied that this is proportionate and justified. It represents a balanced approach to individual rights in the light of the wider public interest to be gained from the scheme progressing.
- 80 With its duties in mind under the *Equality Act 2010* and its Public Sector Equality Duty, the Council has undertaken, and kept under regular review, an Equality and Human Rights Impact Assessment<sup>42</sup> and found that whilst the Scheme could result in negative impact on persons with a protected characteristic, providing the embedded mitigation and recommendations outlined in the Assessment are implemented, then the Scheme should meet its responsibility in relation to equality, diversity community cohesion and human rights.
- 81 Having given careful consideration to the objection, what I heard and saw during the Inquiry, as well as the evidence before me, I have no reason to take a different view. The Scheme would affect directly and indirectly land in residential use as a traveller site, but not the caravan pitches themselves.
- 82 I have concluded that there is a compelling case in the public interest for the CPO to be confirmed. Furthermore, the application of the CPO modifications would ensure land no longer required for the implementation of the Scheme, notably plot 019, would be removed from the CPO. I consider it would be reasonable to conclude on balance in this case, that the public interest would outweigh the private loss of those people with an interest in the land and that the interference with their human rights would not be disproportionate.
- 83 Although it was not for this Inquiry, and is not for this report, to consider the planning position of the Scheme, it was put to me by the Objector<sup>43</sup> that there would be a conflict between the CPO and a planning application which they were in the process of making to regularise their use of certain plots<sup>44</sup>. Although such an application has been submitted, at the close of the Inquiry it had not been determined, and the Council has objected to it on the basis of its conflict with the extant permission for the BLR<sup>45</sup>. However, regardless of the planning status of the land, the tests for the CPO remain unchanged, and the existence of that application, irrespective of the ultimate decision, does not alter my conclusions.

---

<sup>42</sup> SA8

<sup>43</sup> OBJ7

<sup>44</sup> Plot 018 following the removal of Plot 019 from the Order.

<sup>45</sup> ID10

---



- 84 Based on the compelling case in the public interest for compulsory acquisition, interference with the rights of those with an interest in the land affected is justified. The interference with Article 1 of the First Protocol of the Human Rights Act is engaged and having taken account of the public and private interests involved the case for compulsory acquisition has been made. The need for the Scheme is clear and the benefits are considerable. The interference with the Article 1 rights is proportionate, lawful, limited in extent and mitigated as far as possible. Where acquisition is necessary compensation will be payable in accordance with the compensation code.

***Whether the Council has a clear idea of how it is intending to use the land it seeks to acquire***

- 85 Justification is provided for the inclusion of each plot required to implement the Scheme, whether it is for permanent works, temporary works or rights<sup>46</sup>. No evidence has been provided that any of the land or rights sought is excessive or unnecessary. The regular evolution of the Scheme and the Orders to remove plots and limit the land required, reassures me that the Council has a very clear idea of how it is intending to use the land it seeks to acquire, such that it is regularly able to commit to minimising it.
- 86 I am therefore satisfied that the Council has a clear idea of how it is intending to use the land it seeks to acquire.

***Whether the Council can show that all necessary resources are likely to be available to achieve that end within a reasonable timescale***

- 87 The CPO guidance indicates that the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the Order scheme for which the land is required.
- 88 The evidence of the Council<sup>47</sup> makes clear that there is substantive information as to the sources of funding available for acquiring the land and implementing the Scheme. The Scheme has been costed, those costs have been reviewed and updated, and there is clear support<sup>48</sup> for and will to, implement the Scheme. There is also a commitment<sup>49</sup> on the part of the Council to underwrite any short-term shortfalls in funding<sup>50</sup>. The Scheme is also supported by the government as part of the MRN Programme.

---

<sup>46</sup> LCC3, OD9, MOD5

<sup>47</sup> LCC1, RP1

<sup>48</sup> LCC1, RP1

<sup>49</sup> SA4, SA5, LCC1, ID13, ID12

<sup>50</sup> The evidence of Ms Carruthers



- 89 Further to establishing the availability of sufficient funding for the Scheme, additional government support is now anticipated to come through the Network North programme. As a result, there now appears to be more than sufficient funding available for the Scheme.
- 90 Against this background, I conclude it is likely that the funding necessary to satisfactorily implement the Scheme would be made available in a timely manner.

***Whether the Scheme is likely to be blocked by any physical or legal impediments to implementation***

- 91 The CPO Guidance indicates that the *'Acquiring Authority will also need to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include: the programming of any infrastructure accommodation works or remedial work which may be required; and, any need for planning permission or other consent or licence'*.
- 92 The CPO land includes land that has been acquired by statutory undertakers for the purposes of their undertaking. In accordance with Section 16 of the *Acquisition of Land Act 1981*, any acquisition of such special category land could result in a separate and additional power in favour of statutory undertakers to make representations to their Minister and, until such an objection is withdrawn, no order can be confirmed. However, no such objections remain.
- 93 The planning permission necessary for implementation of the Scheme has been granted, and where express permission is not required, it is granted through the permitted development regime<sup>51</sup>. The Council has indicated that whilst certain other licences would need to be obtained in order for the Scheme to be delivered, there is no reason why these would not be forthcoming when applied for at the appropriate stage of development and I have not been provided with any evidence to the contrary<sup>52</sup>.
- 94 I note that there is potential for a conflict between the planning permission granted for the BLR<sup>53</sup> and the submission of a planning application on land owned by Ms Connors (OBJ7)<sup>54</sup>. However, given that this relates to the planning position of that land, addressed elsewhere in my report, and in light of my conclusions on the public interest, I do not consider that any consequent planning permission would represent an impediment to implementation of the Scheme.

---

<sup>51</sup> LCC5

<sup>52</sup> LCC1

<sup>53</sup> P27, P37

<sup>54</sup> ID10



- 95 I conclude it is unlikely that the Scheme would be blocked by any physical or legal impediments to implementation.

### **The Objections**

#### **OBJ1 – W M Morrison Supermarkets Ltd (WMMS)**

- 96 The objection relates largely to the process leading up to the making of the CPO, and whether or not in bringing it forwards, the Council properly took account of, and met, the requirements of the Guidance.
- 97 In the evidence set out, I consider that the Council did do so, and it is clear from the evidence<sup>55</sup> that WMMS and the Council are close to agreement, such that their objection should fall away in due course. In any event, the Council has provided detailed rebuttal<sup>56</sup> to all of the points of the WMMS' objection, such that I am not satisfied that the CPO should not be made as a result of that objection.

#### **OBJ7 – Ms Connors**

- 98 I have considered above whether the purposes for which compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected.
- 99 These rights are qualified rights, and interference with them is permissible where there is a clear legal basis and it is necessary in a democratic society. Whilst I acknowledge the concerns of Ms Connors with regard to the disturbance associated with construction, and the disruption associated with loss and then return of (an as-yet unknown amount of) the land subject to the CPO, the interference with her human rights is limited and proportional to the public end sought to be achieved by the Order.
- 100 The remedy which Ms Connors seeks, described by the Council as a 'land-swap' is not one which the CPO process allows for, or one which the Council would pursue<sup>57</sup>. The Council has however committed to minimise the amount of land taken for the Scheme<sup>58</sup>, to keep that requirement under review and remove one plot from the CPO<sup>59</sup> in order to minimise the impact of the Scheme on the Objector.

---

<sup>55</sup> ID13, RP1, LCC1, ID12, ID11

<sup>56</sup> ID13, LCC1, RP1

<sup>57</sup> ID13, LCC1, RP1

<sup>58</sup> LCC1, RP1, The evidence of Ms Carruthers, Mr McGrath and Mr Billingsley

<sup>59</sup> ID7, ID8, MOD5

---



- 101 I have considered, and evidence was given<sup>60</sup> on the issue of the potential adverse possession of plots 020, 021 and 022. However, Mr Billingsley confirmed that those plots had not been in use by the Objector for sufficient time for such a claim to arise, but that in any event, the use of those plots does not affect the overall considerations relating to the CPO.
- 102 It is the intention of the Council to offer back the part of plot 018 not required permanently for the Scheme<sup>61</sup> as soon as it is able to on completion of that part of the Scheme. I accept however that the way in which Ms Connors uses plot 018, for storage, the location of a water supply, the siting of kennels, parking and as open space around caravans in active use means that there will be significant difficulty in vacating plot 018 for the duration of the works to deliver the Scheme. I also accept that not knowing when or exactly how much of the plot may be available in future is challenging. However, whilst clearly a difficult situation, it must be balanced against the compelling case in the public interest for the Scheme as a whole.
- 103 I acknowledge that the Scheme will impact directly and indirectly<sup>62</sup> a property in residential use as a traveller site, and that this is a protected characteristic. However, I am satisfied that the actions of the Council, set out in the Equality & Human Rights Impact Assessment and elsewhere<sup>63</sup> has ensured that Ms Connors has not been treated disproportionately to others who do not share that protected characteristic. Moreover, I am satisfied that the case made that there is a compelling case in the public interest for the CPO to be confirmed is not fundamentally altered by the protected characteristic of Ms Connors.
- 104 Overall, therefore, whilst I understand Ms Connors objection to the Order scheme, I do not find that it is so substantial, or that the matters of detail it raises are such that the Order scheme is otherwise unsuitable or would have unacceptable effects. In this, I also note that she does not object to the principle of the Scheme.

---

<sup>60</sup> By Mr Billingsley

<sup>61</sup> ID7

<sup>62</sup> SA8

<sup>63</sup> SA8, LCC1, LCC4, RP1

---



## CPO Conclusions

- 105 I have a great deal of sympathy with the position of Ms Connors<sup>64</sup> and the difficulties that implementation of the Scheme will cause given her use of the land. However, those issues will, ultimately, be temporary. In addition, the overarching test, as I have set out above, is whether there is a compelling case in the public interest for the CPO to be confirmed. In this case, there is nothing in their objection, nor in their particular circumstances, which leads me to consider that their objection and the circumstances of it, outweigh the public interest.
- 106 The CPO guidance indicates that the *'confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement'*.
- 107 In my view, the Council has provided evidence<sup>65</sup> to show that whilst it has taken reasonable steps to secure all of the land and rights included in the Order by agreement, it has been unable to do so. I consider that in this context the use of compulsory purchase powers by the Council can be regarded as a last resort, in keeping with the CPO Guidance.
- 108 The position with regard to OBJ1 is consistent with this approach, and the correspondence<sup>66</sup> between them and the Council gives me confidence that their objection will either be withdrawn, or ultimately resolved. In any case, even were it not to be withdrawn, I am satisfied that there is nothing in their objection to suggest that a compelling case in the public interest has not been made or sustained.
- 109 I conclude on balance that the Scheme would provide significant public interest benefits which would far outweigh its adverse impacts. The Scheme would be unlikely to be blocked by any physical or legal impediment to implementation and the funding necessary would be likely to be made available in a timely manner. Whilst, as far as possible, the Council has sought to secure all of the land and rights included in the CPO by agreement, it has been unable to do so, and the use of compulsory purchase powers can be regarded as a last resort. I conclude that there is a compelling case in the public interest for confirmation of the CPO.
- 110 Furthermore, the public interest in that regard would outweigh the private loss of those people with an interest in the land affected and that the interference with their human rights would not be disproportionate, subject to the modifications in document MOD5.

---

<sup>64</sup> OBJ7

<sup>65</sup> LCC4

<sup>66</sup> ID11, ID12

---



111 I conclude that the CPO, modified as set out above, should be confirmed.

## **The Side Roads Order**

### **Tests**

112 In this case the SRO was made under sections 14 and 125 of the Highways Act 1980. Its purpose is to enable the Council to improve highways, stop up existing highways and PMAs affected by the construction of the Scheme, and to construct new highways and provide new PMAs required as a consequence of the main Scheme works. The Council in this case is the highway authority.

113 Section 14(6) of the Highways Act 1980 indicates that:

*'No order under this section authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.'*

114 The SRO would make provision for the stopping up of highways at various points as set out in document MOD6. The Council has confirmed that in relation to each stopped up section of highway another reasonably convenient route would be provided before the highway is stopped up. This has not been disputed by anyone and I am satisfied that that would be the case. The same can be said in relation to the limited lengths of public rights of way that would be stopped up. Another reasonably convenient route would be provided in advance, providing continuity, including some new sections of footpath, cycle track (with a right of way on foot) as well as new classified road and improved highway footways.

115 Based on what I have read, heard and seen, I am satisfied that the requirements of section 14(6) would be met under the terms of the SRO.

116 Section 125(3) of the Highways Act 1980 indicates that:

*'No order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister by virtue of subsection (1)(a) above unless he is satisfied-*  
*a) that no access to the premises is reasonably required, or*  
*b) that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of subsection (1)(b) above or otherwise.'*

117 The Council has confirmed that no access would be stopped up until another reasonably convenient means of access has been provided. None of these matters has been disputed.

118 Based on what I have read, heard and seen, I am satisfied that the requirements of section 125(3) would be met under the terms of the SRO.



## **The Objection**

119 As set out above, one duly made objection to the SRO remains formally outstanding, although appears to be substantively resolved<sup>67</sup>.

120 Nevertheless, at the closure of the Inquiry and the writing of this report, it has not been withdrawn and must therefore be considered. As set out in the evidence of the Council<sup>68</sup>, agreement has been reached to secure a licence for one of the plots to which their objection relates and an option deed to acquire the other. In any event, the substance of their original objection<sup>69</sup> to the SRO in particular related to their lack of awareness of it, a matter which plainly falls away owing to their submitting that objection.

121 Given this position, I do not consider that their objection could lead me to consider that the SRO should not be made.

## **SRO Conclusions**

122 I conclude that the requirements of sections 14(6) and 125(3) of the Highways Act 1980 would be met by the SRO, modified in accordance with document MOD6 and it is necessary for the implementation of the Scheme. I conclude that the SRO, subject to the modifications set out above, should be confirmed.

## **INSPECTOR'S RECOMMENDATIONS**

123 I recommend that The Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023, modified in accordance with document MOD5 be confirmed.

124 I recommend that The Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023, modified in accordance with document MOD6 be confirmed.

*S Dean*

INSPECTOR

---

<sup>67</sup> ID11, ID12

<sup>68</sup> ID13, RP1, LCC1, ID12, ID11

<sup>69</sup> OBJ1



## **APPENDICES**

### **APPENDIX 1 - APPEARANCES**

#### **For Leicestershire County Council**

Mr S Randle	instructed by
Mr R Stracey	Solicitor of Trowers & Hamlins LLP

He called:

Ms A Carruthers	Director of Environment and Transport, Leicestershire County Council
Mr M Dazeley	Regional Director, AECOM
Mr B McGrath	Associate Director, Waterman Aspen
Mr N Billingsley	Equity Partner, Bruton Knowles Limited
Ms E Portsmouth	Chartered Principal Planner, AECOM
Mr N Weir	Landscape Architect, AECOM

#### **For the Objectors**

Mr A Connors	OBJ7
Ms A Connors	OBJ7

### **APPENDIX 2 - INQUIRY DOCUMENTS**

ID1	Notice of Public Inquiry
ID2	Inspector's Pre-inquiry note
ID3	Compliance with statutory requirements
ID4	Counsel for LCC – Opening remarks
ID5	List of Appearances for the Acquiring Authority
ID6	Note on Inquiry Procedure
ID7	Letter of Undertaking (re Plot 018)
ID8	Updated Note on Inquiry Procedure
ID9	Letter of Comfort re Measures
ID10	OBJ7 Planning Application Ref 24/00531/FUL
ID11	Letter to Inspector updating on objections
ID12	Counsel for LCC – Closing remarks
ID13	LCC Statement of Case <sup>70</sup>

---

<sup>70</sup> I have given this document an Inquiry Document reference number as it was before me, but is not otherwise listed in the Core Document library.

---



### **APPENDIX 3 – CORE DOCUMENTS**

#### Order Documents

- OD1 CPO Order and Schedule
- OD2 CPO maps (the "Order Land")
- OD3 CPO Notices
- OD4 SRO Order, Schedule and Plan Folio
- OD5 SRO maps
- OD6 SRO Notices
- OD7 Statement of Reasons
- OD8 Relevant Date Letter
- OD9 Scheme Plans

#### Original Bardon Link Road Planning Permission

- P1 Decision Notice
- P2 Planning Statement
- P3 Application form
- P4 Statement of Community Engagement
- P5 Transport Assessment
- P6 Biodiversity Net Gain (BNG) Assessment and Report
- P7 Arboricultural Impact Assessment
- P8 Phase 1 Desk Study (Geotechnical and Geo-environmental)
- P9 Protected Species Report - Bat Survey Report (Structures and Buildings)
- P10 Protected Species Report - Bat Preliminary Roost Assessment
- P11 Protected Species Report - Reptiles
- P12 Protected Species Report – Riparian mammals
- P13 Preliminary Ecological Appraisal
- P14 Aquatic Ecology Survey Report
- P15 Air Quality Assessment
- P16 Aquatic Ecology Survey Report
- P17 Flood Risk Assessment and Outline Drainage Strategy (Option 9)
- P18 Heritage Statement
- P19 Noise Assessment
- P20 Landscape and Visual Appraisal
- P21 Overview Plan
- P22 Landscape Masterplan
- P23 Committee Report
- P24 Location Plan
- P25 Planning Drawings
- P26 Flood Risk Assessment and Outline Drainage Strategy

#### Section 73 Bardon Link Road Planning Permission

- P27 Decision Notice
- P28 Cover Letter
- P29 Biodiversity Net Gain Report
- P30 Arboricultural Impact Assessment Addendum
- P31 Flood Risk Assessment
- P32 Landscape and Visual Appraisal Addendum
- P33 Overview Plan
- P34 Landscape Plan
- P35 Delegated Report
- P36 Biodiversity Metric Spreadsheet



- P37 Planning Drawings
- P38 Landscape Design Masterplan Sheets
- P39 Section 106 Agreement

#### Legislation

- L1 The Highways Act 1980
- L2 The Acquisition of Land Act 1981
- L3 Town and Country Planning Act 1990
- L4 New Roads and Street Works Act 1991
- L5 The Human Rights Act 1998 (incorporating the European Convention on Human Rights (as amended) (2021))
- L6 The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 9 Class A
- L7 The Highways (Inquiries Procedure) Rules 1994
- L8 The Compulsory Purchase (Inquiries Procedure) Rules 2007
- L9 Environment Act 2021
- L10 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 Part 2, Regulation 6
- L11 The Town and Country Planning General Regulations 1992 Regulation 3
- L12 Equality Act 2010 Section 149
- L13 Land Compensation Act 1961
- L14 Compulsory Purchase Act 1965
- L15 Land Compensation Act 1973
- L16 Planning and Compulsory Purchase Act 1991
- L17 Planning and Compulsory Purchase Act 2004
- L18 Climate Change Act 2008 (2050 Target Amendment)

#### National Policy and Guidance

- NP1 Major Road Network and Large Local Majors Programmes: programme investment planning (2018)
  - NP2 Guidance on Compulsory purchase process and The Crichel Down Rules (2019)
  - NP3 Circular No. 2/97, Department for Transport Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority
  - NP4 Transport Analysis Guidance – Transport Appraisal Process, Department for Transport
  - NP5 The National Planning Policy Framework (2023)
  - NP6 Network North: Transforming British Transport (2023)
  - NP7 Noise Policy Statement for England
  - NP8 Planning Practice Guidance on Noise (PPG-N), Department for Communities and Local Government
  - NP9 Publicly Available Standard (PAS) 2080: 2023 Carbon Management in Buildings and Infrastructure
  - NP10 Not used
  - NP11 National Policy Statement for National Networks (NPSNN), Department for Transport (2024)
  - NP12 Transport Decarbonisation Plan (TDP), Department for Transport (2021)
  - NP13 Sixth Carbon Budget, Climate Change Committee (December 2020)  
The Sixth Carbon Budget – The UK's path to Net Zero
  - NP14 Guidance for Landscape and Visual Impact Assessment (GLVIA3) third
-



---

	edition guidance
NP15	Air Quality Strategy (AQS)
NP16	Planning Practice Guidance – Air Quality
NP17	National Highways Design Manual for Roads and Bridges (DMRB) LA105 Air Quality and technical guidance, Defra
NP18	British Standard 42020:2013 Biodiversity
NP19	Transport Analysis Guidance Units, Department for Transport
NP20	Early Assessment and Sifting Tool (EAST), Department for Transport
NP21	Design Manual for Roads and Bridges
NP22	Flood risk assessments: climate change allowances, Environment Agency
NP23	BS 5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites'
NP24	Forthcoming change: modelling guidance updates, Department for Transport
NP25	Value for Money Framework, Department for Transport
NP26	Transport Analysis Guidance Uncertainty Toolkit, Department for Transport
NP27	Transport Analysis Guidance – the Transport Appraisal Process, Department for Transport
NP28	Benchmarking the latest generation of 2D hydraulic modelling packages, Environment Agency
NP29	Flood Estimation Guidelines (FEG): Estimation of flood flows following Environment Agency best practice
NP30	Transport orders guidance, Planning Inspectorate

#### Local Policy and Guidance

LP1	Leicester and Leicestershire Enterprise Partnership (LLEP) Strategic Economic Plan 2011-2020
LP2	North West Leicestershire Infrastructure Delivery Plan (2022)
LP3	NWLDC Local Plan (as amended by the Partial Review) (March 2021)
LP4	Local Development Scheme 2018 – 2021
LP5	Leicestershire Local Transport Plan 3 (2011)
LP6	Leicestershire Highway Design Guide, Interim Guidance (2022)
LP7	Interim Coalville Transport Strategy (2021)
LP8	Good Design for North West Leicestershire: Supplementary Planning Document, (2017)
LP9	North West Leicestershire Cycling Strategy, Part 1: Coalville Supplementary Planning Document (2018)
LP10	Net Zero Carbon Roadmap
LP11	North West Leicestershire Economic Growth Plan Evidence Base 2022- 2025
LP12	Net Zero Leicestershire Strategy 2023-2045
LP13	Leicester, Leicestershire and Rutland Biodiversity Action Plan 2016–2026
LP14	Hugglescote and Donington le Heath Neighbourhood Plan

#### Scheme Assessment and Decision Making

SA1	Council Cabinet Report (March 2022)
SA2	Council Cabinet Report (15 September 2023)
SA3	Bardon Road Bridge Option Report (2021)
SA4	Strategic Outline Business Case (July 2019)
SA5	Outline Business Case (July 2020)
SA6	Options Assessment Report (OAR) (December 2019)

---



- SA7 Junction Option Feasibility Report (Stage 1) (2017)
- SA8 Equality & Human Rights Impact Assessment (last updated March 2024)
- SA9 Carbon Management Plan (November 2022)
- SA10 Appraisal Specification Report (June 2019)

Objections Received

- OBJ1 WM Morrisons
- OBJ2 Mr and Mrs Measures
- OBJ3 Network Rail Infrastructure Limited
- OBJ4 North West Leicestershire District Council
- OBJ5 Wilson Enterprises Limited
- OBJ6 Cadent Gas Limited
- OBJ7 Ms Connors

Proofs of Evidence

Leicestershire County Council

- LCC1 Promoter Proof of Evidence (and Summary)
- LCC2 Traffic Proof of Evidence (and Summary)
- LCC3 Scheme Engineer Proof of Evidence (and Summary)
- LCC4 Land Agent Proof of Evidence (and Summary)
- LCC5 Planning Proof of Evidence (and Summary)

Objectors

- OP1 OBJ5 Proof of Evidence
- OP2 OBJ5 Letter

Leicestershire County Council Rebuttals

- RP1 Promoter Rebuttal Proof of Evidence

**APPENDIX 4 – MODIFIED ORDER DOCUMENTS**

- MOD1 Modified CPO Documents: Order, Schedule, Maps and Correspondence
- MOD2 Modified SRO Documents: Order, Schedule, Maps and Correspondence
- MOD3 A511 Department for Transport Query letter
- MOD4 Letter to NCTU re modifications
- MOD5 Updated Modified CPO Documents: Order, Schedule, Maps and Correspondence
- MOD6 Updated Modified SRO Documents: Order, Schedule, Maps and Correspondence



