

Leicestershire County Council

A6006 Zouch Bridge Replacement

The Leicestershire County Council  
(Zouch Bridge Replacement)  
Compulsory Purchase  
Order 2017

Statement of Reasons

October 2017

# **The Leicestershire County Council (Zouch Bridge Replacement) Compulsory Purchase Order 2017**

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## **1. DESCRIPTION & LOCATION OF THE ORDER LAND**

- 1.1 This statement describes the land to be compulsorily acquired ("the Order Land") under the Leicestershire Council (Zouch Bridge Replacement) Compulsory Purchase Order 2017 ("the Order") (**Appendix A**) and sets out Leicestershire County Council's ("LCC") purpose in seeking its acquisition. The statement sets out the justification for the use of compulsory purchase powers, namely to facilitate the construction of a replacement for the existing Zouch Bridge across the River Soar linking Leicestershire and Nottinghamshire, and is to the south of the existing bridge which shall be closed to traffic and dismantled upon completion of the new bridge (see consultation plan annexed) ("the Scheme"). The statement goes on to describe the scheme and explain the planning position and the wider policy context. Other matters referred to in this statement include funding issues, human rights and other special considerations.
- 1.2 The Order Map ("the Map") (**Appendix B**) (shows land for acquisition as coloured pink and rights for creation/acquisition coloured blue. This extends to an area of 0.8309 hectares (8309 square metres or thereabouts). The Order Land is in 4 separate plots and covers a distance of a maximum of 18 metres to the south side of the proposed highway in accordance with section 249 of the Highways Act 1980.
- 1.3 As the Order Land includes land within the administrative areas covered by Leicestershire County Council and Nottinghamshire County Council, both authorities have put in place an agreement under section 8 of the Highways Act 1980 enabling LCC to promote the associated Statutory Orders (see section 12 below) outside its administrative area.
- 1.4 On 5 February 2016, LCC resolved to promote the Order and associated Statutory Orders (see section 12 below) in respect of the Scheme.

## **2. DESCRIPTION OF PRESENT LAND OWNERSHIP POSITION**

- 2.1 The Order Land is in 2 different ownerships.
- 2.2 Full details of the Order Land appear in the Schedule to the Order. Details of known interests and new rights to be acquired are recorded in the Schedule to the Order. The Order Land is in 2 separate ownerships (both freehold and leasehold). This Schedule has been prepared based upon information gathered through inspection of Land Registry title documents and information provided by owners and occupiers following the service of section 16 requisitions under the Local Government (Miscellaneous Provisions) Act 1976.

## **3. THE NEED FOR THE SCHEME**

- 3.1 The existing Zouch Bridge to the north east of the village of Hathern carries the A6006 over the River Soar.

- 3.2. The existing bridge was constructed in 1930 and, despite several repair schemes over recent years, continues to deteriorate to a state where it is now considered to be nearing the end of its useful life and requires replacement.

### 3.3 **SCHEME OBJECTIVES AND BENEFITS**

- 3.3.1. The objective of the scheme is to replace the bridge with minimal disruption to the travelling public and without the need to implement lengthy traffic diversions. The County Council has concluded that the best method of achieving this is to acquire the land to the immediate south of the existing A6006 in order to construct an off-line replacement of the bridge and to construct the necessary realignment of the approach roads.

## 4. **DESCRIPTION OF THE SCHEME PROPOSALS**

### 4.1 **GENERAL**

- 4.1.1. A plan of the proposed scheme is shown in **Appendix H**. The carriageway will remain a single 6.6 metre wide single carriageway
- 4.1.2. A shared 3.0 metre wide footway/cycleway will be provided along the length of the new bridge in order to 'future-proof' the bridge for the possible future provision of a combined footway/cycleway in the future.
- 4.1.3. It is proposed to extend the current 40mph speed limit from Zouch village across the bridge to the west. The remainder of the road, between the new extent of the 40mph limit and the junction between the A6006 and the A6 to the west will remain de-restricted with the national speed limit of 60mph for a single carriageway road.
- 4.1.4. Over the length of the realigned carriageway it is proposed that the existing accesses and Public Rights of Way will remain but will be improved and realigned to meet current Design Standards.

### 4.2. **WATERCOURSES**

- 4.2.1 The existing bridge which carries the A6006 over the River Soar is a ten span concrete structure of cumulative span 80 metres. The River Soar is crossed by two main river spans with the remaining three spans and five spans acting as flood spans on the Leicestershire and Nottinghamshire sides of the river respectively.
- 4.2.2 The span arrangement of the new bridge will be reduced to three spans comprising a main 31.5 metre span over the River Soar, an 18.0 metre west span and a 24.0 metre east span.
- 4.2.3 The Environment Agency Flood Risk Management Teams have been consulted about the proposals and have given flood risk guidance to ensure that the proposal and the new structure does not increase the flood risk and, where possible, can give a flood risk benefit.

- 4.2.4. The River Soar, at this point, is used by some canal traffic in order to access the various moorings which exist along the River Soar backwater to the south of the bridge. The Canal and River Trust (CRT) have been consulted regarding this aspect.

#### 4.3. **RIGHTS OF WAY**

- 4.3.1 Part of Footpath K78 currently accesses the south side of the A6006 approximately 20m west of the River Soar and will be diverted along the realigned field access as part of the scheme.
- 4.3.2 That part of Footpath K78 which crosses the field immediately to the north of the A6006 on the Nottinghamshire side will be maintained.
- 4.3.3 The redundant area of highway between the access to the Marina and the existing bridge on the Leicestershire side of the scheme will be stopped up.
- 4.3.4 Similarly, the area of redundant carriageway on the north side of the realigned road within Nottinghamshire will be stopped up.

#### 4.4. **LIGHTING**

- 4.4.1 No street lighting is present on the current carriageway and none is proposed for the new scheme.

#### 4.5. **TRAFFIC**

- 4.5.1 No change to the level of traffic flow is expected as a result of the scheme.
- 4.5.2 The reduced speed limit (40mph) from the end of the current 40mph to beyond the western extremity of the scheme is likely to result in reduced vehicle speeds and a commensurate reduction in vehicular noise.

#### 4.6. **RELATED DEVELOPMENT**

- 4.6.1 There is no related development.

#### 4.7. **ENVIRONMENTAL IMPACT & MITIGATION MEASURES**

- 4.7.1 The primary reason for carrying out the Scheme is to replace the existing bridge in a pro-active and planned manner. The Scheme does not intend to offer any particular environmental benefits. Any slightly negative impacts in the vicinity of the realigned carriageway will be offset, as far as possible, by the incorporation of mitigating measures into the Scheme. In accordance with the following sub headings it is anticipated that:-

- **Traffic Noise** - Any impact of traffic noise will be mitigated by the reduction of the speed limit over the entire length of the scheme and suitable planting will be used where the new road alignment passes closer

to the residential properties on Main Street, Zouch.

- **Visual Impact** - The Scheme will create some additional visual intrusion as the chosen route passes nearer to the residential properties on Main Street, Zouch. The mitigating effect given by landscape planting is proposed to minimise the impact of the Scheme.
- **Community Severance** - No impact.
- **Cultural/Heritage/Tourist Areas** - No impact.
- **Pedestrians and Cyclists** - The environment and safety for pedestrians and cyclists will be improved following the construction of the Scheme. Pedestrian and cycling facilities are also proposed across the bridge which will not preclude the future provision of a combined footway/cycleway facility.
- **Ecological Impact** - In general, the nature conservation value of habitats within the survey corridor is relatively low. No evidence of protected species was recorded within the line of the realigned carriageway or the new bridge. However, further survey work is in progress and will also be undertaken prior to the commencement of works to ensure that any protected species that may have subsequently been identified or have moved into the area are properly considered. A scheme of additional mitigation works, as necessary, will then be put forward for inclusion in the Scheme programme.
- **Street Lighting** - None proposed.

## **5. THE JUSTIFICATION FOR COMPULSORY PURCHASE**

- 5.1 The Highways Act 1980 empowers LCC to compulsorily acquire land which it requires to construct and improve the highway.
- i. 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.
  - ii. Section 240 of the 1980 Act allows the Council as highway authority to acquire land which is required for (or in connection with) works authorised by a Side Roads Order relating to a classified road under Section 14 of the 1980 Act.
  - iii. 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 new highway will have on its surroundings.
  - iv. 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.

- 5.2 In view of the need to construct the replacement bridge within the programme (see section 11 below) it was considered prudent to promote the Order for back up purposes in the event that the Order Land could not be acquired by voluntary acquisition alone.
- 5.3 LCC has given careful consideration to the reasons as to why it is necessary to include the land and new rights shown in the Order and on the Order Map. All known or reputed freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with the LCC with a view to agreeing appropriate terms for acquisition of the land and new rights required (see section 10 below).

Plot 1a - An area of land measuring 4209 square metres, currently grassed to the eastern side with areas of woodland to the west, is to be acquired under section 239 of the 1980 Act for the purposes of constructing the proposed highway.

Plot 1b - Rights to construct a private means of access are to be acquired over an area of 877 square metres of land, currently grassed to the eastern side with an area of deciduous woodland to the west, under section 250 of the 1980 Act and under section 240 of the 1980 Act to facilitate the carrying out of works under the Side Roads Order.

Plot 2a - An area of land measuring 2072 square metres, currently a semi-natural deciduous wooded area, is to be acquired under section 239 of the 1980 Act for the purposes of constructing the proposed highway and under section 246 of the 1980 Act for the purposes of mitigation.

Plot 2b - An area of, land measuring 1151 square metres, currently grassed, is to be acquired under section 239 of the 1980 Act for the purposes of constructing the proposed highway and under section 246 of the 1980 Act for the purposes of mitigation.

- 5.4 The purpose of seeking to acquire land and lights compulsorily is to enable the replacement of Zouch Bridge. These proposals would, in the opinion of LCC, meet its statutory purposes within the shortest possible timescale. Without the Order, LCC is unlikely to be able to replace the bridge within the timescales set out in the Programme.
- 5.5 LCC recognises that a Compulsory Purchase Order for the replacement of Zouch Bridge can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in the land and the creation of new rights sought to be acquired. It is considered that such a case has been made and that the replacement bridge shall deliver the outcomes contained in the Local Transport Plan (LTP3) which has a focus upon developing a highway network that promotes short journey times and efficient movement of people and goods both within the County of Leicestershire and beyond it.

- 5.6 On confirmation of the Order, LCC is likely to execute a General Vesting Declaration in order to secure unencumbered title to and possession of the Order Land with the minimum of delay.
- 5.7. The proposed acquisition of the Order Land is based on the Scheme that was granted Leicestershire County Council Cabinet Approval in July 2014.
- 5.8 Confirmation of the Order (and associated Statutory Orders) shall allow:-
- i. the acquisition of land and other rights.
  - ii. the improvement of the A6006 (Classified Road).
  - iii. the construction of a new, realigned highway on both approaches to the new bridge, together with associated works to accesses, highway drainage, diverted rights of way and associated signing and lining.
  - iv. the stopping up of areas of highway rendered redundant by the scheme.
  - v. mitigation of the adverse effect which the existence or use of the highway proposed to be constructed or improved will have on its surroundings.

## **6. THE HUMAN RIGHTS ACT 1998**

- 6.1 The Human Rights Act 1998 requires inter alia that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 ("the Convention").
- 6.2 Article 1 of the First Protocol of the Convention provides: "Every natural or legal person is entitled to peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law".
- 6.3 As the Order Land does not include residential properties it is considered that Article 8 of the Convention which provides: "Everyone has the right to respect for his private and family life, his home and his correspondence" is not directly applicable with respect to this Scheme.
- 6.4 The European Court has recognised that "regard must be had to the fair balance that has to be struck between the 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 Convention's powers. Any interference with a Convention right must be necessary and proportionate.
- 6.5 The Order has been made pursuant to sections 239, 240, 246, 250 and 260 of the 1980 Act which allows LCC to acquire land and new rights compulsorily subject to the procedures laid down by the Acquisition of Land Act 1981. LCC is of the view that in pursuing this Order, it has carefully considered the balance to be struck between individual rights and the wider public interest.



Interference with Convention rights is considered to be justified in order to secure the replacement of Zouch Bridge, which is nearing the end of its useful life, and shall deliver improvements to the quality of the local highway network in line with the objectives of LTP3 which was adopted by LCC in 2011. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

- 6.6 LCC considers that there is a compelling case in the public interest for the making and confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests. If the Order is confirmed, persons whose interests in land have been acquired or whose possession of land has been disturbed will have a right to compensation. The rights of those affected by the Order under the Human Rights Act 1998 in particular the rights contained in Article 1 of the First Protocol, which are the owners of interests in land to be acquired and the owners whose possession of land will be disturbed, have been taken into account by the Council when considering whether to make the Order and when considering the extent of the interests and new rights to be comprised in the Order.

## **7. THE PLANNING POSITION**

- 7.1 A full planning application for the Scheme has been submitted to the appropriate planning authorities, Leicestershire County Council and Rushcliffe Borough Council.
- 7.2 The Order Land encompasses land that is located within the local planning authorities of Leicestershire County Council and Rushcliffe Borough Council. The applications are proceeding and an update shall be provided in due course. LCC is satisfied that the planning application complies with the provisions of the appropriate Development Plan and therefore in accordance with section 38(4) Planning and Compulsory Purchase Act 2004 there is no reason to believe that planning consent shall be withheld for the Scheme.
- 7.3 It is acknowledged by LCC that the Secretary of State would be likely to require an indication that planning permission had been granted for the Scheme prior to any decision to confirm the Order.

## **8. THE FUNDING POSITION**

- 8.1 The Scheme has an estimated capital cost of £3.5m which was included in the Medium Term Financial Strategy Capital Programme of LCC for 2014/15 to 2018/19.
- 8.2 On the basis of the above, LCC is satisfied that funding requirements can be met from current resources and as such funding shall be no barrier to implementation of a confirmed CPO.

## **9. SPECIAL CONSIDERATIONS**

- 9.1 The Order Lands do not include any Listed Buildings, Conservation Areas, Special Category Land or Consecrated Land.
- 9.2 With respect to Ancient Monuments, geophysical and river bed surveys have been carried out along the line of the proposed replacement bridge (which in fact reverts to the line of a previous pre-1930s bridge). These surveys have revealed evidence of the bridge pier from that time and suitable measures shall be considered to take account of these aspects both in preparing the works and carrying them out.

## **10. NEGOTIATIONS WITH LAND OWNERS**

- 10.1 Initial contact and discussions with landowners affected by the Order started in June 2014 and shall continue until such a moment as the Order may be confirmed by the Secretary of State. The negotiations centre upon application of the statutory compensation code as there are no residential properties impacted by the Scheme. No relocation issues arise and the interests of landowners can therefore be compensated by means of financial recompense through the statutory code.

## **11. PROGRAMME**

- 11.1 LCC estimate that the construction of the replacement bridge shall take 15 months to complete. This period will include diverting the existing highway traffic on to the new bridge and the realigned approaches. It will take a further three months to demolish the existing bridge. This 18 month construction period would only be able to commence once the Order and the related statutory orders (see section 12 below) have been confirmed and a further legal process has been undertaken to obtain title and possession of the Order Lands.

## **12. RELATED STATUTORY ORDERS**

- 12.1 The Leicestershire County Council (A6006 Zouch Bridge Replacement, Classified Road) (Side Roads) Order 2017 is also being promoted in connection with this Scheme.
- 12.2 The Leicestershire County Council (Zouch Bridge Replacement) Bridge Scheme 2017 is also being promoted in connection with this Scheme.
- 12.3 These related orders have a Statement of Reasons issued by the County Council which explains the background around the making and promotion of them.

### **13. CONCLUSION**

- 13.1 LCC have concluded that the present Zouch Bridge is nearing the end of its useful life and is in need of replacement. The Scheme to construct a replacement bridge to the south of its present location will maintain an important element of the transport infrastructure that carries the A6006 linking Leicestershire with Nottinghamshire. Constructing the new bridge and opening it to traffic before the closure of the present structure will avoid what would otherwise be lengthy diversionary routes and meets the objectives of the LTP3 Transport Plan to promote an efficient road network for the carrying of people and goods. The Scheme is fully funded, the associated Statutory Orders (SRO and Bridge Scheme) have been promoted by LCC at the same time as the Order and a planning application has been prepared for the Scheme, which is in accordance with Development Plan policy and, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, there is therefore no material reason to suggest planning permission for the Scheme would be withheld. On this basis LCC contends that there are no barriers to implementation of a confirmed Order. LCC has promoted the Order because there is a compelling case in the public interest and shall be inviting the Secretary of State to confirm it on that basis.

### **14. CONTACT INFORMATION**

- 14.1 Any persons who require information about administrative queries surrounding the CPO process can contact the Legal Services Section at Leicestershire County Council by post at Leicestershire County Council, County Hall, Glenfield, Leicester LE3 8RA or by email to [ruth.lea@leics.gov.uk](mailto:ruth.lea@leics.gov.uk)
- 14.2 Copies of the Order, Order Map, Schedule to the Order and this Statement of Reasons can be inspected during normal offices hours at LCC's offices at County Hall, Glenfield, Leicestershire LE3 8RA. Details will also be made available on LCC's website [www.leics.gov.uk](http://www.leics.gov.uk).

### **15. RELEVANT DOCUMENTS.**

- 15.1 This document does not constitute a statutory Statement of Case and, for that reason, LCC reserves the right to add to it and to the documents below as appropriate, nevertheless, the documents below shall be relevant to the promotion of these Orders:-

Appendix A - Compulsory Purchase Order  
Appendix B - Compulsory Purchase Order Map  
Appendix C - Compulsory Purchase Order Statement of Reasons  
Appendix D - Side Roads Order  
Appendix E - Side Roads Order Plan  
Appendix F - Side Roads Order Statement of Reasons  
Appendix G - Bridge Scheme  
Appendix H - Bridge Scheme Plan  
Appendix I - Bridge Scheme Statement of Reasons

Also - LTP3 & Consultation Plan (MC0303.Z1.40.1)

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