

**DEVELOPMENT CONTROL AND REGULATORY BOARD****12<sup>TH</sup> JULY 2018****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2017/0878/02 (LCC Ref no. 2017/Reg3Ma/0097/LCC) – 18 <sup>th</sup> April 2017.
<b>PROPOSAL:</b>	Proposed new bridge over the River Soar along the A6006 at Zouch with realigned carriageways and removal of existing bridge.
<b>LOCATION:</b>	County Boundary between Leicestershire and Nottinghamshire at the point where the A6006 crosses the River Soar at Zouch, to the north of Hathern.
<b>APPLICANT:</b>	Leicestershire County Council
<b>MAIN ISSUES:</b>	Access, noise, landscaping and general local amenity.
<b>RECOMMENDATION:</b>	<b>PERMIT</b> subject to the conditions as set out in the appendix to the main report.

**Circulation Under the Local Issues Alert Procedure**

Mrs B. Newton CC

**Officer to Contact**

Mr J. R. Wright (Tel. 0116 305 7041)  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

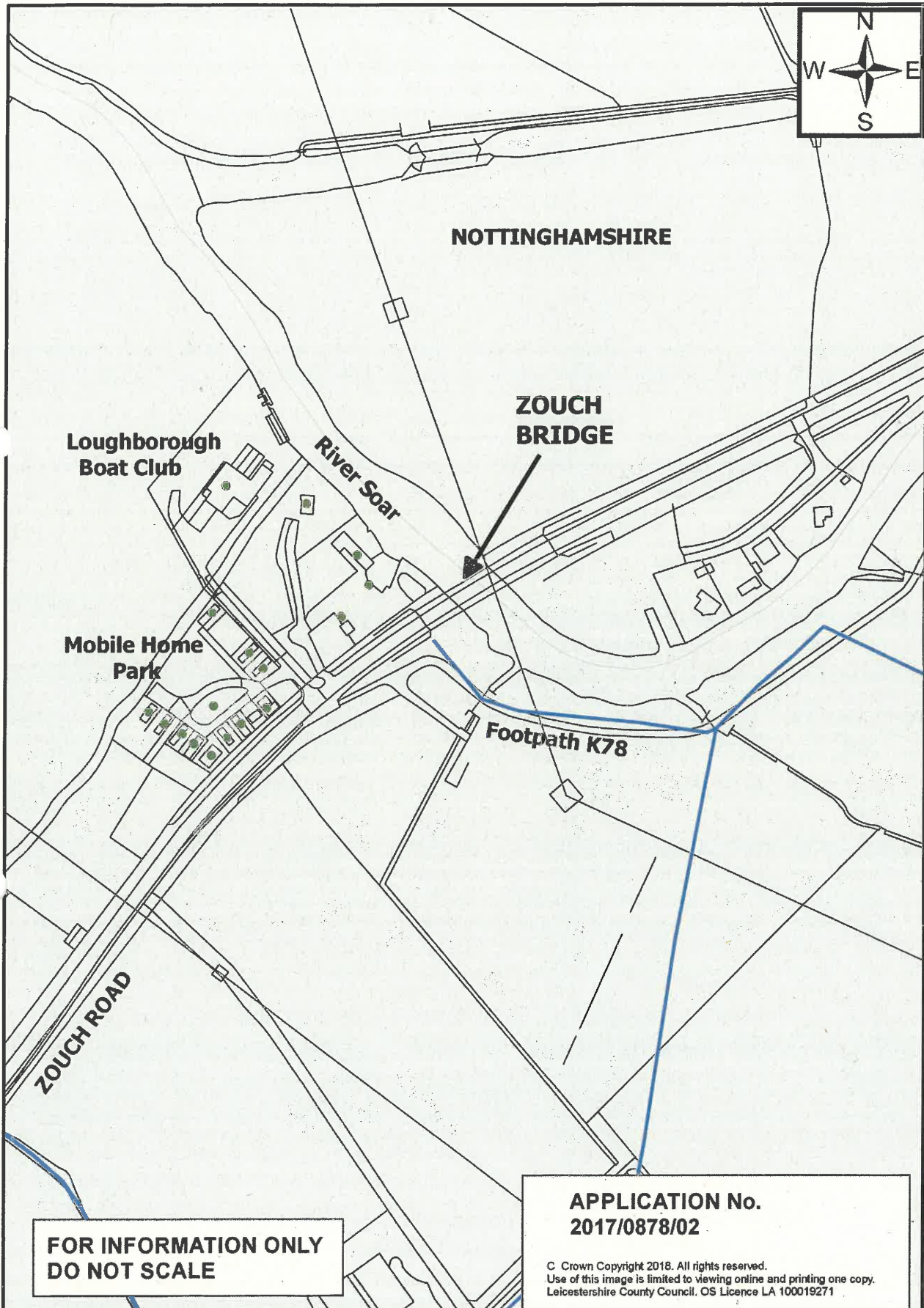
## **PART B – MAIN REPORT**

### **Background**

1. The existing Zouch Bridge carries the A6006 County Road over the River Soar between the Parishes of Hathern (in Leicestershire) and Normanton upon Soar (in Nottinghamshire). The county boundary is the mid-point of the River Soar. The bridge was constructed in 1930 and, despite several repair schemes over recent years, has continued to deteriorate to a state where the structure is considered to be near to the end of its useful life. The Leicestershire Local Transport Plan (LTP3, 2011) identifies the A6006 as being an important route linking the market towns of Loughborough and Melton Mowbray.
2. This conclusion was confirmed in a Special Bridge Inspection Report dated 9<sup>th</sup> February 2013. The report stated that *“over the long term, if the bridge is allowed to continue to deteriorate, it is inevitable that a weight limit will need to be introduced and eventually the bridge would have to be closed to traffic”*. The report recommended that the bridge be replaced in its entirety.
3. With regard to responsibilities for bridges that cross a county boundary, every alternate bridge is the responsibility of Leicestershire County Council (the County Council) and the intervening bridges are the responsibility of the adjoining authority. In this instance the bridge at Zouch is under the responsibility and control of the County Council which must monitor its condition and maintain and replace as necessary.
4. As the proposed development crosses the boundary between Leicestershire and Nottinghamshire, this application effectively seeks approval for the section of bridge works up to the mid-point of the River Soar, with a matching application having been submitted to the relevant local planning authority in Nottinghamshire, Rushcliffe Borough Council, for development works necessary in that Council's area.
5. As part of the development it may be necessary to compulsorily purchase some land to accommodate the realigned A6006. This is a legal process that is necessary if the County Council cannot agree with the relevant landowner(s) a price for the land needed to accommodate the development.

### **Description of Site**

6. The Application Site includes the proposed new bridge over the River Soar and around 250m of the A6006 carriageway as it approaches the bridge. It also includes land to the south of the current bridge and A6006 where it is proposed to erect new abutments and embankments etc. The land to the south of the bridge is generally in agricultural use, but also includes a section of the River Soar.
7. The existing bridge is aligned northeast-southwest and currently consists of an east abutment, west abutment and nine intermediary piers, three of which are found on the river bed. The existing bridge has a total length of just over 77 m. The overall width of the bridge is just less than 13m. The demolition of the existing structure is to be carried out after the new structure has been constructed and brought into operation.





8. Zouch Marina and County Bridge Mobile Home Park are located immediately to the north west of the site and within Leicestershire, with residential properties bordering the A6006 to the south just across the border within Nottinghamshire.
9. Footpath K78 runs southwards from the A6006 from a location about 50m to the west of the bridge that is to be replaced. This footpath will be affected by the route of the replacement bridge, as will a section of service road that serves about four properties on the Nottinghamshire side of the river.

### **Description of Proposal**

10. This application seeks permission for the erection of an off-line, replacement bridge over the River Soar at Zouch, with associated new road layout, abutments and landscaping.
11. The approach carriageways will be re-aligned in order to link into the proposed replacement bridge and the carriageway width will be maintained throughout. As much of the highway is to be realigned it will be necessary for a Side Roads Order (SRO) to be applied for in order to formally 'stop up' and 'improve' the corresponding lengths of Highway.
12. The proposed new bridge incorporates a carriageway width of 6.6m which is slightly wider than the current 6.575m width. Access into neighbouring properties, connecting roads and adjacent facilities (i.e. the County Bridge Mobile Home Park, the Loughborough Boat Club, Zouch Marina and the field access to the south west of the bridge and the link to Main Street, Zouch and the public car park to the north-east of the bridge) are to be maintained and/or replaced with facilities designed to current standards.
13. The River Soar which flows beneath the existing bridge forms part of a navigable section of the river which links 'the navigation' (according to the Canal and River Trust) to several private moorings along the length of the river immediately upstream (north) of the existing bridge. The minimum headroom of the replacement bridge will be increased from that of the existing bridge and will therefore be sufficient to accommodate river traffic and reduce the impact of the bridge on river flows during flood events.
14. The existing bridge incorporates footways of minimum widths of 2.485m and 2.715m on the north and south sides respectively. The south footway width on the new bridge is to be increased to 3.0m in order to future-proof the bridge to allow the introduction of a pedestrian/cyclist facility if this is required in the future. The 3.0m wide south footway will be incorporated into the scheme for the full extent of the improvement. The north footway will be retained across the bridge and is to be of overall width 2.05m. There is currently no formal footway on the immediate north-west or northeast approaches to the bridge but, as there is evidence of a pedestrian 'desire-line' along these grassed approaches, the proposed scheme incorporates a formal footway on the north side of the carriageway for the full extent of the scheme.
15. The development is likely to require the pollarding of three young trees, which may be black poplars, although formal identification of the species has not been possible due to the immaturity of the trees. The pollarding will stimulate further growth and

extend the life of the trees. Also, some low value shrub vegetation will be removed as part of the development. The applicant proposes replacement planting upon completion of the development.

16. The Application Site is wholly within Flood Zone 3 and therefore a Flood Risk Assessment (FRA) was required to support and justify the proposals. The FRA considers that the proposals meet the Exception Test for development within the functional floodplain as they support important infrastructure that has been designed to reduce flood risk from that caused by the current structure. Upon completion of the replacement bridge to the south of the current one, the existing bridge and carriageway will be removed and the land restored.
17. The construction of the new bridgeworks and carriageway is expected to last up to one year, with a further four months required to remove the existing bridge and embankments. Construction works are proposed between 07:00 and 19:00 hours only.
18. The planning application was accompanied by the following documents:
  - Flood Risk Assessment;
  - Noise and Vibration Assessment;
  - Air Quality Assessment;
  - Design and Access Statement;
  - Ecological Surveys, including great crested newt survey;
  - Transport Statement; and
  - Ancillary technical drawings and plans;

## **Planning Policy**

### **National**

#### **National Planning Policy Framework**

19. The *National Planning Policy Framework* (NPPF) provides the government's policies for the delivery of sustainable development through the planning system. It advocates a presumption in favour of sustainable development and for decision-taking this means (unless material considerations indicate otherwise):
  - approving development proposals that accord with the development plan without delay; and,
  - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies; or
    - specific policies in the NPPF indicate development should be restricted.
20. *Paragraph 18* states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths,

and to meeting the twin challenges of global competition and of a low carbon future. *Paragraph 19* goes on to state that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

### Development Plan

#### Charnwood Local Plan Core Strategy (2015)

21. **Policy CS 2 - High Quality Design** requires new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design and, where appropriate, architectural excellence. Proposals should respond positively to their context and reinforce a sense of place. We will require new developments to: respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements; protect the amenity of people who live or work nearby and those who will live in the new development; function well and add to the quality of an area, not just in the short term, but over the lifetime of the development; provide attractive, well managed and safe public and private spaces; provide well defined and legible streets and spaces that are easy to get around for all, including those with disabilities; and reduce their impacts upon and be resilient to the effects of climate change in accordance with Policy CS16.
22. **Policy CS 11 - Landscape and Countryside** states that the council will support and protect the character of our landscape and countryside by: requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments; requiring new development to take into account and mitigate its impact on tranquillity; requiring new development to maintain the separate identities of our towns and villages; supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS10; supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan; and supporting rural communities by allowing housing development for local needs in accordance with Policy CS3. We will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements.
23. **Policy CS 13 Biodiversity and Geodiversity** seeks to conserve and enhance the natural environment for its own value and the contribution it makes to our community and economy. The council will support developments that protect biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. Development proposals should consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to: Sites of Special Scientific Interest Local Wildlife Sites Regionally Important Geological Sites UK and Local Biodiversity Action Plans priority habitats and species protected species, and ecological networks. The council will only support development that results in the loss of ecological or



geological features in exceptional circumstances where the benefit of development clearly outweighs the impact on ecology and geodiversity. Where there are impacts on biodiversity we will require adequate mitigation; or as a last resort, compensation which results in replacement provision that is of equal or greater value and potential than that which will be lost, and is likely to result in a net gain in biodiversity. We will consider this by requiring development proposals to be accompanied by ecological surveys and an assessment of the impacts on biodiversity and geodiversity. We will also work with our partners to secure long term management and investment plans for biodiversity and geodiversity.

24. **Policy CS 16 - Sustainable Construction and Energy** states that we will adapt to and mitigate against [sic] the effects of climate change by encouraging sustainable design and construction and the provision of renewable energy, where it does not make development unviable. We will do this by: (*inter alia*)
  - supporting developments which take opportunities to reduce flood risk elsewhere.
25. **Policy CS 18 - The Local and Strategic Road Network** states that the council will maximise the efficiency of the local and strategic road network by 2028. We will do this by: delivering sustainable travel improvements in accordance with policy CS17; requiring our strategic developments to deliver an appropriate and comprehensive package of transport improvements in accordance with Policies CS19, CS20, CS21, CS22 and CS23; and requiring other network improvements as identified by appropriate Transport Assessments.
26. **Policy CS 25 Presumption in Favour of Sustainable Development** states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that Framework indicate that development should be restricted

### **Consultations**

#### **Charnwood Borough Council (Planning)**

27. No objection.

#### **Charnwood Borough Council (Environmental Health Officer)**

28. No objection.

2017/0878/02 (2017/Reg3Ma/0097/LCC) – continued

Hathern Parish Council

29. No response received.

Rushcliffe Borough Council

30. No response received.

Leicestershire County Council – Highway Authority

31. No objection subject to a condition requiring a Construction Traffic Management Plan.

Leicestershire County Council – Landscape

32. No objection subject to a condition requiring a landscaping scheme.

Leicestershire County Council – Ecology

33. No objection.

Leicestershire County Council – Heritage Advice

34. No comment.

Leicestershire County Council – Lead Local Flood Authority

35. No objection.

Leicestershire County Council – Public Rights of Way

36. No objection.

Severn Trent Water Limited

37. No objection.

Environment Agency

38. No objection.

Canal and Rivers Trust

39. No comment.

**Publicity and Representations**

40. The application was advertised by site notices and neighbour notification letters posted on 28<sup>th</sup> April 2017. Four representations from local residents have been received, with two raising no objection and two objecting to the proposals on the following grounds:



- The bridge can be maintained and need not be replaced;
- Loss of trees and hedgerows;
- New line of road would bring it closer to houses, increasing noise impacts and reducing value of properties.

### **Assessment of Proposal**

41. This full planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The application seeks permission to erect a new off-line bridge, abutments and realigned carriageways over the River Soar at Zouch, north of Loughborough.
42. The Highway Authority (HA) is responsible for the monitoring and maintenance of the bridge and as part of its routine monitoring regime it has identified that the bridge, which has been in place since around 1930, needs significant maintenance and improvement works and, even with such works, it is likely that a weight restriction would be necessary in the short term and ultimately it would have to close to vehicular traffic. The HA considers that a new, replacement bridge is the best way to ensure that the A6006 through Zouch can remain open to all traffic in the future.
43. The design of the new bridge and carriageway allow them to be erected off-line while the A6006 remains open, with the current carriageway being redirected as soon as the new route is available. Once this new route is open the existing bridge and abutments etc. will be removed. The overall development requires land to be obtained that the HA currently does not own or have control over. Negotiations to obtain the land needed for the new road are ongoing, but may require Compulsory Purchase Orders if agreement cannot be reached with the current landowners.
44. The design of the replacement bridge will increase the clearance over the River Soar, well above the 1 in 100 expected flood event level. The new bridge will also have a significantly reduced footprint within the river channel due to the increased span across the river. While there would be a slight increase in the hardsurfaced area of the bridge over and above the existing, the FRA proposes appropriate sustainable drainage systems (SUDS) to accommodate the increased run-off. The EA and the County Council as the Lead Local Flood Authority consider that the proposals are positive in terms of flood risk and, therefore, it is considered that the proposals conform to Policy CS16 of the Core Strategy.
45. The proposed realigned carriageway will take the road closer to properties on the Nottinghamshire side of the river, which will, in principle, increase noise levels from the road on these properties. It would also take the road further away from properties on the Leicestershire side of the river, where a small reduction in road noise would be realised. A Noise and Vibration Assessment (NVA) has assessed the likely impacts on local properties arising from the construction and future use of the bridge.
46. The NVA is based on two noise assessments undertaken during daytime, evening and nighttime hours. It concludes that for very limited operations, such as breaking up the existing road surface, noise levels may exceed normal threshold values at local properties, but that this would be for very limited periods of time. The NVA considers that due to a lack of reasonable alternatives to the proposed development,

i.e. the new bridge is an essential development, mitigation measures such as temporary acoustic screening may be necessary during the limited very noisy operations. The NVA recommends the prior approval of a Construction Noise Management Plan that will ensure appropriate mitigation measures are in place when necessary.

47. In terms of long-term noise levels arising from road traffic, the NVA concludes that at the majority of the sensitive receptors there will be a beneficial impact with regards to road traffic noise. This is due either to the road being aligned further from the receptors and / or due to the proposed extension of the 40mph speed limit to the west of the proposed new bridge. Only at one receptor is a negligible adverse noise impact predicted. Consequently, no long term noise mitigation measures are required.
48. The NVA considers that temporary piling operations would also affect local residents through noise and vibration, although these impacts would be localised and very short term. The NVA recommends pre-notification to local residents when such works are to take place. Overall the NVA considers that, subject to appropriate mitigation measures, the proposals would not generate unacceptable impacts on local residents by way of noise and vibration. The Charnwood Environmental Health Officer (EHO) has considered the proposals and, subject to conditions, raises no objection.
49. The design of the new bridge and associated landscaping is of an acceptable standard and appropriate for its location. While there will be some impact on trees, shrubbery and open grassland, the impacts are not considered to be significant subject to an appropriate landscaping scheme. In the light of the forgoing it is considered that the proposals do not conflict with policies CS2, CS10 and CS11.
50. The realigned road will require a separate diversion order to realign a short section of Footpath K78. The Highway Authority raises no objection to this, nor has this been a reason for objecting to the proposal by local residents and landowners. It is considered that this relatively minor diversion is acceptable.

### **Conclusions**

51. These proposals will see the replacement of an existing bridge over the River Soar that needs significant maintenance and improvement works with an enhanced bridge design that will ensure longer term access over the bridge for HGVs etc. Without the new bridge it is expected that weight limits will be necessary to protect the integrity of the existing bridge.
52. While the application considers that there may be short-term impacts on local residents from noise and potentially vibration, these can be mitigated to an acceptable level by the use of conditions to require, for example, temporary noise screens etc. The EHO considers the proposals to be acceptable on this basis.
53. The proposals form a key infrastructure development to maintain links between Loughborough and Melton. The development may require the compulsory purchasing of land to allow the realignment of the carriageway unless land purchase deals can be agreed between the County Council and local landowners. The need to

compulsory purchase land, in itself, is not considered to be material to the determination of this application, although the impacts of the scheme that would be developed following such a process are material.

54. Overall it is considered that there are significant public benefits from replacing the bridge at Zouch. Although there will be short-term impacts on local residents, these can be mitigated and are not considered to be significant enough to warrant refusal in this instance. There is no conflict with the Development Plan and it is recommended that permission be granted subject to appropriate conditions.

### **Recommendation**

1. PERMIT subject to the conditions set out in Appendix A.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of:
  - a. How Leicestershire County Council worked with the applicant in a positive and proactive manner:
  - b. In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

**Conditions****Scope of Permission**

1. The development shall be begun within five years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other conditions below:
  - a) The planning application 2017/0878/02 and covering letter;
  - b) Drawing nos;  
MC0303/Z1/40/1 – Consultation Plan dated 07/10/2018;  
MC0303-006D – Side Roads Order Plan dated 11/01/2016;  
MC0303-007 – CPO Plan dated 08/01/2016;  
ZOB-ACM-XX-XX-SK-SE-01701 Rev T2 – General Arrangement dated 03/01/2017;  
ZOB-URS-00-XX-DR-HY-99998 – Revised Highway Alignment dated 18/09/2015;
  - c) Design and Access Statement;  
Air Quality Impact Assessment Rev. 2 by Aecom dated June 2016;  
Transport Statement Rev.4 by Aecom dated March 2017;  
Noise & Vibration Assessment Rev. 4 by Aecom dated March 2017;  
Flood Risk Assessment Rev.3 by Aecom dated June 2017; and  
Approval In Principle Rev. 5 document by Aecom dated January 2018.

**Notification of Commencement**

3. Written notification of commencement of development shall be provided to the County Planning Authority within seven days of such commencement taking place.

**Hours of Operation**

4. No operations associated with the development hereby approved shall take place outside the following hours: Monday to Friday – 07:00 to 19:00 hours. There shall be no working on Saturdays, Sundays or Bank/Public Holidays.
5. Notwithstanding condition 5 above, no piling operations shall take place except between 08:00 and 18:00 hours.

**Highways**

6. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter only be carried out in accordance with the approved details and timetable.



Noise

7. Prior to the commencement of the development, a Construction Noise Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Construction Noise Management Plan shall include details of the mitigation measures to be implemented, monitoring of noise emissions against noise limits, and procedures to follow should complaints be received. The development shall only take place in accordance with the approved Construction Noise Management Plan.

Site drainage

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme
9. No development approved by this planning permission shall take place until such time as a Surface Water Management Scheme for the application site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme.
10. No development approved by this planning permission shall take place until such time as a scheme for the long term maintenance of the surface water drainage system within the development has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme

Landscaping

11. Prior to the commencement of the development, all trees to be retained shall be protected with adequately temporary fencing in accordance with the provisions of BS5837, 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.
12. Prior to the commencement of the development, a landscaping scheme covering all the land affected by the development hereby approved shall be submitted to and approved in writing by the County Planning Authority. The landscaping scheme shall include, as a minimum, details of the species, origin, numbers, size, protection and management of all planting to be undertaken.
13. The landscaping scheme approved under condition 13 shall be implemented in full during the first available planting season and shall be managed for a period of no less than ten years.

Lighting

14. Details of the siting, design, timing controls, luminance, direction of light distribution and the shielding of all means of external lighting shall be agreed in writing with the County Planning Authority before any such provision is made within the development.

**Reasons**

1. For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and to ensure a satisfactory form of development.
3. To allow the County Planning Authority the opportunity to monitor the development.
- 4,5 In the interests of local amenity.  
7&8.
6. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
8. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. (Policy CS16 of the Charnwood Local Plan Core Strategy)
9. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. (Policy CS16 of the Charnwood Local Plan Core Strategy)
10. To establish a suitable maintenance regime that can be monitored over time and that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development. (Policy CS16 of the Charnwood Local Plan Core Strategy)
- 11, 12& In the interests of the landscape and visual amenities of the area and to ensure that all trees to be retained on site are protected during the construction works.  
13. (Policy CS11 of the Charnwood Local Plan Core Strategy)
14. To minimise the adverse impact of light generated by the operations on the local community and environment.

**Notes to the Applicant**

1. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
2. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

3. The scheme submitted under condition 9 shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.
4. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. An environmental permit for a flood risk activity will be required for any proposed works or structures in, under over or within 8 metres of the top of the bank of main river or the landward toe of flood defence

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.





**This page is intentionally left blank**



RUSHCLIFFE BOROUGH COUNCIL

Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG

Rushcliffe  
Borough Council

## NOTICE OF PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990

Leicestershire County Council  
c/o Mr Barry Watson-Evans  
Leicestershire County Council  
Department Of Environment And Transport  
Room 700  
County Hall  
Glenfield  
LE3 8RJ

**REFERENCE NO :** 17/00925/FUL

**APPLICANT :** Leicestershire County Council

**DEVELOPMENT :** Replace Zouch Bridge by constructing an off-line replacement immediately to the south of the existing bridge

**LOCATION :** Zouch Bridge Main Street Zouch Nottinghamshire

RUSHCLIFFE BOROUGH COUNCIL having considered an application, which was validly submitted on 11 April 2017, for the above development hereby in pursuance of their powers under the above-mentioned Act,

## GRANT PLANNING PERMISSION

For the development as described in the application, subject to compliance with the following conditions:

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other conditions below.

a) The planning application 17/00925/FUL and covering letter;

b) Drawing Nos.

MC0303/Z1/40/1 – Consultation Plan dated 07/10/2015;

MC0303-006D – Side Roads Order Plan dated 11/01/2016;

MC0303-007 – CPO Plan dated 08/01/2016;

ZOBR-ACM-XX-XX-SK-SE-01701 Rev T2 – General Arrangement dated 03/01/2016;

ZOBR-URS-XX-DR-HY-9998 – Revised Highway Alignment dated 18/09/2015; and

**Section 6 – Replacement of Zouch Bridge (LCC 303) Habitat Scoping Survey.**

- c) Design and Access Statement;**
- d) Air Quality Impact Assessment Rev. 2 by Aecom dated June 2017; and Approval In Principal Rev. 5 document by Aecom dated January 2018.**

**[For the avoidance of doubt and to ensure a satisfactory form of development].**

- 3. Prior to any demolition or construction work commencing on site a dust management plan shall be submitted to and approved by the Borough Council. The Dust Management Plan shall demonstrate the dust mitigation methods that will be put in place throughout the demolition and construction works. The construction and demolition works shall be undertaken according to the approved details.**

**[In the interests of the amenities of nearby residential properties and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This Condition needs to be discharged prior to work commencing on site to ensure that appropriate mitigation measures have been agreed and implemented through the demolition/construction phases].**

- 4. No development shall commence on the site until such time as a Construction Traffic Management Plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter only be carried out in accordance with the approved details and timetables.**

**[In the interests of the amenities of nearby residential properties and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This Condition needs to be discharged prior to work commencing on site to ensure that appropriate mitigation measures have been agreed and implemented through the demolition/construction phases].**

- 5. Prior to the commencement of the development, a Construction Noise Management Plan shall be submitted to and approved in writing by the Borough Council. The Construction Noise Management Plan shall include details of the mitigation measures to be implemented, monitoring of noise emissions against noise limits, and procedures to follow should complaints be received. The development shall only take place in accordance with the approved Construction Noise Management Plan.**

**[In the interests of the amenities of nearby residential properties and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This Condition needs to be discharged prior to work commencing on site to ensure that appropriate mitigation measures have been agreed and implemented through the demolition/construction phases].**



6. No development approved by this planning permission shall take place until such time as a Surface Water Drainage Scheme has been submitted to, and approved in writing, by the Borough Council. The development shall thereafter only take place in accordance with the approved scheme.

[To prevent increased risk of flooding, and to comply with Policy WET2 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan, this condition needs to be discharged prior to work commencing on site to ensure that any measures needed to mitigate against the risk of flooding can be incorporated into the construction stage].

7. No development approved by this planning permission shall take place until such time as a Surface Water Management Scheme for the application site during construction of the development has been submitted to, and approved in writing by, the Borough Council. The development shall thereafter only take place in accordance with the approved scheme.

[To prevent increased risk of flooding, and to comply with Policy WET2 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan, this condition needs to be discharged prior to work commencing on site to ensure that any measures needed to mitigate against the risk of flooding can be incorporated into the construction stage].

8. No development approved by this planning permission shall take place until such time as a scheme for the long term maintenance of the surface water drainage system within the development has been submitted to, and approved in writing, by the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme.

[To prevent increased risk of flooding, and to comply with Policy WET2 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan, this condition needs to be discharged prior to work commencing on site to ensure that any measures needed to mitigate against the risk of flooding can be incorporated into the construction stage].

9. Prior to the commencement of the development, all trees to be retained shall be protected with adequately temporary fencing in accordance with the provisions of BS5837, 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' and details to be approved in writing by the Borough Council, and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, this condition needs to be discharged prior to work commencing on site to ensure that trees are adequately protected during the construction phase].

10. Prior to the commencement of the development, a Landscaping Scheme

covering the land affected by the development hereby approved shall be submitted to, and approved in writing by, the Borough Council. The Landscaping Scheme shall include, as a minimum, details of the species, origin, numbers, size, protection and management of all planting to be undertaken. The approved Landscaping Scheme shall be implemented in full during the first available planting season following the substantial completion of the development and shall be managed for a period of no less than 10 years, including the replacement of any trees/plants which die, are removed or become seriously damaged or diseased.

[In the interests of amenity and to comply with Policy GP2 (Design and Amenity Criteria) and Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that an acceptable landscaping scheme can be incorporated into the project and implemented without the delay on completion of the work].

Note:-

Prior to submission of the application the proposal was the subject of a Screening Opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and it was resolved that the development was unlikely to have significant effects on the environment and that an Environmental Statement was not required and key issues could be assessed through specialist technical reports. Further discussions have taken place with the applicant and Local Planning Authority in Leicestershire to ensure that a coordinated approach was adopted in the determination of the applications within the respective administrative areas.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

### Notes to Applicant

Your attention is drawn to Condition 2 of this permission which requires development to be carried out in accordance with the various plans and documents submitted to support the proposal. It is recommended in the Noise and Vibration Assessment that local residents are well informed when activities that may produce high noise levels are to be undertaken.

..........

Authorised Officer on behalf of Rushcliffe Borough Council  
30th July 2018

When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at [www.rushcliffe.gov.uk/buildingcontrol](http://www.rushcliffe.gov.uk/buildingcontrol)

## Planning permission

### Part 1 - Particulars of application

Name and address of applicant	Date of application	Application no.
Mr Barry Watson-Evans (Environment & Transport) Leicestershire County Council County Hall Glenfield Leicester	18 <sup>th</sup> April 2017	2017/0878/02 (2017/Reg3Ma/0097/LCC)

### Particulars and location of development:

PROPOSED NEW BRIDGE OVER THE RIVER SOAR ALONG THE A6006 AT ZOUCHE WITH REALIGNED CARRIAGEWAYS AND REMOVAL OF EXISTING BRIDGE - COUNTY BOUNDARY BETWEEN LEICESTERSHIRE AND NOTTINGHAMSHIRE AT THE POINT WHERE THE A6006 CROSSES THE RIVER SOAR AT ZOUCHE, TO THE NORTH OF HATHERN

### Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, and for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 the Leicestershire County Council resolved on 12<sup>th</sup> July 2018 to approve the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

#### Conditions

##### Scope of Permission

1. The development shall be begun within five years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other conditions below:
  - a) The planning application 2017/0878/02 and covering letter;
  - b) Drawing nos;  
MC0303/Z1/40/1 – Consultation Plan dated 07/10/2018;  
MC0303-006D – Side Roads Order Plan dated 11/01/2016;  
MC0303-007 – CPO Plan dated 08/01/2016;  
ZOBR-ACM-XX-XX-SK-SE-01701 Rev T2 – General Arrangement dated 03/01/2017;  
ZOBR-URS-00-XX-DR-HY-99998 – Revised Highway Alignment dated 18/09/2015;
  - c) Design and Access Statement;  
Air Quality Impact Assessment Rev. 2 by Aecom dated June 2016; Transport Statement Rev.4 by Aecom dated March 2017;  
Noise & Vibration Assessment Rev. 4 by Aecom dated March 2017;  
Flood Risk Assessment Rev.3 by Aecom dated June 2017; and Approval In Principle Rev. 5 document by Aecom dated January 2018.



Date: 16 JUL 2018

Director of Law &  
Governance

Application No. 2017/0878/02 (2017/Reg3Ma/0097/LCC)

CONDITIONS CONTINUED

Notification of Commencement

3. Written notification of commencement of development shall be provided to the County Planning Authority within seven days of such commencement taking place.

Hours of Operation

4. No operations associated with the development hereby approved shall take place outside the following hours: Monday to Friday – 07:00 to 19:00 hours. There shall be no working on Saturdays, Sundays or Bank/Public Holidays.
5. Notwithstanding condition 5 above, no piling operations shall take place except between 08:00 and 18:00 hours.

Highways

6. No development shall commence on the site until such time as a construction traffic management plan, including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter only be carried out in accordance with the approved details and timetable

Noise

7. Prior to the commencement of the development, a Construction Noise Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Construction Noise Management Plan shall include details of the mitigation measures to be implemented, monitoring of noise emissions against noise limits, and procedures to follow should complaints be received. The development shall only take place in accordance with the approved Construction Noise Management Plan.

Site drainage

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme
9. No development approved by this planning permission shall take place until such time as a Surface Water Management Scheme for the application site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme.



Date: 16 JUL 2018

Director of Law &  
Governance



Application No. 2017/0878/02 (2017/Reg3Ma/0097/LCC)

**CONDITIONS CONTINUED**

10. No development approved by this planning permission shall take place until such time as a scheme for the long term maintenance of the surface water drainage system within the development has been submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter only take place in accordance with the approved scheme

**Landscaping**

11. Prior to the commencement of the development, all trees to be retained shall be protected with adequately temporary fencing in accordance with the provisions of BS5837, 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.
12. Prior to the commencement of the development, a landscaping scheme covering all the land affected by the development hereby approved shall be submitted to and approved in writing by the County Planning Authority. The landscaping scheme shall include, as a minimum, details of the species, origin, numbers, size, protection and management of all planting to be undertaken.
13. The landscaping scheme approved under condition 13 shall be implemented in full during the first available planting season and shall be managed for a period of no less than ten years.

**Lighting**

14. Details of the siting, design, timing controls, luminance, direction of light distribution and the shielding of all means of external lighting shall be agreed in writing with the County Planning Authority before any such provision is made within the development.

**Reasons**

1. For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and to ensure a satisfactory form of development.
3. To allow the County Planning Authority the opportunity to monitor the development.
- 4, 4.5 In the interests of local amenity.  
7&8.
6. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
8. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. (Policy CS16 of the Charnwood Local Plan Core Strategy)

*Lawen Haslam*

Director of Law &  
Governance

Date: 16 JUL 2018

Application No. 2017/0878/02 (2017/Reg3Ma/0097/LCC)

CONDITIONS CONTINUED

9. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. (Policy CS16 of the Charnwood Local Plan Core Strategy)
10. To establish a suitable maintenance regime that can be monitored over time and that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development. (Policy CS16 of the Charnwood Local Plan Core Strategy)
11. In the interests of the landscape and visual amenities of the area and to ensure  
12. that all trees to be retained on site are protected during the construction works.  
13. (Policy CS11 of the Charnwood Local Plan Core Strategy)
14. To minimise the adverse impact of light generated by the operations on the local community and environment.

In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

Notes to the Applicant

1. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
2. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
3. The scheme submitted under condition 9 shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.
4. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. An environmental permit for a flood risk activity will be required for any proposed works or structures in, under over or within 8 metres of the top of the bank of main river or the landward toe of flood defence



Date: 16 JUL 2018

Director of Law &  
Governance

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

#### **LEICESTERSHIRE ACT 1985 – ACCESS FOR FIRE BRIGADE**

Where the permission granted is for or includes the erection or extension of a building and plans for the work are deposited with the district council in accordance with Building Regulations the district council will be obliged to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.

Date: 16 JUL 2018



Director of Law &  
Governance

**THE HIGHWAYS ACT 1980**  
**THE ACQUISITION OF LAND ACT 1981**  
**THE COMPULSORY PURCHASE ACT 1965**  
**THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**PROOF OF EVIDENCE OF CHRISTOPHER WATERFIELD  
ON BEHALF OF LEICESTERSHIRE COUNTY COUNCIL  
IN RESPECT OF THE FOLLOWING ORDERS:**

**The Leicestershire County Council (Zouch Bridge Replacement) Bridge Scheme 2017**

**Department for Transport Ref: NATTRAN/EM/LAO/144**

**The Leicestershire County Council (A6006 Zouch Bridge Replacement, Classified Road) (Side Roads) Order 2017 – Pursuant to the Highways (Inquiries Procedure) Rules 1994.**

**Department for Transport Ref: NATTRAN/EM/LAO/144**

**The Leicestershire County Council (Zouch Bridge Replacement) Compulsory Purchase Order 2017 – Pursuant to the Compulsory Purchase (Inquiries Procedure) Rules 2007;**

**Department for Transport Ref: NATTRAN/EM/LAO/144**



## Contents

	Page Number
1. Witness Details, Role and Relevant Experience	3
2. Introduction.	3
3. The Enabling Powers.	8
4. Location and Description of the Order Land.	9
5. The Planning Position.	10
6. Purpose of the Orders.	21
7. Description of the Scheme.	23
8. The Need for and Justification of the Zouch Bridge Replacement Scheme	24
9. Justification for the Use of Compulsory Purchase Powers and the SRO	26
10. Transport implications of the scheme.	27
11. Human Rights & Other Special Considerations	28
12. Implementation of the Scheme.	30
13. Response to Objectors.	31
14. List of Documents, Maps or Plans for the Public Inquiry.	35
15. Statement of Truth	36

## **1. Witness Details, Role and Relevant Experience**

- 1.1 **Chris Waterfield, I.Eng., MICE**, Team Manager (Structures & Street Lighting), Leicestershire County Council.
- 1.2 I have worked for the Council for 31 years, specialising in bridge design and maintenance. I have extensive experience in major bridgeworks, having designed a number of large structures and been responsible for numerous bridge maintenance projects throughout the county.
- 1.3 For the last 15 years, I have been a Team Manager responsible for the Council's highway-related structures, including inspection, assessment, maintenance and eventual replacement – firstly for the north of the county and latterly, since 2015, I have been solely responsible for the management of these assets.
- 1.4 My role is to consider the current condition of the asset stock and to decide what maintenance interventions are appropriate for each structure and with what priority. I am responsible for developing the annual bridge maintenance programme based on these priorities and for seeking the necessary funds and permissions required.
- 1.5 Within my team individual engineers are responsible for structures. Barry Watson-Evans is the engineer directly responsible for the Zouch Bridge and I have worked closely with him during the development of the proposals

## **2. Introduction.**

- 2.1 This Proof of Evidence ("Proof") has been prepared on behalf of Leicestershire County Council (the "Council"). It has been produced pursuant to an agreement between Leicestershire County Council and Nottinghamshire County Council under Section 8 of the Highways Act 1980 by which Nottinghamshire County Council has delegated to the Council its powers in respect of the provision of the Scheme within the Orders as published. The need for that arises from the fact that the boundary between the two authorities runs along the centre line of the watercourse over which the existing bridge is located and that will be replicated with the replacement bridge. In 1973, however an agreement between the two County Authorities did give control of the bridge itself to the Council to maintain, with the approach roads on either side being the responsibility of the individual authorities. The Council is therefore authorised and able to promote and pursue the Scheme as indicated within the Orders, including any necessary Public Inquiry in its own name on behalf of both

County Councils. For the avoidance of doubt Nottinghamshire County Council is aware of the detail of the Scheme and is fully supportive of it.

- 2.2 This Proof is produced in the Council's capacity as the acquiring authority pursuant to Compulsory Purchase (Inquiries Procedure) Rules 2007, in its capacity as Highways Authority pursuant to the making of a Sides Roads Order under Section 14 and 125 of the Highways Act 1980 under the Highways (Inquiries Procedure) Rules 1994 and also as the promoter of the Zouch Bridge Scheme to allow for the construction of the bridge over the navigable River Soar under Section 106 of the Highways Act 1980. This Proof should be read with the Statement of Case and the three separate Statement of Reasons which have been produced to accompany the publication of the Orders themselves.
- 2.3 On the 10<sup>th</sup> April 2017 planning permission for the replacement of an existing bridge, including the redirection of the approach roads, was applied for by the Council. Given that the location of the site of the development crossed the boundary between the two Counties, the application was made to Leicestershire County Council and also to Rushcliffe Borough Council within Nottinghamshire. Prior to the applications being made the Council made a request for a scoping opinion to both planning authorities to determine if an Environmental Impact Assessment was required in respect of the works. The planning department of the Leicestershire County Council replied on the 3<sup>rd</sup> June 2016 and Rushcliffe Borough Council on the 27<sup>th</sup> May 2016 that there was no requirement for any such Assessment to be carried out.
- 2.4 The application for planning permission has therefore been with the relevant authorities since that time and has been under active consideration since. There has been ongoing correspondence between the Council as applicant and the planning authorities to consider consultee responses. The Council can confirm that all matters relevant to the planning permission have been undertaken and that no further information has been requested. There are no outstanding objections to the grant of planning permission. The Council's Development Control & Regulatory Board considered the application under Regulation 3 of the Town & Country Planning General Regulations 1992 on 12<sup>th</sup> July 2018 and granted permission for the scheme. The Council understands that Rushcliffe Borough Council will consider the application shortly; which I return to in paragraph 5.3 below. The Officers report and planning permission is contained within Document 22 on the list given in section 14 of this Proof and the information has also been placed on the Scheme website.

- 2.5 On the 6<sup>th</sup> October 2017 the Council made the Leicestershire County Council (Zouch Bridge Replacement) Scheme 2017, the “Scheme”, and the Leicestershire County Council (A6006 Zouch Bridge Replacement, Classified Road) (Side Roads) Order 2017, the “SRO” . On 6<sup>th</sup> November 2017 the Council made the Leicestershire County Council ( Zouch Bridge Replacement) Compulsory Purchase Order 2017, the “CPO”; collectively the Scheme, the SRO and the CPO will be referred to as the “Orders”.
- 2.6 The Orders were made pursuant to the Council's resolutions in relation to the Scheme. The first resolution was dated the 4<sup>th</sup> February 2014 under which authority was given for the scheme to replace the Zouch Bridge (the Scheme), followed by a resolution on 15<sup>th</sup> July 2014 under which authority was given to pursue a CPO if acquisition by agreement failed for the Scheme and more recently under the resolution dated the 5<sup>th</sup> February 2016. The latter decision authorised the activity required to pursue the Orders to bring forward the Scheme itself. Additionally the Cabinet consideration of the Council's Medium Term Financial Strategy on 9<sup>th</sup> February 2018 confirmed the funding for the Scheme. The various reports including the resolutions are listed as supporting Documents 15 and 16 in the list of documents of this Proof.
- 2.7 The Orders have been made to enable construction and operation of the Scheme following the grant of planning permission.
- 2.8 The Orders were submitted to the Secretary of State for Transport, National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR in December 2017 for confirmation. The Department for Transport has issued an acknowledgement letter dated the 5<sup>th</sup> January 2018 indicating that objections have been received to the SRO and CPO, although none to the Scheme, and accordingly a Public Inquiry is to be held in respect of them unless all statutory objections are withdrawn.
- 2.9 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Orders to secure the outstanding land and property rights and interests (the “Order Land”) as described in the schedule to the Order and shown on the map referred to in the Order (the “Order Map”) and for the purposes of implementing the Scheme.

- 2.10 The A6006 is an integral part of the road network and the bridge at Zouch provides the means to cross the River Soar and thereby provide a strategic connection between Leicestershire and Nottinghamshire. The bridge is therefore a strategically important piece of infrastructure in the context of the regional economy. The A6006 is part of the network signed to direct traffic from the south to the East Midlands Airport.
- 2.11 The current traffic flows recorded west of the bridge demonstrate that the road is well used carrying the level of flow to be expected for a road of this nature when assessed against flows for a new road within the Design Manual for Roads and Bridges. Taking into account future growth between now and the design year of 2033 would see additional traffic seeking to use this route irrespective of whether the Scheme is provided or not.
- 2.12 The bridge itself was constructed in 1930 and is now, as shown by the Condition Survey (Special Bridge Inspection Report) carried out in 2013, reaching the end of its useful life given that the anticipated future repairs would not be economic to undertake. The Condition Survey (Special Bridge Inspection Report) is enclosed as Document 17 in the list of documents to this Proof. The bridge, following years of extensive and costly repairs, which are well documented (see the Schedule of Maintenance Works at Document 18 in the list of documents to this Proof) and will be described in the evidence, is in need of replacement. Given that it is not economic to continue to repair the structure it is inevitable that it is only a question of time before it fails. Options to limit traffic over the bridge would fundamentally conflict with the strategic nature of the road and consequently the traffic it carries and closure without re-provision would necessitate a lengthy and expensive diversion for such users.
- 2.13 The decision to seek planning permission for a replacement structure south of the existing bridge is recognition of the need to replace the bridge given its condition and anticipated life span. The decision to provide for the replacement to the south of the existing structure, which requires land to be acquired, avoids the inevitable and expensive costs of having to divert traffic away from the bridge, along a route described in paragraph 10.3 below, during the construction period if it was built on line. The anticipated construction period, given the constraints arising from the locality, as well as the services it carries including not only the gas main but the usual water main and in addition the overhead power line would mean the road being closed for a period assessed to be in the region of 18 months.



- 2.14 As such the only realistic and cost effective option is to seek to provide the replacement bridge off line which enables the current bridge to be used up until the time that the new bridge is built and can be made available for traffic.
- 2.15 The provision of a new bridge would serve to minimise future reactive and emergency maintenance work, both of which have been necessary on a frequent basis during recent years. These have required various levels of traffic management and will have had a negative impact on journey times.
- 2.16 The Order Land falls within two ownerships. Two objections have been received by the Department for Transport with both being considered to be from Statutory Objectors. These objections appear to relate principally to the CPO although certain matters are also raised in respect of the SRO. There do not appear to be any objections to the Bridge Scheme itself which is consistent with the response that has been received in respect of the planning application.
- 2.17 One of the objectors has raised the possibility of an alternative to the published scheme and the Council has spoken with the objector and is in the process of producing a stand-alone Alternative Assessment of the suggestion made by him. In the Council's view that option is not acceptable and not worthy of further consideration but all relevant information will be set out in that separate document.
- 2.18 An objection made by the occupier of a house south of the Scheme, comes from a relative of the owner of the land marked plot number 'Plot 2b' on the CPO Order Plan. That objection relates to the effect of the Scheme on 'Plot 2b' which is land that the objector currently occupies. The basis of his occupation is not known as to whether he is residing as a tenant and if so on what terms or under some other arrangement. The Department for Transport has indicated that he is a Statutory Objector.
- 2.19 The objections were identified in the Statement of Case and this Proof will simply update that information
- 2.20 The Statement of Case sets out the full particulars of the Council's case for the making and confirmation of the Orders. In the evidence produced by the various witnesses on behalf of the Council, the Council will seek to identify and address any outstanding issue which has been raised by the objectors. By following that course of action, the Council hope to avoid the need to produce additional rebuttal evidence to the Inquiry. That approach would not apply to any new points raised at the Inquiry itself then the Council reserves the right to deal with any new point.

- 2.21 The following table gives the details of the witnesses and the areas of expertise that they will cover in their separate Proofs of Evidence:-

<b>Witness</b>	<b>Area of expertise</b>
Barry Watson-Evans (The Council)	Project Management
Karen Notman (AECOM)	Engineering and Project Management (including the assessment of the proposed alternative scheme and the effect on traffic).
Wendy Crawford (The Council)	Landscape & visual impact
Fay Bull (AECOM)	Flooding
Alf Maneylaws (AECOM)	Noise and Vibration
Elisha Coutts (AECOM)	Air Quality

### **3. The Enabling Powers.**

- 3.1 The Highways Act 1980 empowers the Council to acquire land compulsorily which it requires to construct and improve a highway.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

- 3.7 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.
- 3.8 Section 125 of the 1980 Act empowers the Council to deal with any private means of access affected by the new road including the provision of a new means of access.
- 3.9 Section 106(3) of the 1980 Act provides for the Council to adopt a scheme to provide for a bridge over a navigable river as part of the provision of a new road.
- 3.10 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 enjoys as a Highway Authority and those delegated to it by Nottinghamshire County Council to provide the Scheme that would meet its statutory purposes.

#### **4. Location and Description of the Order Land.**

- 4.1 Zouch is a hamlet within the parish of Sutton Bonington and is located between the villages of Hathern and Normanton-on-Soar. The River Soar marks the County boundary. The whole area sits within the floodplain of the river and it is therefore fairly flat but with a gradual fall from south to north.
- 4.2 The river, which runs through Zouch has three separate channels, consisting of the Zouch cut canal north of the bridge, a smaller central stream to the east and then the main river which flows beneath the bridge itself.
- 4.3 The main river and the canalised section are used to various extents by boats. Immediately adjacent to the northern side of the bridge is the Marina where canal boats are often moored, and further to the north is the Loughborough Boat Club. To the west of the Marina is the County Bridge Mobile Home Park and other than the four residential properties located to the south of the eastern approach road to the bridge there are no other residential properties in close proximity.
- 4.4 The bridge crossing the River Soar which carries the A6006 was built in 1930 and that replaced an earlier structure that was located to the south of the current bridge. In times of lower water levels, it is possible to see the remnants of the bridge supports for that former bridge in the river itself about 10 metres to the south of the bridge. The Scheme will move the bridge back to the south but will not interfere with that existing, albeit submerged former bridge support. In fact, both the Environment

Agency (EA) and the Canal and River Trust (CRT) are seeking the removal of the former bridge support as part of the scheme.

- 4.5 The current road is subject to the national speed limit but with the Scheme in place that will be reduced down to 40 miles per hour consistent with other stretches of the road.
- 4.6 The road links the major centres of Leicester, via the A6 to the south with Nottingham to the north east. The road is signed from the south as a route to the East Midlands Airport. The Scheme is not anticipated to alter the current traffic flows or the choices that drivers make in route selection but will provide a new facility which will avoid the closures and restrictions inherent with seeking to carry out repairs to the bridge.
- 4.7 The areas of land required for the Scheme are all located south of the existing road. Those areas to the west of the river are used for agricultural purposes although the EA has constructed a levy along part as flood prevention measures. The area of land to the east of the river consists of a variety of land uses. Adjacent to the river it resembles semi natural woodland whereas to the east is appears to be in a more domestic agricultural use as pasture land. There are no buildings on any part of the Order Land although there are two greenhouse type structures in the pasture area.
- 4.8 The Statutory Undertaker's apparatus that are carried by the bridge include a National Grid medium pressure gas main, STW water mains and British Telecom cables. A schedule is provided as Document 19 in the list of documents to this Proof. The scheme will require the services to be diverted on to the new bridge upon completion and prior to the demolition of the existing bridge.

## **5. The Planning Position.**

- 5.1 The Scheme promoters made two planning applications, both dated 11<sup>th</sup> April 2017. The identical application for the Zouch Bridge Replacement Scheme was made to Leicestershire County Council Planning Authority with reference number 2017/0878/02 and to Rushcliffe Borough Council Planning Authority with reference number 17/00925/FUL.
- 5.2 The Planning Application with reference number 2017/0878/02, validated on 11<sup>th</sup> April 2017, was determined by Leicestershire County Council Planning Authority on 12<sup>th</sup> July 2018. The application was granted approval subject to conditions. A copy of the Planning Decision Notice is attached to this proof as Document 22.

- 5.3. Although the consideration of the planning application made to Rushcliffe Borough Council is still outstanding the applicant has received a letter dated 27<sup>th</sup> July 2018 from the manager responsible for planning, Andrew Pegram, Service Manager Communities. The letter indicates that the decision will be made within a matter of a few days and that the officer is minded to approve the application. It is noted that the application will be made by officer delegated decision. A copy of the letter is attached to this proof as Document 23.
- 5.4 The following paragraphs provide an overview of the various applicable planning and related policies as contained within the published documentation which demonstrate how the Zouch Bridge Replacement Scheme is consistent with and will contribute to meeting national and local priorities. Although the grant of planning consent by LCC and the anticipated action by Rushcliffe Borough Council will demonstrate the acceptability of the Scheme in planning terms in the public interest I have retained the description of the planning matters to help inform the decision. Given that situation, namely the likely existence of planning permission by the time the Inquiry opens, LCC has not thought it necessary to produce a separate planning witness. Should it prove necessary to have such expertise then the Council will make it available.
- 5.5 Although the consideration of the planning application made to Rushcliffe Borough Council is still outstanding, in the promoter's view there are no reasons arising from a consideration of the planning policy position which suggest that the Scheme will not be successful in achieving the necessary planning consent. The promoters had anticipated that the consideration of the planning application would have been concluded by now but in any event the expectation is that the application will be determined in the near future. These comments in respect of the planning policy position have therefore been put together from the published documentation and without any prejudgment of the outcome of the planning application.

**National Policy - The National Planning Policy Framework (the NPPF) and supporting documents.**

- 5.6 The NPPF references in the Statement of Case are all taken from the 2012 version. The 2018 version of the NPPF was published on the 24th July 2018. The Council has examined the new guidance, given the requirement for the decision maker to take into account the most up to date policy base, and the view that has been taken is that the NPPF as it applies to the Scheme has not changed to any material degree. Given that the Scheme was brought forward under the 2012 version the references



to that are retained but the position has been updated by reference to the 2018 version.

- 5.7 The NPPF places an emphasis on supporting sustainable development, advising that environmental conditions are to be considered alongside economic and social considerations as all three elements contribute to the approach. At paragraph 11 it is stated that: -

*“Plans and decisions should apply a presumption in favour of sustainable development.*

**For *plan-making* this means that:-**

- a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.*

**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<sup>7</sup>, 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.”*

and paragraph 15 reiterates that by saying it “*should be genuinely plan-led*”.

- 5.8 The Charnwood Local Plan 2011 to 2028 Core Strategy (2015)(Document 13) identifies a policy approach which seeks to maximise the efficiency of the local and strategic road network by 2028 and indicates the means to achieve that, including appropriate travel improvements; see policy CS 18 below. The provision of the replacement bridge on the existing network at Zouch, which thereby removes the disruption caused by the necessary and frequent repairs to the bridge, is an essential element in that process.
- 5.9 The NPPF recognises the role which the planning system is to play in contributing to the achievement of sustainable development. Paragraph 15 states that *“The planning system must be plan-led”* and Paragraph 16 sets out the requirements for the plans, stating that:-
- “Plans should:*
- a. be prepared with the objective of contributing to the achievement of sustainable development;*
  - b. be prepared positively, in a way that is aspirational but deliverable;*
  - c. be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
  - d. contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
  - e. be accessible through the use of digital tools to assist public involvement and policy presentation; and*
  - f. serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

5.10 The provision of the replacement bridge fulfils the aims underlying the 2012 and 2018 versions of the NPPF as it supports the goal of sustainable development as it enables the provision of an efficient and appropriate road network which avoids the delays and expense inherent in seeking to maintain the bridge. As such it will enable the route and the bridge crossing of the river to cater for the existing traffic and accommodate the anticipated future traffic growth. In addition, the Scheme will provide traffic relief as the closures will be avoided which will bring forward environmental as well as transportation benefits as the lengthy diversion route for the users of the road will not be necessary.

## **Creating Growth, Cutting Carbon Making Sustainable Local Transport Happen**

(Department for Transport White Paper 2014)

- 5.11 The White Paper presented the Government's vision for a transport system recognising that transportation is an engine for economic growth. On this it states that *"Economic growth is one of our biggest challenges. Transport's role in this is hugely important – getting people to work and to services such as education and healthcare providers, as well as to leisure activities and shops, is crucial to quality of life as well as to enhancing people's spending power"*.
- 5.12 The overall conclusion to be drawn from that assessment is that the economic case, taking into account a monetary value for all the potential effects of the Scheme, is that the Scheme offers value for money and should be pursued. It has a sound financial case and is affordable and the commercial case for pursuing the Scheme has been established to enable the conclusion to be drawn that it is commercially viable.
- 5.13 Based on that overall assessment the Scheme will meet the policy ambitions as set out in the NPPF. In addition, the Scheme, given that the proposal has been promoted through local planning documents and is widely supported, the principles of "Localism" have been met.

## **Local Planning Policy - Relevant Development Plan Policies**

### **Introduction**

- 5.14 The Application Site lies within the Borough of Charnwood and is subject to the saved policies of the Borough of Charnwood Local Plan (2004) and the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) which cumulatively form the statutory Development Plan for the area. There is no Neighbourhood Plan in this area. Planning law dictates that planning decisions should be taken in accordance with the Development Plan, where it contains material policy, unless material considerations indicate otherwise. Likely material considerations in this instance include the National Planning Policy Framework (2018) (NPPF) and the Leicestershire Local Transport Plan (LTP3, 2011). The following Development Plan policies are considered to be relevant to the proposed development.
- 5.15 References to "the Council" in the policy extracts refer to Charnwood Borough Council.

## **Saved Policies of the Borough of Charnwood Local Plan (2004)**

- 5.16 *Policy ST/2 - Limits to Development* states that built development will be confined to the allocated sites and other land within the Limits to Development identified on the Proposals Map, subject to specific exceptions set out in the plan. Given that the Scheme is to replace a bridge on an existing road as close as possible to the location of the existing facility the policy is met.
- 5.17 *Policy EV/29 Access to Watercourses for Maintenance* states that planning permission will not be granted for development within 8 metres of the top of the bank or within 8 metres of the landward toe of a flood bank or other flood defence on all main rivers and other watercourses which would obstruct access for future maintenance. The Scheme as envisaged meets the ambitions of this policy.
- 5.18 *Policy CT/1 General Principles for Areas of Countryside, Green Wedge and Local Separation* states that land lying outside the defined Limits to Development is variously identified on the Proposals Map as Countryside, Green Wedge and Areas of Local Separation. Development within these areas of generally open land will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would not be a significant adverse environmental impact and the proposal would: (*inter alia*)
- iv) implement strategically important schemes for mineral related uses, transport infrastructure, and for public services or utilities. In all cases it should be demonstrated that the proposed development could not reasonably be located within or adjacent to an existing settlement. Given that this Scheme is to provide for transport infrastructure in the most appropriate way the policy is met.
- 5.19 *Policy CT/2 Development in the Countryside* states that in areas defined as Countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and provided it could safeguard its historic, nature conservation, amenity, and other local interest. The Scheme does not give rise to any aspect which would infringe the elements of this policy and the policy is met.
- 5.20 *Policy EV/1 – Design* – states that the Borough Council will seek to ensure a high standard of design in all new developments. Planning permission will be granted for new development which:

- i) respects and enhances the local environment including the scale, location, character, form and function of existing settlements and the open and undeveloped nature of the countryside;
- ii) is of a design, layout, scale and mass compatible with the locality and any neighbouring buildings and spaces;
- iii) utilises materials appropriate to the locality;
- iv) provides positive and attractive built frontages to existing or proposed public spaces including roads, footpaths, waterways and areas of public open space;
- v) safeguards important viewpoints, landmarks and skylines;
- vi) uses the landform and existing features in and around the site, such as woodlands, trees, hedges, ponds, important buildings and structures imaginatively as the focus around which the new development is designed;
- vii) safeguards the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential areas;
- viii) meets the needs of all groups, including the disabled; and
- ix) minimises the opportunity for crime to create a safe and secure environment.

The Scheme does not infringe any element of this policy.

### **Charnwood Local Plan 2011 to 2028 Core Strategy (2015)**

5.21 *Policy CS 2 – Design* states that [the Council] will require new developments to make a positive contribution to Charnwood resulting in places where people would wish to live through high quality, inclusive design and, where appropriate, architectural excellence. Proposals should respond positively to their context and reinforce a sense of place. The Council will require new developments to: respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements; protect the amenity of people who live or work nearby and those who will live in the new development; function well and add to the quality of an area, not just in the short term, but over the lifetime of the development; provide attractive, well managed and safe public and private spaces; provide well defined and legible streets and spaces that are easy to get around for all, including those with disabilities; and reduce their impacts upon and be resilient to the effects of climate change in accordance with Policy CS 16. The Council will do this by requiring independent design reviews for major or sensitive developments and using



national design assessments to determine quality of new developments. The Scheme meets the requirements of this policy.

5.22 *Policy CS 11 - Landscape and Countryside* states that the Council will support and protect the character of our landscape and countryside by:

- requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments;
- requiring new development to take into account and mitigate its impact on tranquillity;
- requiring new development to maintain the separate identities of our towns and villages;
- supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS 10;
- supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan; and
- supporting rural communities by allowing housing development for local needs in accordance with Policy CS 3.

The Council will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements. The Scheme meets the ambitions within this policy.

5.23 *Policy CS 12 - Green Infrastructure* states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values. We will work with our partners to define, protect and enhance the Charnwood Forest Regional Park and support the aims of the National Forest Strategy by: (*inter alia*)

We will support proposals that relate to the River Soar and Grand Union Canal Corridor which:

- provide high quality walking and cycling links between the corridor and our towns and villages;

- deliver hubs and other high quality tourism opportunities linked to the River Soar at Loughborough, Barrow upon Soar and Thurmaston; and
- protect and enhance water bodies and resources.

The Scheme meets these requirements and the enhancement of the cycling provision through the Scheme is a particular benefit.

5.24 *Policy CS 13 - Biodiversity and Geodiversity* states that the Council will conserve and enhance our natural environment for its own value and the contribution it makes to our community and economy. This will be done by:

Supporting developments that protect biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. We will expect development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to:

- Sites of Special Scientific Interest
- Local Wildlife Sites
- Regionally Important Geological Sites
- UK and Local Biodiversity Action Plans
- priority habitats and species protected species, and
- ecological networks.

The Council will only support development that results in the loss of ecological or geological features in exceptional circumstances where the benefit of development clearly outweighs the impact on ecology and geodiversity. Where there are impacts on biodiversity we will require adequate mitigation; or as a last resort, compensation which results in replacement provision that is of equal or greater value and potential than that which will be lost and is likely to result in a net gain in biodiversity. The Council will consider this by requiring development proposals to be accompanied by ecological surveys and an assessment of the impacts on biodiversity and geodiversity. We will also work with our partners to secure long term management and investment plans for biodiversity and geodiversity. There are no such requirements in respect of the Scheme, in fact the removal of the existing bridge may provide benefits in that respect.

5.25 *Policy CS 16 Sustainable Construction and Energy* states (*inter alia*) that the Council will adapt to and mitigate against the effects of climate change by encouraging sustainable design and construction and the provision of renewable energy, where it does not make development unviable. Such an approach will be followed in respect of the Scheme.

5.26 *Policy CS 18 - The Local and Strategic Road Network* states that we will maximise the efficiency of the local and strategic road network by 2028. We will do this by:

- delivering sustainable travel improvements in accordance with policy CS 17;
- requiring our strategic developments to deliver an appropriate and comprehensive package of transport improvements in accordance with Policies CS 19, CS 20, CS 21, CS 22 and CS 23; and
- requiring other network improvements as identified by appropriate Transport Assessments.

The Scheme will meet this policy requirement.

5.27 *Policy CS 25 - Presumption in Favour of Sustainable Development* states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

5.28 The Scheme, albeit promoted by Leicestershire County Council, crosses the boundary between Leicestershire and Nottinghamshire. The application for planning permission has therefore been made to both Leicestershire County Council, who

apply the policy position set out above and also to Rushcliffe Borough Council (“RBC”). RBC has its own planning policy document, namely the Local Plan Part 1: Core Strategy 2014. Given that the application for planning permission is still pending before that authority the Council does not intend to address the planning policy in detail in this Proof.

- 5.29 The Council is of the view however, based on the fact that it has been in contact with RBC regularly since the time the application for planning permission was made and further that the application is supported by Nottinghamshire County Council as Highway Authority, that there is no policy objection to the Scheme. The relevant planning policy for RBC will be referred to in more detail if required following the consideration of the planning application. As presently advised the Council has not been notified of any breach of any planning policy but rather the indication has been given that the Scheme meets the relevant approach.

### **Leicestershire LTP3.**

- 5.30 Within the Leicestershire Local Transport Plan (LTP 3 2011)(Document 6, which follows from the LTP 1 and 2 produced in 2000 and 2006 respectively (Documents 4 and 5), the A6006 is identified as being an important route linking the market towns of Loughborough and Melton Mowbray. Strategically it also, due to the bridge crossing of the River Soar, goes beyond that and provides a connection between Leicester and Nottingham including being part of the signed route to the East Midlands Airport.
- 5.31 The LTP3 includes the goal that Leicestershire will have *“an efficient, resilient and sustainable transport system that is well managed and maintained.”* As part of that as far back as the LTP1 a condition survey of all the bridges in the County was undertaken in order to identify bridges in need of works of maintenance and repair. Given that the A6006 bridge had been subject to a significant and substantial programme of repairs at that time it did not appear in the list. A full list of the repairs which has been carried out is contained within Document 18. The LTP1 reference indicated the Council’s continuing intention in respect of the network.
- 5.32 The Council has published the Highway Asset Management Policy (Document 7), the Highway Asset Management Strategy (Document 8) and the Highway Infrastructure Asset Management Plan (Document 9) designed to drive continuous improvement in the way that the highway network is maintained to ensure that it continues to be safe, serviceable and sustainable.

- 5.33 In addition the Council has a continuing duty of care under the Highways Act 1980 to respond to defects within the network and to take action to remove or otherwise deal with such defects where appropriate. Taken together the Council has both a duty and a desire to ensure that the network operates safely and efficiently. The Scheme will bring significant benefits in respect of both aspects and as such meets the policy ambitions.
- 5.34 Nottinghamshire County Council has delegated its functions in respect of the Scheme to the Council under the agreement referred to earlier. As such the Scheme has been supported by Nottinghamshire County Council and complies with all relevant policy requirements contained within the LTP for that authority. LTP3 for Nottinghamshire follows essentially the same approach towards the Scheme as is set out above for Leicestershire LTP3.

### **Conclusion on Policy.**

- 5.35 The need for the Scheme and the benefits it will bring are widely recognised. The proposal fits well within the applicable policy and is supported at both local and national level.

### **6. Purpose of the Orders.**

- 6.1 The publication of the Orders was supported by three separate albeit complementary Statement of Reasons with each one relating to one of the three individual Orders. Within those Statement of Reasons it was explained that the Order Land was defined as being the four plots of land shown on the CPO, namely 'Plots 1a, 2a and 2b' relating to land coloured pink and 'Plot 1b' which was shown blue. The pink land is land to be acquired whereas the blue land is the area where rights and interests are to be acquired. The same approach is followed throughout this Proof.
- 6.2 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. The Bridge Scheme has been made to permit the construction of the bridge over the navigable river.
- 6.3 The only parts of the Order Land currently owned by the Council are limited to those areas forming part of existing highways. The Council made early contact with the land owners and have sought to acquire the land by agreement. This has not been possible to date.



- 6.4 Accordingly the CPO is necessary to enable the Scheme to be built and it satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act. In order to implement the Scheme, the Council needs to ensure that it has acquired all and any outstanding interests in the land currently owned by the third parties. The use of the CPO will ensure that happens.
- 6.5 The purpose of the CPO is therefore to ensure that the Council has all the land it requires and has acquired all the interests necessary to guarantee that the Scheme can proceed.
- 6.6 The areas of land between the existing and the proposed Highway are to be used to carry out essential landscaping in order to ameliorate the impact of the Scheme.
- 6.7 The detailed provision to be made in respect of each of the access points affected by the Scheme is set out in the SRO. The SRO will need to be made as drafted to deal with all affected areas. These can be summarised as follows.
- 6.8 The existing private means of access (PMA) and the public footpath from the existing road to the west of the bridge to the point approximately 31 metres from where it is gated south of the bridge will both be stopped up. Both the PMA and the footpath will be re-provided along the line of the new embankment from the gates to connect with the new road west of the bridge. The point of connection with the new road will be in virtually the same location as where the current PMA connects with the existing road. The visibility for users of that PMA will be improved as part of the Scheme.
- 6.9 There are no other PMA's or public rights of way affected by the Scheme although the opportunity presented by the Scheme to enhance the existing access to the car park east of the bridge and the access into the County Bridge Mobile Home Park and Marina will be taken as visibility will be improved in both locations.
- 6.10 In respect of the Bridge Scheme the old bridge will be removed in its entirety including those parts within the river itself. It will be replaced by a three span bridge with adequate clearance and of a suitable design to ensure there are no adverse flooding implications arising from the proposals.
- 6.11 The environmental, hydrological and flooding effects of the proposal have been fully assessed and all have been found to be acceptable. A detailed flooding assessment has been undertaken including the use of a suitable hydrological model and the resultant proposals have been designed, including an element of overtopping of the access road to ensure that the flooding situation is not adversely affected. As

indicated below the relevant and responsible authorities are fully aware of what has been carried out and do not raise any objection to the proposals.

- 6.12 All three Orders and all the land contained within the CPO are required to enable the Scheme to proceed. The objective of the Scheme is to replace the bridge and the approach roads in a way which minimises the potential disruption to the travelling public including the possible imposition of lengthy traffic diversions. The only way to achieve that is to acquire sufficient land to the south of the bridge to enable the existing A6006 to be diverted off the current alignment and to build the replacement bridge which can then be opened to traffic prior to the old bridge being removed along with the unnecessary elements of the approach roads. Those former roads will then be stripped and contoured in an appropriate way prior to being used as landscape mitigation areas.

## **7. Description of the Scheme.**

- 7.1 The existing bridge carries the single carriageway road between Hathern and Normanton-on-Soar. As it crosses the bridge there are wide footways on either side and the bridge has solid concrete parapets. It has had the aggregates exposed to provide some relief but it is otherwise a solid concrete structure common of its type for the year it was built. The approach roads have some pedestrian facility with it being south of the road on the western side and on the northern side to the east. That provision although being adequate for users does not provide a continuous facility without crossing the road on the bridge. There is limited cycle provision and no separate surface.
- 7.2 The new bridge is to be constructed at a minimum lateral clearance of 2.5 metres to the south of the existing structure and the approach roads will be diverted to access it. Given the existing landfall in the area that will require the approach roads to be raised above existing carriageway level. It is to provide a single carriageway of 6.6 metres width. In addition the Scheme will provide a continuous facility for pedestrians and cyclists on a shared surface on the south side of the carriageway for the entire length of the Scheme. The treatment on the north side has been determined by the need to provide suitable visibility for those users accessing the Marina, Loughborough Boat Club and the County Bridge Mobile Home Park. This enables the Council to achieve a 2 metres wide footway on the north side, which provides a continuous facility for pedestrians along the length of the bridge.

- 7.3 The Scheme will provide a similar size of road in terms of its width and capacity, but in so doing it will meet modern design standards and thereby enhance the safety for users of the road not only by replacing a defective structure but also in providing adequate and appropriate visibility in accordance with the requirements applicable to the speed of the road users. The opportunity is being taken to reduce the speed limit across the bridge as part of the Scheme to ensure its safe usage.
- 7.4 The environmental impact arising from the Scheme as well as the mitigation measures built into its design are set out in the Statement of Reasons published to support the Scheme. These are summarised under the headings of Traffic Noise, Visual Impact, Community Severance, Cultural Heritage and Tourism, Pedestrians and Cyclists, Street Lighting and Ecological Impacts. The conclusion to be drawn is that if the Scheme is provided as intended there will be no unacceptable ongoing impacts arising.

## **8. The Need for and Justification of the Zouch Bridge Replacement Scheme.**

- 8.1 The underlying purpose in carrying out the Scheme is to seek to replace the existing worn out bridge with a new structure and to do so in a way which minimises the disruption to road users which will otherwise arise. The existing bridge is beyond economic repair and needs to be replaced. If that was to be carried out on the same line as it currently occupies that would entail closing the road for the entire duration of the works and imposing a diversion for all the traffic which currently uses it. The current traffic flow is in the region of 12,000 vehicles per day, which would need to be diverted, and the diversion would last for the whole of the construction period calculated to be in the region of 18 months. Such a disruption is not acceptable given the significance of the route and the length, nature and quality of the potential diversion routes which would have to be used, including routes through villages.
- 8.2 It is therefore necessary for the replacement proposal to cross the River Soar and for that to be undertaken as close to the existing location as it can consistent with the need to provide a proper design to meet standards whilst ensuring the road is not closed for any longer than is absolutely necessary. It is therefore necessary to construct a bridge across the River Soar, which is designated as a navigable river, in a way that ensures that the river can continue to be used. The Council has ensured that the soffit height of the bridge will be higher than the existing bridge, in line with EA requirements. The Council is therefore promoting the Scheme under Section

106(3) of the Highways Act 1980 to provide the statutory authority for the construction of the bridge across the river.

- 8.3 The River Soar bridge will be formed as a three-span bridge crossing the river at a height which will permit boats to use. It will replace the current ten span bridge which will have benefits in terms of flooding considerations.
- 8.4 The technical details of the bridge are as follows: -

#### POINTS OF COMMENCEMENT AND TERMINATION

Commencing from a point to the west of the River Soar - 18.1 metres south of the middle of the existing highway.

The overall bridge length, including wing walls, is 81.7m.

Terminating at a point on the east side of the River Soar - 15.4 metres to the south of the middle of the existing highway.

#### SPANS

A three span structure comprising the main 31.5 metre span over the River Soar, an 18.0 metre flood span to the west and a 24.0 metre flood span to the east. The overall length of the structure is 81.7 metres, including wing walls.

#### HEADWAY AND WATERWAY

The Headway required by CRT shall not be less than 2.7 metres above normal water level of 32.77 metres Above Ordnance Datum. This Headway shall be maintained at 100 percent of the River Soar width at normal water level.

The minimum soffit level of the bridge is actually determined by the EA's requirement for 0.6 metres clearance above the maximum 1 in 100 year flood level (34.92m Above Ordnance Datum) over two-thirds of the overall bridge length.

#### OVERALL DIMENSIONS

The overall bridge width will be 12.65 metres. The bridge will carry a single 6.6 metre wide single carriageway bordered either side by hard surfacing of 3.0 metre in width on the south side of the bridge and 2.05 metre width on the north side. The 3.0 metre width shall accommodate a footway/cycleway along the length of the bridge. The bridge will be bounded by 1.0 metre high parapet on the north side of the bridge and a 1.4 metre high parapet on the south.

- 8.5 The bridge structure has been designed at the appropriate standard for the road provision required. The land take is required to allow the bridge to be built and maintained.
- 8.6 The Scheme proposals have been submitted to the Environment Agency and the Canal and River Trust as responsible authorities and no objections have been raised to the Scheme.
- 8.7 In addition as part of the consideration of the Planning Application a full and detailed flood assessment has been undertaken, which has been shared with the relevant authorities and no objection has been raised to the Scheme in respect of that aspect.

## **9. Justification for the use of compulsory purchase powers and the SRO.**

- 9.1 The basis for seeking to acquire land using compulsory purchase powers is set out in the Statement of Reasons applicable to the CPO. The Council has to be able to guarantee that the land that is needed to provide for the Scheme is available to ensure that the proposal can be built. The land shown in the CPO is the minimum required for that purpose.
- 9.2 The proposal to provide for the replacement of the Zouch Bridge is within the statutory purpose of the Council and the use of CPO powers is the only realistic option to pursue to ensure that it can meet its statutory function within the shortest possible timescale. Without the CPO the Council will not be able to meet its Programme. In doing so the Council is meeting its ambitions as set out in the LTP3 taken together with the supporting policy documents.
- 9.3 Guidance on the use of CPO procedures as referred to in some of the original Council documents was set out in the now superseded Circular 06/2004. In that document it was stated that Ministers believe that *“compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change” and that they “can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life”.*
- 9.4 That Circular continued to identify the factors which the Secretary of State can be expected to consider, in deciding whether or not to confirm a compulsory purchase order, which included:

- Whether the purpose for which the land is being acquired fits in with the adopted planning framework;
- 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;
- The potential financial viability of the Scheme for which the land is being acquired;
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

- 9.5 That Circular has been superseded by the publication of the Compulsory Purchase and Crichton Down Rules; published originally in 2015 and updated as recently as September 2017. Although the previous guidance has been superseded the approach remains very similar in respect of the matters that need to be assessed.
- 9.6 The matters now required to be identified appear in paragraphs 16 to 19 inclusive of the 2017 guidance and appear under the heading “Justification for making a compulsory purchase order”; see the guidance attached as Document 10.
- 9.7 In addition extant Circular 2/97 Department of Transport Circular 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 is well under way with an expectation that planning permission will be forthcoming; in fact it has now been obtained from LCC and its grant from RBC is anticipated very shortly.
- 9.8 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.

## **10. Transport implications of the scheme.**

- 10.1 It is not intended that the Scheme will alter the transport situation in the context of the existing road or the fact that it is a crossing point of the River Soar. The Scheme will not provide any additional capacity onto the network and it is not anticipated that it will lead to any change to the traffic flows beyond that which can be expected with traffic growth. The purpose of the Scheme is to replace the worn out bridge in the most appropriate location in the least harmful way in traffic and environmental terms.

There is no option of continuing to carry out repairs to the bridge in order to extend its life.

- 10.2 The choice is therefore to replace the bridge in the same location or to provide a replacement as close to the existing bridge as possible to minimise the effect of it. The option of replacing it on line is unrealistic, will be highly disruptive and costly to diverted traffic and will give rise to effects which can be avoided by constructing the Scheme off line as intended.
- 10.3 The most appropriate diversion route, taking into consideration the nature and extent of the traffic, would be via the A6006, A46 and A6 as shown in Document 20. This route is approximately 28 miles (46 km). This route has been selected to avoid unsuitable roads and villages.
- 10.4 In the absence of the Scheme and the proposed construction of it all that traffic would have to follow the indicative diversion route.
- 10.5 The Scheme, in contrast, can be constructed in its entirety without causing anything more than minimal disruption to the existing road and can be opened to traffic once complete. This would enable the existing road to continue to be used during construction and once built the traffic could be diverted onto the new road prior to the old bridge being demolished and removed. The approach roads to the old bridge would then be contoured to provide appropriate finishes to enable it to be landscaped. The whole approach has been adopted to minimise the disruption to local residents and road users throughout the process. Construction is anticipated to take approximately 18 months from starting on site.
- 10.5 The extent and makeup of the traffic currently using the road is set out in the Transport Statement which accompanied the planning application and also in the traffic assessment data enclosed as Document 21.

## **11. Human Rights and Other Special Considerations.**

- 11.1 The Council has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998 within section 9 of the Statement of Reasons published in relation to the CPO which related to and accompanied the Orders and the Council relies on the contents of that section as part of this Proof.



- 11.2 The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 11.3 In resolving to make the Orders, the Council has carefully considered the rights of property owners under the Convention against the wider public interest.

**Article 1 of the First Protocol to the Convention.**

- 11.4 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the interest and subject to the relevant national and international laws.

**Article 6.**

- 11.5 This entitles those affected by the Scheme to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.

**Article 8.**

- 11.6 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.

**Article 14.**

- 11.7 This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

**Assessment under the Articles.**

- 11.8 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.
- 11.9 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.

- 11.10 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.

#### **Other Special Considerations.**

- 11.11 Part of the Order Land at the points where the Scheme will tie in with the existing highway is in the ownership of either the Leicestershire County Council or Nottinghamshire County Council, both of which are statutory bodies charged with the provision of highway facilities in the area. Both County Councils support the Scheme and the statutory obligations, rights and powers of each County Council has been taken into account in the development proposals.
- 11.12 Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme. Access rights for the Environment Agency will be maintained as necessary within the Scheme.
- 11.13 There are no ancient monuments or listed buildings affected by the Scheme. There are no Conservation Areas affected by the Scheme.

#### **12. Implementation of the Scheme.**

- 12.1 The Scheme will be implemented by the Council. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in the Spring/Summer 2019. The works are currently programmed to take approximately 18 months from starting on site to completion.
- 12.2 The Council is of the view that Spring/Summer 2019 is the earliest possible start date allowing for an Inquiry into the Orders.
- 12.3 The Council is satisfied that there are no foreseeable barriers to the implementation of the Scheme and that funds will be available to secure the Scheme. The funding has been confirmed in the Council's Medium Term Financial Strategy (Cabinet reports enclosed as Document 15) and in the commentary to the graph at page 31 of the Highways Infrastructure Asset Management Plan (Document 9) showing bridges in need of replacement. All relevant considerations are in place to achieve a

Spring/Summer 2019 start date subject to the successful outcome of the consideration of the Orders.

### **13. Response to Objectors.**

- 13.1 Two objections have been received by the Department for Transport in respect of the Orders. The Council has considered the letters of objection and remains satisfied as to the justification of the Orders and the need for the extent of the Order Land. The Council, however, in examining the objections is considering whether any alterations to the Scheme could be brought forward.
- 13.2 The points of objection are set out below together with the Council's summary response in respect of each. The Council will be presenting evidence at the Public Inquiry to substantiate its responses as indicated. The Council reserves the right to add to or alter the response given if additional information is brought forward in support of the objection.

#### **Mr. and Mrs. Mee – Objections received from Fox Bennett as Agents.**

##### **13.3 Grounds of Objection.**

- (i). The owners access requirements along with the Environment Agency requirements have not been taken into account.
- (ii). Provision for the escape of livestock in times of flood have not been addressed.
- (iii). Access gates have not been provided at the correct position to allow for safe road access.
- (iv). Footpath access has not been properly addressed.
- (v). Fences and gates need to be of a standard suitable for flood plain usage not the usual Council fencing.

##### **13.4 The Council's Response**

*(i). The owners access requirements along with the Environment Agency requirements have not been taken into account.*

The Council has consulted with the Environment Agency in respect of the proposals and the EA is satisfied with the Scheme. The EA does not require anything further from the Council in terms of its access requirements.

As for the requirements of Mr. and Mrs. Mee, the Scheme includes a new access to replace that which will be removed with the proposals. The new access comprises a realigned track together with field gates and fencing which meet the applicable standards and which will replace the existing facility which would be regarded as being below appropriate standards.

The suggestion raised by Mr. and Mrs. Mee that an alternative access provision be made, extending some 200 metres to the west to the end of the Scheme proposals at a level which would remove it from the floodplain, has been considered but is not a requirement that arises from the Scheme proposals. In addition as that additional track length would fall within the operational floodplain it was discussed with the EA and the Agency indicated that it would be opposed as it could not be considered to be essential infrastructure in the floodplain itself. The raising of the level of that track would remove some flood plain storage and would have to be approved by the EA before it could be built.

*(ii). Provision for the escape of livestock in times of flood have not been addressed.*

The Flood Risk Assessment which has been undertaken for the Scheme does not indicate that the proposals would adversely affect the flood levels. That assessment has been accepted by the EA. As such no additional measures are required.

*(iii). Access gates have not been provided at the correct position to allow for safe road access.*

New gates have been included in the Scheme and have been positioned at a minimum 10 metre set-back from the new channel line in order to enable farm vehicles, as well as any EA vehicle to be situated clear of the carriageway whilst the gates are opened or closed. No additional provision is required.

*(iv). Footpath access has not been properly addressed.*

The re-alignment of the public rights of way has been discussed with and considered by the Council's Rights of Way Officer who has confirmed the acceptability of the proposals. The route, the means of gating the footpath and all relevant matters have been found to be acceptable by the Officer including the element relating to stock proofing the proposal.

*(v). Fences and gates need to be of a standard suitable for flood plain usage not the usual Council fencing.*

The proposals comply with the relevant standards for such facilities and there is no known requirement to provide for additional facilities in the flood plain. The Council is however willing to discuss such matters with the owners if there are specific items that the owner has in mind.

As a general note, the Council would point out that having issued the landowner and his agent with a plan of the Scheme in September 2017 with the request that it be marked up with any relevant matters that either the owner or the agent wished to raise, the Council had not received a reply by the time the Orders were submitted in December 2017.

#### 13.5 Update

Mr. and Mrs. Mee have accepted the design changes and subsequently wrote to the Department for Transport on 20<sup>th</sup> July 2018 withdrawing their objections.

#### **Mr. R. Farrow – Objections received.**

#### 13.6 Grounds of Objection

- (i). Increased traffic noise as the Scheme will move traffic closer to the house.
- (ii). The Scheme will remove trees and a large area of land.
- (iii). An alternative is suggested that the bridge be replaced on its existing line with temporary diversions of traffic.
- (iv). The alternative suggestion will be cheaper.

#### 13.7 The Council's Response.

*(i). Increased traffic noise as the Scheme will move traffic closer to the house.*

Although the realignment of the road will move the road and therefore the traffic on it closer to the property the Noise and Vibration assessment which has been carried out for the Scheme does not suggest that there will be any meaningful change to the current situation. Due to the nature of such considerations a simple movement of the noise source does not cause a direct consequence for the noise being felt at the property.

The Noise Assessment does not advocate any mitigation measures when comparing the current and future situations. The Council is however willing to consider the detail of its proposals given that the side slope of the proposal at the point that it passes the property is to be fenced and landscaped.

*(ii). The Scheme will remove trees and a large area of land.*

The movement of the road to the south will require the removal of the trees and bushes, which are currently located in the highway verge, in order to provide for the Scheme. In addition land will be required to enable the diverted road to be built at that point. Approximately half of the small area of paddock will be required to enable the road to be provided including the side slopes and planting. The intention is that part of that land will be used to replace the current hedgerow, which is within the highway verge in any event, with suitable landscaping. There is a tree within the paddock, which is in poor health, that will need to be removed.

*(iii). An alternative is suggested that the bridge be replaced on its existing line with temporary diversions of traffic.*

The suggestion made by Mr. Farrow is taken by the Council to be an alternative to the Scheme proposals and the Council has spoken with Mr. Farrow to ensure that he wants to promote it. The alternative put forward by Mr. Farrow has been developed in more detail than was previously thought appropriate at the time. It is the subject of an assessment to indicate why it is not thought worthy of detailed consideration as an alternative to the published Scheme.

The Council has indicated in this Proof that one of the major factors driving its approach is to seek to replace the worn out bridge whilst minimising the effects and costs on the travelling public using the road and for those on any diversion route. In the Council's view there is an overriding advantage in pursuing the Scheme when compared with the disruption, inconvenience and additional costs associated with the alternative. To close the road to carry out the alternative would entail a closure for an extensive period of time, currently calculated at about 18 months, during which all road users would have to follow a lengthy and inconvenient diversion route along roads that are not suitable for the purpose.

*(iv). The Alternative suggestion will be cheaper.*

It is hard to conclude that the alternative would be cheaper. The Council accepts that the new bridge could fall within the parameters of the existing structure, however the increase in vertical alignment to meet current design standards would mean that the side slopes of the approach roads would be likely to be outside of the existing boundary which would require permanent acquisition of land. In addition, the raising of the level of the side slopes to support the carriageway will require the removal of all existing vegetation within the highway boundary. Additionally, land would need to

be obtained, either through compulsion or by agreement to permit a temporary crossing for some users to be provided. Such land acquisition would entail the payment of some compensation although the extent of it cannot be assessed at present. In addition the proposal would entail additional transport costs for all users having to follow the diversion route and an unquantifiable effect on the residents along that route. Furthermore, the Statutory Undertaker's apparatus would not only need to be diverted on to the temporary crossing but would also need to be re-diverted on to the replacement bridge, all of which would present additional costs to the Scheme.

#### 13.8 Update

Officers have met Mr. Farrow on a number of occasions to understand the scope of his proposed alternative and, once drawn up, to show him the proposal in detail. The practical, financial and disruptive problems relating to the alternative were set out to Mr. Farrow, but he continues to prefer this alternative to the published scheme.

### 14. List of Documents, Maps or Plans for the Public Inquiry.

14.1 The Council may refer to some or all of the documents set out below. Copies of these documents (or relevant extracts therefrom) will be available for inspection by members of the public and can be inspected during normal office hours at the **Offices of Leicestershire County Council at County Hall, Glenfield, Leicester, LE3 8RA**. Please contact Legal Services and ask for Case Officer Ruth Lea or by email to [ruth.lea@leics.gov.uk](mailto:ruth.lea@leics.gov.uk). The Council reserves the right to introduce such additional documents as may be relevant to any Public Inquiry in respect of the Orders and will endeavour to notify the Public Inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of the Public Inquiry.

14.2 In addition the Council will place all such Inquiry Documents onto the following website for access purposes:

[www.leicestershire.gov.uk/A6006-zouch-bridge-replacement](http://www.leicestershire.gov.uk/A6006-zouch-bridge-replacement)

### 15. Statement of Truth.

15.1 The evidence prepared by me and provided for this Inquiry in this Proof of Evidence is true and has been prepared by me in accordance with the standards and requirements of my professional institute. I confirm that the opinions expressed are my true professional opinions.



## LIST OF DOCUMENTS

### Policy Documents

1. Highways Act 1980 (web link: <https://www.legislation.gov.uk/ukpga/1980/66/contents>)
2. Acquisition of Land Act 1981  
(web link: <https://www.legislation.gov.uk/ukpga/1981/67/contents>);
3. National Planning Policy Framework (web link: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf));
4. First Local Transport Plan (2000)
5. Second Local Transport Plan (2006)
6. Third Local Transport Plan (2011-2028) (web link: <https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/local-transport-plan>);
7. Highways Asset Management Policy (approved by Cabinet 23<sup>rd</sup> June 2017);
8. Highways Asset Management Strategy (approved by Cabinet 23<sup>rd</sup> June 2017);
9. Highways Infrastructure Asset Management Plan (approved by Cabinet 15<sup>th</sup> September 2017);
10. Guidance on Compulsory Purchase and the Crichel Down Rules - Published 29 October 2015; Last updated 22 September 2017 (web link: <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>);

### Planning Application Documents

11. Planning Application Reference 2017/0878/02 dated 11<sup>th</sup> April 2017 to Leicestershire County Council comprising the application form and supporting documents (website link: <http://leicestershire.planning-register.co.uk/Planning/Display?applicationNumber=2017%2F0878%2F02>) ;
12. Planning Application Reference 17/00935/FUL dated 11<sup>th</sup> April 2017 to Rushcliffe Borough Council comprising the application form and supporting documents (website link: <https://planningon-line.rushcliffe.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>);

13. Borough of Charnwood Local Plan (2004)(saved policies) and the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) which cumulatively form the Development Plan for the area (website link: <https://www.charnwood.gov.uk/pages/planningpolicy>)
14. Rushcliffe Borough Council Local Plan including Core Strategy and Land and Planning Policies (website link: <http://www.rushcliffe.gov.uk/planningpolicy/localplan/>)

## **Funding Documents**

15. Medium Term Financial Strategy –

Reports of Leicestershire County Council Cabinet and Minutes dated:

- 4th February 2014; (web link to minutes of the meeting:

<http://politics.leics.gov.uk/mgAi.aspx?ID=36934#mgDocuments>);

(web link to report “Medium Term Financial Strategy” paragraph 131 at page 33 refers to Zouch Bridge Replacement:

<http://politics.leics.gov.uk/documents/s90003/MTFS%20Cabinet%20Report%204%20Feb%202014.pdf>);

and

- 9th February 2018. (web link to record of decisions of the meeting Item 4 refers–

<http://politics.leics.gov.uk/documents/g5177/Decisions%20Friday%2009-Feb-2018%2011.00%20Cabinet.pdf?T=2>);

(web link to report “Medium Term Financial Strategy” – Agenda Item 4 at page 42 refers:

<http://politics.leics.gov.uk/documents/g4599/Public%20reports%20pack%20Friday%2005-Feb-2016%2014.00%20Cabinet.pdf?T=10>).

## **Supporting Documents**

16. Reports of Leicestershire County Council Cabinet and Minutes dated:

- 15<sup>th</sup> July 2014; (web link to minutes of the meeting – minute 180 refers:

<http://politics.leics.gov.uk/documents/g3992/Printed%20minutes%20Tuesday%2015-Jul-2014%2011.00%20Cabinet.pdf?T=1>);

(web link to report “Zouch Bridge Replacement” – Agenda Item 14 at page 319 refers:

<http://politics.leics.gov.uk/documents/g3992/Public%20reports%20pack%20Tuesday%2015-Jul-2014%2011.00%20Cabinet.pdf?T=10>);

- 5<sup>th</sup> February 2016; (web link to minutes of the meeting – minute 391 refers:

<http://politics.leics.gov.uk/documents/g4599/Printed%20minutes%20Friday%2005-Feb-2016%2014.00%20Cabinet.pdf?T=1>);

(web link to report “Zouch Bridge Replacement – Compulsory Purchase Order (and Associated Statutory Orders) For Land Required For Replacement Bridge” Agenda Item 7 at page 159 refers:

<http://politics.leics.gov.uk/documents/g4599/Public%20reports%20pack%20Friday%2005-Feb-2016%2014.00%20Cabinet.pdf?T=10>);

17. Condition Survey (Special Bridge Inspection Report) 9<sup>th</sup> February 2013;
18. Schedule of Maintenance Works;
19. Schedule of Statutory Undertakers’ Apparatus;
20. Indicative Diversion Route;
21. Extract From Traffic Assessment Data.
22. Planning Decision Notice dated 12<sup>th</sup> July 2018 in respect of application reference 2017/0878/02, from Leicestershire County Council
23. Letter dated 27<sup>th</sup> July 2018 from Rushcliffe Borough Council