



**Report to the Secretary of State for  
Communities and Local  
Government and the Secretary of  
State for Transport**

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**An Inspector appointed by the Secretary of State  
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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**THE A46 TRUNK ROAD (NEWARK TO WIDMERPOOL  
IMPROVEMENT AND SLIP ROADS) SUPPLEMENTARY  
(SIDE ROADS) ORDER 20\_**

**THE A46 TRUNK ROAD (NEWARK TO WIDMERPOOL  
IMPROVEMENT AND SLIP ROADS) SUPPLEMENTARY  
COMPULSORY PURCHASE ORDER 20\_**

Inquiry commenced on 12 January 2010

Ref: DPI/L3055/09/52

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## CASE DETAILS

- The draft Supplementary Side Roads Order would be made under Sections 12, 14 and 125 of the Highways Act 1980 and is known as the A46 Trunk Road (Newark to Widmerpool Improvement and Slip Roads) Supplementary (Side Roads) Order 20\_. It would allow the stopping up of highways and private means of access, the provision of new local highways and new private means of access and the reclassification of minor highways.
- The Draft Supplementary Compulsory Purchase Order would be made under sections 239, 240 and 246 of the Highways Act 1980, as extended and supplemented by section 250 of that Act and under section 2 of the Acquisition of Land Act 1981. It is known as the A46 Trunk Road (Newark to Widmerpool Improvement and Slip Roads) Supplementary Compulsory Purchase Order 20\_. It would authorise the compulsory acquisition of land and rights, in connection with the Supplementary Side Roads Order.
- The Orders were published in draft on 24<sup>th</sup> April 2009.

## SUMMARY OF RECOMMENDATIONS

**I recommend that the Side Roads Order should be made as modified and the Compulsory Purchase Order should be made as modified.**

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### 1 PREAMBLE

- 1.1 I have been appointed pursuant to paragraph 7 of Schedule 1 of the Highways Act 1980 and paragraph 13(2) of the Acquisition of Land Act 1981 to hold Public Local Inquiries into the two draft Orders. I am reporting to both the Secretaries of State for Communities and Local Government and for Transport.
- 1.2 The relevant references in this report to Deposited Documents, Proofs of Evidence or Documents that were submitted to the Inquiry are given in brackets "( )".
- 1.3 The two Inquiries were held concurrently over a total of 8 days between 12 January 2010 and 14 April 2010 at the Cotgrave Welfare Centre, Cotgrave in Nottinghamshire. They were adjourned for two substantial periods during January and later in February and March, each time at the request of the Highways Agency, to enable the Agency, firstly more time to prepare evidence and then, time to engage in a consultation period in respect of fresh proposals, the need for which emerged during the course of the Inquiry (Inq/2). The two Local Inquiries are, for convenience, referred to as "the Inquiry" in this report.
- 1.4 I undertook an accompanied site inspection on 9 February 2010 and an unaccompanied one on 10 February.

## Background

- 1.5 The Line, Detrunking, Side Roads and Compulsory Purchase Orders for the improvement of the A46 Trunk Road, generally between Newark and Widmerpool in Nottinghamshire, were made in January 2009, after an 18 day long Public Inquiry into objections to the draft Orders, in the summer of 2007. However, following that earlier Inquiry the Inspector recommended, and the Secretaries of State accepted, the need to reconsider design aspects of some of the earlier proposals in respect of side roads and means of access to property. The Supplementary Orders before this Inquiry result from the reconsideration by the Highways Agency of those aspects of the scheme.
- 1.6 Earlier than planned construction of the main scheme works started in July 2009 as a result of programme acceleration arising from the Government's fiscal stimulus package. The associated works specified in the Supplementary draft Orders, would not be affected by the ongoing main scheme construction activities, but the main scheme would necessitate these supplementary works, and Orders, to be undertaken in order to make it complete and, overall, publicly acceptable.
- 1.7 At the start of the Inquiry there were 8 objections to the Supplementary draft Orders outstanding. Eight letters or emails of support for the proposals were submitted to the Highways Agency and a further 6 representations made in respect of detailed aspects of the proposals. Further objections, significant support and representations were made during the course of the Inquiry. All were considered. All correspondence submitted to the Inquiry or in response to the publication of the draft Orders is detailed at Annex B.
- 1.8 A number of local alternatives to individual parts of the draft Side Roads Order were submitted and these were advertised locally by the Highways Agency. All correspondence in relation to these has been taken into account in reaching my conclusions.
- 1.9 The main grounds for objection to the draft Orders were:
- A bridge for vehicular traffic should be constructed across the new mainline dual carriageway at Kinoulton Lane to link it to Station Road.
  - A bridge for equestrians, pedestrians and cyclists should be constructed across the dual carriageway at Kinoulton Lane to link it to Station Road.
  - The practical inadequacy of two means of access for Newfield Farming Co. and the non-lawful nature of the Herrywell Lane Byway length of the proposed Border Wood access which, together and individually, would fail to give reasonable access to the farming enterprise.
  - The need for an alternative route for the proposed access to the Flintham Estate.
  - The location, appearance and standard of the proposed Flintham

Bridleway Bridge, which should only carry pedestrians, and the use of the bridge by equestrians.

- The Car Colston Overbridge should be constructed to a restricted width, rather than one that would allow the passage of undesirable vehicles.

1.10 A representation was also received from the Grantham Canal Partnership, which concerned the impact of the scheme at Stragglethorpe Road on the future prospects for the restoration of the canal to full navigational status.

1.11 At the commencement of the Inquiry the Highways Agency confirmed that all necessary statutory procedures had been followed (S1/0/6).

## **2. DESCRIPTION OF THE SITES AND THE SURROUNDINGS**

2.1 The A46 forms the direct Trunk Road route from Bath to Lincoln, linking the M1 motorway near Leicester to the A1 trunk road at Newark. Its alignment and standard are currently undergoing substantial improvement over 28 km between Newark and Widmerpool, by the construction of a dual 2-lane carriageway generally without surface level junctions, clear of the line of the existing A46. The existing A46 at the completion of the construction would be relieved of through traffic, which would be carried by the new dual carriageway.

2.2 The scheme lies entirely in Nottinghamshire and within a landscape that rolls gently from the south, across open farmland or woodland near Kinoulton Wolds before entering the open flat Trent Valley on the approach to Newark. The area is entirely rural and the farmland predominately arable in use.

2.3 The individual proposals contained in the Supplementary draft Orders are located progressively along the line of the dual carriageway scheme from the A606/A46 junction in the south at Widmerpool to a location just west of Flintham Hall itself located 17 km north of Widmerpool and 10 km south of Newark (SDD1, SDD2, S1/0/1, S1/0/2). The locations of the individual proposals, that together comprise the draft Supplementary Side Roads Order, are shown comprehensively on the plan at S1/0/1 and they are illustrated on the photograph at S1/0/2.

## **3. PROCEDURAL AND LEGAL ISSUES**

### *The effect of the wider scheme on the Grantham Canal*

3.1 At the start of the Inquiry the Grantham Canal Partnership requested authority to address the Inquiry over its concerns that the earlier public Inquiry Inspector may have been misled by the Highways Agency in its evidence about the extent to which the road scheme would impact on the disused canal at Stragglethorpe Road.

3.2 In support of its argument advocating that the effect of the 2007 Inquiry Orders on the canal should be debated before the 2010 Supplementary

Orders Inquiry, the Partnership relied on an apparent but obvious inconsistency, which it claimed had recently become evident, in the approach of the Highways Agency in its dealing with adjacent bridge sites across the canal. The first, at Bridge 18, allowed for a clear and expansive spanning of the disused canal, which was proposed in order to preserve the potential for future reinstatement of the canal. In the opinion of the Partnership, the scheme design at the second site at Stragglethorpe Road was so damaging that it would prevent any real chance of bridging over the canal there and thereby frustrate the whole reinstatement project over 33 miles.

- 3.3 In support of this view the Partnership sought to demonstrate that, in contrast with views expressed by the Agency at the earlier Inquiry, it was now clearly evident that the engineering complications associated with the works at Stragglethorpe Road would make subsequent reinstatement of the canal at this point both extremely difficult, but also so expensive as to effectively prevent a restoration project from ever proceeding. The Partnership argued that, from the wording of the 2007 Inspector's report at its paragraph 9.83, the intention of all to avoid jeopardising the reopening of the canal was clear, but it is now evident from the design and actual construction that the Highways Agency has disregarded this commitment.
- 3.4 The Partnership, whilst appreciating that the Supplementary Orders would not physically and directly affect the canal, therefore sought leave to address the Inquiry accordingly. It was convinced that failure to alert Ministers to the situation that had developed would be against the national interest and thereby unacceptable to Ministers.
- 3.5 In response the Highways Agency made no comment on the substance of the points advanced by the Partnership, other than agreeing that there would be no direct effect of the Supplementary Orders on the canal and that the earlier Inquiry had received some written evidence about it.
- 3.6 I report the respective cases of the Partnership and the Agency at Section 8 of this report and my ruling on this request of the Partnership at paragraphs 9.4 and 9.5 of my Conclusions.

#### *Potentially Unlawful Supplementary Orders*

- 3.7 At the Inquiry, and during its detailed explanation of the Side Roads Order, the Highways Agency was asked by me to confirm that some of the provisions of the Supplementary Side Roads Order had a sound lawful basis, because they simply sought to modify an earlier Made Side Roads Order, before the provisions of that Made Order had, in reality, become established as highways. The Highways Agency's later response to this request confirmed that the Department of Transport's lawyers had accepted that parts of the Draft Supplementary Side Roads Order were legally unsound. That acceptance was on the basis that the Highways Act 1980 provides no power to stop up a made Order before that Order becomes a highway on the ground. Therefore the Highways Agency sought leave to address the Inquiry later with a view to the removal of those parts of the draft Orders that were before the Inquiry and to

propose modification of the Orders (S1/0/3). I deal with the matter at paragraph 9.6 of my Conclusions (INQ/1, INQ/2, S1/0/24, S1/0/30).

#### **4. THE CASE FOR THE HIGHWAYS AGENCY**

The Material Points were:

##### The description of the draft Supplementary Orders

- 4.1 Following consideration of the 2007 Public Inquiry Inspector's Report the Secretaries of State decided not to make a number of elements of the earlier draft Orders associated with the A46 dualling scheme, but, instead, to publish fresh draft Orders that were based either on the 2007 Inspector's conclusions or on other relatively minor design enhancements. These Supplementary Orders promote proposals for new side roads or private means of access at nine separate locations and are described below (S1/1/1, S1/2/1, S1/2/2, SDD3, SDD4).
- 4.2 For completeness I have described all the proposals, as set out in the draft Orders below, but I have indicated (*in italics*) those that were considered to be unlawful by the Highways Agency during the course of the Inquiry, and which were withdrawn by the Agency at the end of the Inquiry. All individual parts of the Orders have been subject to a Stage 1 Road Safety Audit (S1/0/9, SDD179, SDD180). Funds are available within the scheme budget for the Supplementary Order works (S1/0/11).

These individual elements of the Side Roads Order are as follows:

##### The Kinoulton Lane Link Road

- 4.3 This would be a 6m wide single carriageway all purpose road with 2.5m wide verges, the more westerly of which would be hardened to cater for cyclists. A private access would be constructed from the Link Road to Cross Roads Farm, to compensate for the private means of access that would be taken. The Link Road is shown at Figure 4.1 of S1/2/1.
- 4.4 The main A46 dual carriageway scheme, which is currently under construction, would sever Station Road, thereby preventing access to be gained from Kinoulton Lane locally to the A606 to the west or to the A46 itself. The proposed Link Road would provide a reconnection to the A606 and thereby to the A46 via the Widmerpool roundabout, which would be extended for that purpose.
- 4.5 About 1,145 vehicles per day (vpd) would use the Link Road. If it were not constructed traffic would have to divert northwards to the Roehoe junction and merge with the new dual carriageway before diverging back southwards to the Widmerpool junction. That would introduce disruption on the A46 and create danger for both local and through traffic.
- 4.6 The Link Road would provide for non-motorised users. Pedestrians would be able to use the paved footway to the A606 roundabout and, because of the predicted low traffic volume cyclists could safely use the carriageway. With such a layout cyclists wishing to travel east along the

A606 would not need to travel around the Widmerpool roundabout. Those travelling west would be able to utilise the paved verge on the northern bridge over the A46 and the Old Melton Road to rejoin the A606 about 200m beyond to the west.

- 4.7 The Link Road would cost about £1.4m but provide good value for money. It would enhance the net present value of the overall scheme (with the Link Road included) by £2.4m relative to the position without the Link Road. (Net present value is determined by subtracting the present value of costs away from the present value of the benefits that would accrue from the road link).
- 4.8 The Link Road would also necessitate the demolition of Cross Roads Farm house and a farm building. It would impact on the historic landscape, with the land, which would be severed near the A606 junction, mounded and planted to reduce the impact on the environment (S1/4/1). The Link Road would not contribute a substantial adverse environmental impact on properties alongside Kinoulton Lane because of the relatively low traffic flows, mindful of the substantial relief that the removal of the trunk road traffic onto the new dual carriageway would bring. The Link Road would not cause any significant increase in noise or air quality at properties along Kinoulton Lane (S1/4/1).
- 4.9 The Link Road would have a moderate impact on ecology and nature conservation owing to its impact on the Hickling Pasture Site of Importance for Nature Conservation and its small population of great crested newts and their habitat. The road would encroach within 30m of the newt supporting pool. The scheme mitigation works would result in an increase in the available scrub habitat for newts and would provide an alternative refuge area for newts within an area of new planting. Subject to the granting of a licence by English Nature, amphibian fencing would be installed to exclude newts from the construction area. Before construction commenced newts within the construction area would be removed (S1/3/1, S1/3/2).
- 4.10 The Link Road would not have a significant adverse effect on agriculture but would require 1.65 ha of land from Cross Roads Farm. In addition the need to extend the Widmerpool roundabout eastwards would take 0.086ha of pasture from Turnpike Farm, but that would not affect the viability of the farm (S1/3/1).
- 4.11 As there would be no opportunity to plant between the proposed link road and the existing A46 slip road the scheme would increase the urbanisation of the area. To reduce its impact a hedgerow and trees would be planted on the east side of the Link Road but a slight adverse impact would remain (S1/3/1).

#### The Two Private Means of Access for Mr P Morley and the Newfield Farming Co

- 4.12 The existing accesses to the farm complex and to Borders Wood are to be severed by the ongoing construction of the A46 dualling scheme, thereby preventing access to the land on the south side of Laming Gap Lane.

- 4.13 The proposed alternative means of access in the draft Supplementary Side Roads Order would re-provide access to Newfield Farm via Kinoulton Lane and cater for all vehicles going to the farmstead, its cottages and two adjacent dwellings. That access would be 3.5m wide with 1m verges and would provide a direct connection to the public highway. The accesses are shown at Figure 4.1.3 of S1/2/1. In the Supplementary Side Roads Order access to Borders Wood would be provided off Cotgrave Road and would utilise an existing section of the Herrywell Lane Restricted Byway before creating access to the woodland itself. The two proposals would allow the farm and working woodland to remain viable. They would have no impact on the built heritage or any loss of vegetation. Construction would ensure that the existing trees along Herrywell Lane would be unaffected. The appearance of the tracks would be in keeping with the area. Once constructed the accesses to woodland and farmstead would have a neutral effect on the landscape.
- 4.14 *Towards the end of the Inquiry the Highways Agency orally withdrew these two access proposals from the Supplementary Side Roads Order and requested that an alternative pair of access tracks be promoted by means of modifications to the Order upon making. I deal with this in detail at Paragraphs 6.17, 6.18, 7.4 of the report and in my Conclusions at paragraphs 9.13 and 9.14.*

#### The Private Means of Access to Cropwell Court

- 4.15 This would be required to compensate for the means of access that is being lost to the A46 dualling scheme. The proposed access would be 3m wide, with 1m verges and located 120m west of the main entrance with Cropwell Road. The access would create a slight adverse impact on the Court, a locally listed building. It would result in the loss of highway verge, hedgerow and shelterbelt planting. The appearance of the track would be appropriate for the character of the area and would have a neutral effect on the landscape. It is shown at Figure 4.1.4 of S1/2/1.

#### The Springdale Lane to Butt Lane Byway, The Herrywell Lane Byway, The Mill Lane Byway and The Occupation Lane Restricted Byway

- 4.16 At present, Springdale Lane, Butt Lane and Closes Side Lane form T-junctions with the A46 trunk road that acts as the interconnection between the three lanes. The A46 scheme under construction will sever all three lanes and therefore necessitate a new highway to be constructed parallel and adjacent to the new dual carriageway, on its western side. That would provide a direct reconnection between all three lanes, with passing bays and access to agricultural land constructed from the link. The existing private means of access is currently being removed by the A46 dualling scheme and would be replaced by the new link road. The new highway would become a Restricted Byway. It is shown at Figures 4.1.7 and 4.1.8 of S1/2/1.
- 4.17 The Supplementary Order Byway would provide greater accessibility to the local Public Right of Way network by connecting the eastern and western routes across the A46. However journey lengths for cyclists and equestrians would increase by about 875m, but pedestrians could make

use of the proposed steps and over-bridge thereby negating the additional journey distances. The Byway would become part of the north-south cycleway (S1/2/2).

- 4.18 The proposal would take a further 0.2ha of land used by the dwelling known as The Chestnuts over the land area that would be taken by the mainline scheme. It would therefore exacerbate the major adverse effect on The Chestnuts. It would also have a slightly greater impact on the historic landscape. The revised alignment of the Byway would increase the loss of four hedgerows adjacent to the A46, which although severed by the dualling scheme, are still regarded as of importance in the area. Mitigation planting would screen the proposed Byway from all directions and provide a neutral effect on the landscape and vegetation (S1/0/15).
- 4.19 The scheme requires a length of new highway that would link Herrywell Lane and Mill Lane, respectively to Owthorpe Road east and west of the A46. These existing lanes are designated in the Made Orders as Byways Open to All Traffic. The Supplementary Orders would amend the highway status of the designated lengths by stopping up the Byway Open To All Traffic status and reducing that status to Restricted Byways. The lanes are shown at Figure 4.1.4 of S1/2/1 (S1/0/15).
- 4.20 A short length of proposed highway at Occupation Lane would need to be re-designated to that of a Restricted Byway to enable it to comply with the proposals for the main A46 dualling scheme. The proposed minor corrections to the designation lengths of new highway (wrongly specified as a Byway Open to All Traffic in the Made Orders) would have no adverse effect on the area. It is shown at Figure 4.1.8 of S1/2/1. The Car Colston overbridge leading to Occupation Lane would have a width suitable for the passage of legal Byway traffic (S1/0/15).
- 4.21 *Late in the Inquiry the Highways Agency requested a modification of the draft Supplementary Side Roads Order upon making which would remove the stopping up of the Byway Open To All Traffic status (S1/0/44, Section 4). The parties likely to be affected by this were informed of the proposal (S1/0/42). I deal with this at paragraph 9.6 of my Conclusions.*

#### The Private Means of Access to Flintham Estate

- 4.22 The access to the Estate is being severed by the A46 dualling scheme. A replacement access running generally southwards from the area of the grain silos would therefore be required to provide adequate access. The access would be 3.5m wide with 1m wide verges. It would facilitate continuance of the viability of the Estate. However it would have a slight adverse impact upon the Grade II registered Flintham Park and on Flintham Conservation Area, and have a slight adverse impact on the Grade I listed Flintham Hall and Flintham Conservation Area. However its impact would be mainly on the agricultural part of the parkland but the access would be designed and constructed using material that would be appropriate to the surrounding historic landscape. A farm track already exists along the line of the proposed access and the access proposals would surface that existing track. The proposed access would sit comfortably within the landscape and its construction would produce a

neutral environmental effect. It is shown at Figure 4.1.9 of S1/2/1. The access would allow the ongoing management and maintenance of the historic parkland to continue and contribute to the future survival of the Estate and its surrounding landscape.

#### The Flintham Bridleway Bridge

- 4.23 The bridge would be required to provide a bridleway over the new A46 to accord with the relocation of the earlier proposed footbridge away from Slacks Lane. That proposal emerged during the 2007 Inquiry. This would provide commodious passage for non-motorised users across the new dual carriageway and a safe route for residents of the Coneygrey Spinney area to access local facilities in Flintham Village, including schools and community facilities, but recreational users of Footpath F6 would need to divert to use the bridge. The bridge would have a slight adverse impact on the setting of the Flintham Registered Park, Flintham Conservation Area and the Grade II listed West Lodge. It would be designed sensitively. It would also cause an impact on archaeological remains associated with the Fosse Way Roman Road.
- 4.24 The bridge would comprise ramps and a deck structure which would be set about 2m above the top of the cutting for the dual carriageway, adjacent to Coneygrey Wood to the west, a designated conservation area, a mature landscape and a registered park and garden to the east. The bridge, in part, would be framed by existing and proposed planting, but would need very considerate detailed design because of the proximity to the Flintham Estate. However, the structure would still have a moderate adverse effect on its surroundings. It is shown at Figure 4.1.10 of S1/2/1 (S1/2/1, S1/3/1, S1/4/1).

#### The impact of the draft Supplementary Side Roads Order Proposals

- 4.25 The environmental impact of all the Supplementary Orders proposals described above have been assessed in the Environmental Statement (ES) Addendum No 2 of October 2009 (the Addendum is based on the earlier ES prepared for the A46 mainline dualling scheme). Addendum No 2 to the ES was published in October 2009 and was carried out in accordance with Section 105A of the Highways Act 1980, with European legislation and with the Design Manual for Roads and Bridges. Minor errors in the published document have been corrected (SDD5, SDD110, S1/3/2). No objections or representations were received in respect of the Environmental Statement (S1/3/2). The outstanding necessary environmental or drainage licences would be applied for after the Orders are made (S1/2/2-Addendum 1, S1/0/10.)
- 4.26 The assessment of the Supplementary Order proposals is consistent with that of the earlier ES that was accepted and endorsed by the Secretaries of State following the 2007 Inquiry, with a number of minor exceptions. These result from small scheme changes and are:
- The formerly proposed woodland planting adjacent to Roehoe junction would not be carried out because the Orders made following the 2007 Inquiry reduced the land area previously considered to be required for

the scheme, as a result of an alternative put at the earlier Inquiry.

- A Toucan crossing would be provided on Stragglethorpe Road at the canal.
- An agreed change of position of the flood compensation area near Hawton Lane at Farndon.
- The provision of a cycleway/footway between Margidunum and Butt Lane.

## **5. THE CASE FOR THE SUPPORTERS**

The material points were:

### Mr Jon Gladstone of the Kinoulton Parish Council and Fosse Way Dualling Group

- 5.1 The Parish Council and the Fosse Way Dualling Group are concerned with the expedient promotion of the Kinoulton Lane Link Road. Together these two organisations represent over 100 residents of the area. At the 2007 Inquiry, the Inspector recognised the unacceptability of the detour of over 1 mile that residents of Kinoulton and its surrounding area would need to make should a direct link to the A606 at Widmerpool junction, or an overbridge to Station Road, not be provided. The Secretaries of State concurred with the Inspector's view and the Highways Agency was requested to consider a Kinoulton Lane Link Road direct to the A606. That would provide a very acceptable alternative route for residents who wish to travel between Kinoulton and Keyworth or Nottingham. Therefore, the Kinoulton Lane Link Road, as proposed in the draft Supplementary Order, has widespread support locally.
- 5.2 The proposal makes economic sense since it saves time and cost and it would provide an incremental benefit to the whole scheme. The net present value of the scheme would increase by about £2.4 million should the Link Road be provided. In reducing carbon emissions by reducing travel the Link Road would make environmental sense. It would also make "community-link" sense because the "local" secondary school, health centre, leisure centre, shops, banks and library are all located in Keyworth.
- 5.3 It is accepted that the land take for the Link Road would have an impact but that would be outweighed by the advantage of it to the community as a whole. The Parish Council understands the concerns of those affected and do not object to the alternative Station Road bridges to the Link Road put forward by Objectors, but the promotion of these would cause unnecessary delay and they would be expensive (SUPP/004/1, 2, 3).

### Councillor Tina Combellack of the Hickling Parish Council and the Radcliffe Borough Council.

- 5.4 The Highways Agency has found a satisfactory way to provide a safe and reasonable access to the A46 east and west of the A606 at Widmerpool roundabout. Without the construction of the Kinoulton Lane Link Road the

village of Hickling would suffer from traffic "rat running" through its Main Street and along Bridegate Lane Hill in order to access the A606 at Hickling Pastures, an already dangerous junction, which has substandard visibility. The proposed Link Road would enable residents to access shops, schools, medical facilities and employment in Keyworth and Nottingham and therefore would provide for the community social, economic, safety and environmental benefit (SUPP/047/1, 2).

Councillor John Cottee of the Nottinghamshire County Council

5.5 Following the closure of the Kinoulton shop and post office, access between the village and Keyworth is all the more important. The Kinoulton Lane Link Road to the A606 would provide good access to schools, shops, medical facilities and leisure activities. It would obviate the need for the local public to travel on the section of the A46 between the Roehoe and Widmerpool junctions. Of traffic entering the A46 from the Roehoe junction about 70% of it would be diverted onto the Kinoulton Link Road when constructed. That would relieve the trunk road of local traffic interference, some of which would be moving slowly and obstructive to the A46 through and diverging traffic (SUPP/074/1).

Written support

The Nottinghamshire County Council

5.6 Officers, on behalf of the County Council, support the proposals set out in the draft Supplementary Orders providing appropriate mitigation measures to offset direct impacts to the Crossroad Meadow Hickling Site of Importance for Nature Conservation are taken (Rep/ 001).

The Local Residents of the Kinoulton Area

5.7 By the close of the Inquiry some 110 letters or emails had been received which specified, in consistent terms, support for the proposed Kinoulton Lane Link Road as set out in the draft Supplementary Orders. The grounds upon which this body of local people supported the Kinoulton Lane Link Road are that it would be beneficial in terms of value for money, travel time, safety, the environment and community cohesion and reduce pressure on the A606 at the Station Road junction. A list of those offering support for the Kinoulton Lane Link Road proposal is at Annex C to this report.

## **6 THE CASE FOR THE OBJECTORS**

The material points were:

Mr D Taylor on behalf of P E Taylor and Son of Turnpike Farm

6.1 Turnpike Farm comprises about 29ha of beef pasture and grazing land. It is now directly affected by the Supplementary Orders, but the owners were not consulted by the Highways Agency before publication.

6.2 Until recently Kinoulton village had the benefit of access to the A606 via

Station Road and The Pullman Crossroads. The Station Road access was closed in May 2004 on the understanding that an overbridge across the A46 would be constructed when the A46 was dualled. The Highways Agency reneged on that promise without local consultation. An overbridge carrying Station Road across the new A46 should be constructed in place of the proposed Kinoulton Lane Link Road, with a roundabout, or traffic signals, provided at the Station Road/A606 junction. The Roehoe junction proposed at the first Inquiry could then be scaled down thereby saving costs. It would be unjustifiable to have the new Link Road and the Roehoe junction as originally designed built at public expense.

- 6.3 The area of land which the Supplementary Orders proposals would take from Turnpike Farm would be severe in the context of this small farm and would cause a reduction in income for the business which can only just support the current partners. The extended A606 roundabout would be visually intrusive when viewed from the farm bungalow.
- 6.4 The cost of the alternative to the Kinoulton Link Road, the Station Road highway bridge has been over estimated by the Highways Agency. A properly aligned bridge would be a far better alternative for Kinoulton residents. It would be of similar cost to the Link Road and would not cause any demolition of property. There would be no delay to the scheme because the Agency is bound to republish other fresh Orders, for example, at Herrywell Lane because of errors in the published draft Orders. The capital cost of the bridge would be reduced by a reduction in compensation payable. The bridge would not be disproportionately expensive (OBJ/003/1).

Mr Roger Codling on behalf of CTC (Cyclists' Touring Club).

- 6.5 At present there are few cyclists along the A46 corridor. However, because of limited resources, environmental factors and climate change, the Government should encourage greater use of the bicycle for utility, recreational and sporting purposes. Commuting by cycle is also on the increase. The Government is promoting new cycling initiatives. For these reasons important cycling routes should not be severed by new road schemes.
- 6.6 A bridleway bridge should be constructed across the new dual carriageway from Kinoulton Lane to provide a direct cycling route between East Leake, Wysall and Widmerpool to Kinoulton, the Vale of Belvoir and places to the north east. The potential of such a route will grow and the bridge would also cater for local cyclists travelling between Keyworth and Kinoulton.
- 6.7 Government policy set out in DfT Local Transport Note 1/04 "Policy, Planning and Design for Walking and Cycling"- Section 3 Planning and Design Principles advises that cycle routes should be convenient, accessible, safe, comfortable and attractive. The provision of a route across a Station Road bridge would fully comply with this policy but a route along the proposed Kinoulton Link Road would totally fail to satisfy such a policy. The Kinoulton Link Road would not provide a good route for cyclists because they would need to cross slip roads at the Widmerpool

Junction, and Old Melton Road is steep and uncomfortable. Experienced cyclists would use the Widmerpool roundabout instead of the pathways dedicated for their use across the Widmerpool junction northern bridge. Danger would arise. However, despite such shortcomings, the CTC supports the proposed Draft Orders in respect of the Kinoulton Lane Link Road, but in addition to a bridge across the dual carriageway. The proposals for Springdale Lane to Butt Lane Byway, the Car Colston Overbridge and the Flintham Bridleway Bridge would serve cyclists and equestrians well. The Station Road to Roehoe track should be surfaced (OBJ/008/1, 2).

Mr M J Hanson, as Chairman, on behalf of the Car Colston Common Land Committee

- 6.8 The Committee is concerned about the Car Colston Overbridge carrying a Restricted Byway onto Occupation Lane. It fears that if the bridge is built with sufficient load bearing capacity that could encourage vehicular use of New Lane and Occupation Lane from the village to the A46, a matter to which it is strongly opposed. Therefore the Committee propose that the Car Colston Overbridge be constructed "appreciably" smaller than currently planned, thereby saving the taxpayer about £150,000-£200,000 and preventing more general vehicular crossings of the Common Land (Rep/007/01).

Mr P Morley and the Directors of Newfield Farming Company

- 6.9 The objection falls into two parts and concerns both the proposed private means of access to the farmstead and to Border Wood.
- 6.10 In respect of the private means of access to the Newfield farmstead, the Orders made following the 2007 Inquiry would stop up the Company's former clean wheel access to the existing A46 and re-provide an access stub to the public highway at the junction of the narrow Kinoulton Lane and Herrywell Lane. However, in error, no internal roadway access was provided by the Order, because the Highways Agency thought that Mr Morley owned the land over which the access track would have to run. That has been shown not to be the case, and so the original "Made Order" becomes largely invalid. In any event the proposed private means of access in the Supplementary Side Roads Order is not reasonably convenient. It would not accommodate the vehicle sweep paths that the substantial numbers of large vehicles would require and would be dangerous. The "Made Order" stub connection to Kinoulton Lane also fails in that respect (S1/0/14).
- 6.11 The private access route proposed by the Highways Agency is 820m long. It would enter the public highway network on Kinoulton Lane where visibility is very poor. Traffic entering or emanating from the farmstead and its four cottages would therefore have to use the dangerous junction then the dangerous highway to Owthorpe and thereafter a notoriously dangerous crossroads and length of highway leading westwards to the A46. Such a burden would be unreasonable. An alternative is proposed which would be materially better.

- 6.12 No departure from standard has been sought by the Agency and no detailed 1:500 scale plan submitted to the County Council for approval. The Council has already rejected certain aspects of the means of access. There is significant evidence of damage caused to the hedge line and infrastructure of Owthorpe Road, which shows that the route that farm and cottage traffic would need to take, is dangerous already. Therefore cost can be the only reason for the resistance of the Highways Agency to the proposed alternative. The stage 1 Safety Audit criticises the Supplementary Order proposal, but no additional land has been included in the draft Compulsory Purchase Order to accommodate the Safety Auditor's criticism (S1/0/9).
- 6.13 The draft Order route is also bound to become dirty from use of farm traffic. For these reasons also it would not constitute a reasonably convenient alternative to the current access. A stage 2 Safety Audit, or an application for a departure from Standards, might well halt the proposal from construction.
- 6.14 The estimated £50,000 extra to provide the alternative suggested by Mr Morley has been overestimated by the Highways Agency. It takes no account of compensation, which would be due because of the significant extra distances involved, of about 1.5km to the A46, and costs associated with access to the woodland. The proposed access would also sit over the farmstead's sewerage system and sewage plant. Those features also have not been accounted for in the comparative cost of the draft Order proposal.
- 6.15 In respect of the private means of access to Border Wood via Herrywell Lane the key issue is that Borders Wood is a "working wood". Within its boundaries are established areas of carp fishing, shooting, timber production, harvesting and haulage, motorcycle endurance tracks, motocross and quad bike riding. To facilitate these sports access is required for competitors, spectators and marshals. The volume of vehicular traffic is substantial. Currently timber hauling articulated lorries use concrete roads and hardened turning heads to collect and haul the felled logs, with good access back to the A46. When the scheme is constructed this access would be removed and an alternative suitable to reasonably satisfy the demands for access would be needed.
- 6.16 The proposals laid out in the draft Supplementary Orders cannot provide reasonable access to Borders Wood because they rely on the use of a length of Herrywell Lane over which Mr Morley has no legal right of access to Borders Wood, as assumed by the Agency. The draft Order does not advance such a right and is therefore deficient. The draft Order route would cross beneath 3 electricity cable routes. The electricity company would not permit that. Consequently an alternative route is proposed which would provide a more direct access to the wood and to a position where loading of articulated lorries would be practicable. This is shown on the plan at OBJ/009 (OBJ 009/1, 2).
- 6.17 The alternative proposed by the Company to give access to the farmstead would be 1100m long but would join the local highway network at

Owthorpe Road/ Cotgrave Road at a safer location, where sight lines at the junction would be good and the hedge line could be adjusted to improve visibility. The character of Owthorpe Road, which is a single carriageway road compared to a single track at Kinoulton Road, is also far superior and would provide a reasonable alternative. The Nottinghamshire County Council support the alternative access route (S1/0/42). There would be no local opposition to it (S1/0/42). The track should be concrete with passing bays and crossing points and be 3.5 m wide with 1m verges, but locally wider where it would cross public highway tracks. An acceptable layout, which has undergone a road safety audit, has been agreed with the Highways Agency and is detailed on the Side Roads Order and Compulsory Purchase Order modification plan and in a binding agreement (S1/0/38, S1/0/39, S1/0/41). As owners Mr Morley and the Company would not object to additional land being included in the Compulsory Purchase Order in order to enable the access to be constructed.

- 6.18 The alternative proposed by Mr Morley for access to Borders Wood would run from Cotgrave Road close to the field boundary as shown on the Side Roads and Compulsory Purchase modification plans, both of which are acceptable to the land owners, and would be 4 m wide with 1 m verges with local widening where it crosses Herrywell Lane. Details of fencing and passing bays would be discussed with the Highways Agency and the Access proposals would conform to a binding agreement (S1/0/41).

#### Payment of Costs

- 6.19 On the basis that the draft Supplementary Side Roads Order has failed the statutory test of providing reasonable access to the farmstead and to Borders Wood, which has led to the withdrawal of the Draft Order provision, the Newfield Farming Company and Mr Morley can be regarded as being wholly successful in respect of their objection. It follows that the full costs to which the objectors have necessarily been put should be paid and an early settlement made in respect of these appreciable costs and other compensation in accordance with the Advanced Payments Code, which should apply to this clear case.

#### Mr Robert Hildyard QC on behalf of himself and the Trustees of the Flintham Estate and Newfield Farm (Screveton) Ltd.

- 6.20 Mr Hildyard is owner outright of about 130 acres (52.5 ha) of farmland and is a Trustees of Flintham Hall, its park, surrounding agricultural land and woodland. He has authority to represent the Estate. The Flintham Trustees have a majority shareholding in, and control, Newfield Farm.
- 6.21 The Flintham Estate has four objections to the Supplementary Orders. These are:
- The nature, use and design detail of the proposed bridleway bridge the position of which has been adopted by the Highways Agency following the recommendation of the 2007 Inquiry Inspector. This should be a footbridge only.

- The adequacy of the proposed private means of access to Flintham Estate via Inholms Road. This should be constructed to agreed standards.
  - The Estate's preference for a relocated private means of access to Newfield Farm.
  - The security, health and safety implications for the Estate that would arise from the proposed new public footpath labelled A and B on Site Plan 8 of the Supplementary Side Roads Orders.
- 6.22 Flintham Hall is a Grade 1 listed building and attached to it is the Registered Park, West Lodge and the Flintham Conservation and Mature Landscape Area, which is also a Site of Importance for Nature Conservation. These heritage assets are of exceptional national importance. The overall aim of the Estate is to safeguard these heritage assets and encourage solutions that minimise the adverse impacts of the scheme on the Estate.
- 6.23 The Estate and the Highways Agency are working together to promote satisfactory modifications to the Orders in respect of three points of objection. Plan No D105795/ORD/SR/31B (OBJ/001/5) defines what would be a satisfactory outcome to one of these objections.
- 6.24 The objection in respect of the proposed bridleway bridge remains. The substance of that remaining objection is that Flintham Hall, the Registered Park conservation area, the Grade II West Lodge, the historic access to the Hall and conservation area are heritage assets of national importance that are threatened by the proposed bridleway bridge. This threat cannot be eliminated, but it can be minimised by:
- Adopting an aesthetically pleasing, lightweight footbridge instead of a bridleway bridge. A footbridge would be less wide, cheaper by about £100,000 and require lower parapets without a solid infill at the bottom of the parapet.
  - Raising the level of the adjacent access track in the order of 0.5m and correspondingly lowering the profiled level of the structure to grade out the abutments.
  - Reducing the height and the extent of the bridge ramps by curtailing the gradient to 1 in 15 rather than 1 in 20, without landings. That would be permissible in order to reduce damage to the environment.
  - Incorporating a natural design on the eastern end, which would eliminate, if possible, a ramp supporting wall.
  - Continuity of the ongoing (Estate/Highways Agency) iterative design process in order to achieve these solutions.
- 6.25 In support of these points it should be noted that the Inspector at the 2007 Inquiry and the Secretaries of State subsequently, only requested the Highways Agency to provide a footbridge. There is and would be very

low equestrian use of a bridleway bridge, which would therefore be unnecessarily expensive and intrusive. In any event equestrian usage could compromise pedestrian safety and that would engender a perception of danger in the public mind, which would, in turn, put people off using the bridge. Equestrian use would therefore reduce pedestrian use and be contrary to the earlier desires of Ministers for a bridged pedestrian crossing of the A46. At the earlier Inquiry a footbridge only was considered to be perfectly safe in the interests of all non-motorised users. The British Horse Society was content with no bridleway provision across the A46 in the vicinity and considered that they had been "thoroughly consulted" over such matters. The Highways Agency itself considered that local bridleway provision had been greatly improved by the scheme (without the Flintham Bridleway Bridge). There is no evidence from any other party in support of a bridleway bridge and no evidence of improved equestrian safety.

- 6.26 Whatever bridge is eventually built an experienced architect should be engaged to oversee bespoke parapet design and painting. If a bridleway bridge was approved, it should be constructed in accordance with drawing P/PDO285/BD/SK10B and the level of Inholms Road lifted by 0.5 m (Obj 001/1, 2, 3, 4, 5, 6). An undertaking should be given that the Slacks Lane Footbridge would not be constructed and footpath FL06 stopped up (OBJ001/7).

#### WRITTEN OBJECTIONS

##### Mr Michael Rowen of Cropwell Court

- 6.27 There is no objection to the principle of the Orders but they should be modified to take account of discussions with the Agency, which have resulted in satisfactory alterations being agreed. Continuing dialogue and a site visit should take place and the existing access to Cropwell Court must remain open until the new one is operational (REP/008/1).

##### The Campaign to Protect Rural England (CPRE): Nottinghamshire

- 6.28 The provision of a direct pedestrian and equestrian route from Kinoulton (and thereby the Vale of Belvoir) and Keyworth is a necessary adjunct to the proposed Kinoulton Link Road. It is accepted that currently few pedestrians try to cross the A46 but there are a number of cyclists who commute from Kinoulton to Keyworth and the route from Nottingham to the Vale of Belvoir is popular for recreational cycling. This route should be enhanced by the provision of an equestrian/cyclist bridge from Kinoulton to Station Road. The cost of such provision would be minute compared to that of the scheme. The CPRE, whilst supporting the motorised Kinoulton Link Road proposal, objects to the omission from the draft Supplementary Orders of a Kinoulton Lane-Station Road non-motorised users bridge (Obj/004/02).

##### Mr John and Mrs Gloria Colmer, Mr and Mrs John Garner and Ms Loraine Porter

- 6.29 To facilitate safe walking a footway alongside the proposed Kinoulton Link Road should be provided. In addition, a pedestrian/equestrian bridleway

bridge should be provided from Kinoulton to Station Road generally on a route that has been used for 30 years (REP 004).

Mr John Rees and Ms Ailbhe Rees

6.30 A suitable footbridge, or one suitable for cyclists, should be provided from Kinoulton Lane to Station Road (OBJ/006/01, OBJ/007/01).

Mr Leslie Hicks

6.31 The Kinoulton Link Road would cause complications at the Widmerpool roundabout where peak hour queues are already a problem (OBJ/002/01).

Mr Geoff Earl

6.32 Whilst the Kinoulton Lane Link Road should be constructed a shelterbelt of trees should be planted to protect Mr Taylor's property. That would result in the most satisfactory solution because the necessary imposition of a new junction on the A606 at Station Road would be dangerous should a direct Station Road Bridge be constructed instead of the Link Road. The proposed access to Borders Wood would have a detrimental effect on Owthorpe Wood and should be rejected in favour of Mr Morley's alternative (REP/011/1).

Mr J R and Mrs J B Salt

6.33 If the Kinoulton Lane Link Road is built suitable kerbs, splays and a set back gate sufficient to accommodate a 40-foot (12.1 m) long lorry should be provided for Field Farm and a cattle grid incorporated at the entrance (REP/010/1).

## **7 RESPONSE BY THE HIGHWAYS AGENCY**

The material points were:

Mr P E Taylor of Turnpike Farm

7.1 It is acknowledged that Mr Taylor was inadvertently and, in error, not notified of the draft Supplementary Orders, although the proposals were advertised in accordance with the Highways Act. The need for a junction at Roehoe was considered at the 2007 Inquiry and the Orders in respect of it have been made.

7.2 It is accepted that Turnpike Farm would lose about 0.086 ha of land but compensation would be payable. Hedgerow and further offsite planting would be discussed with Mr Taylor, in order to offset the visual impact that the scheme might have.

7.3 The alternative to the construction of the Kinoulton Link Road proposed by Mr Taylor as a road bridge connecting Kinoulton Road across the dual carriageway to Station Road could be constructed in due course without

seriously disturbing traffic on the new A46. The cost of the alternative would be about £2.0m, in comparison with the Kinoulton Lane Link Road at about £1.4m. It would cause some environmental disturbance to properties at Kinoulton Road. The Station Road Bridge would remove the need to demolish Cross Roads Farm and a building or take agricultural land from Turnpike Farm. The bridge would require less land overall than the Link Road but would have a similar environmental impact (S1/0/27). It is accepted that the alternative would reduce travel distance between Kinoulton and Station Road/A606 but these would be outweighed by the environmental and economic costs. With such an alternative there would be a need for safety and traffic regulation improvements at the Station Road/ A606 junction either in the form of a roundabout or traffic signals. That would cost between £1.2m and £0.8m respectively. The junction was closed four years ago for safety reasons (SUPP/004/3, S1/0/19). That would cause disruption on the very busy A606 although it is accepted that the flows through the junction might not justify a roundabout in accordance with TA23/81, but the probability is that one would be required (S1/R/2/1, S1/0/17-21 inc).

#### Mr P Morley of Newfield Farming Company

- 7.4 Following discussions and meetings with Mr Morley it is accepted that the Orders in respect of the two accesses that would serve the farmstead and Borders Wood respectively are defective in that they would not adequately cater for heavy goods vehicles and could not guarantee legal right of way along Herrywell Lane. Accordingly the Agency would agree to a new means of access being promoted to provide both access to the farmstead and to Borders Wood, and agrees to the removal of the means of access set out in the draft Supplementary Side Roads Order as published. It recognises that the alternatives promoted by Mr Morley are acceptable to the Nottinghamshire County Council and others who were consulted on the proposal (S1/0/42). The Agency has concluded a detailed and binding agreement that would define the details of both access tracks to serve the farmstead and Borders Wood respectively (S1/0/41, S1/R/5/1, S1/0/42). The modifications necessary for the revised means of access are set out in Annex D of the report.

#### Payment of Costs

- 7.5 If the Secretary of State makes the Side Roads Order as set out in the modifications agreed between the parties Mr Morley would be entitled to costs but the Inquiry is not the mechanism through which applications for costs should be made and this response is only made because the objector insisted on making a representation at the Inquiry on the matter of costs. It is accepted that the Highways Agency has now withdrawn the original Orders in respect of Mr Morley's case and accepted his alternative proposals (S1/0/34).

#### Mr Robert Hildyard and The Flintham Estate

- 7.6 The Agency accepts that the Orders, which would provide access to the Estate from Inholms Road and to Newfield Farm could be modified to accord with discussions and agreements with the Estate. It does not

accept that there would be a health and safety or security problem with the combined use of the tracks by the Estate and public alike, since usage would be low and it is not unusual for footpaths to follow private means of access. Appropriate footpath signs would be provided (S1/R/1/1). The Agency confirms that it would be prepared to recommend modification of the Orders in accordance with Plan No D105795/ORD/SR/31B (OBJ/001/5, S1/0/3 and S1/0/35), and design the grain stores access to cater for a 19m-long tractor and trailer.

- 7.7 The design of the bridleway structure should respect the setting of the Flintham Estate and should minimise urbanisation and intrusion. The Agency would continue to work with the Estate to achieve an acceptable design, but it remains opposed to downgrading the status of the bridleway to that of a footbridge. It is accepted that there is no current bridleway crossing of the A46 at this point, but the provision of the bridge would open up the potential of a bridleway network being created west and east of the A46 away from traffic. The Flintham Parish Council do not oppose the bridge and the County Council support bridleway status (S1/0/22). There is little difference in the appearance of a bridleway bridge and a footbridge. The main difference is in deck width, which would be increased by about 1.5m to accommodate equestrians and in parapet height. With a bridleway use the parapets would need to be 1.8m high above the deck as opposed to 1.15m for footpath use (s1/2/2). The Agency would agree to a bespoke parapet design. It would be possible to lift the level of the track adjacent to the bridge site by about 0.5m. The normal gradient of 1 in 20 should apply to the ramps rather than 1 in 15. It is accepted that a ramp at 1 in 15 would be shorter but not lower and would need landings to be incorporated. The steeper the ramp the more disadvantageous it would be for disabled people. The bridge site would be located 20 m further north and therefore further away from the Lodge than the site recommended by the 2007 Inquiry Inspector and would be masked by the existing adjacent mature tree belt and proposed additional planting (S1/R/1/1).
- 7.8 Should the bridle bridge be constructed the Highways Agency would not build the Slacks Lane footbridge (S1/0/45).

#### Mr Roger Codling of the CTC

- 7.9 The objection principally related to the need to cater properly for cyclists from Kinoulton across the A46 dual carriageway, either by use of a cycle bridge directly connecting to Station Road or more specifically using the Kinoulton Lane Link Road and the Widmerpool junction. However, as the scheme overall would provide an improvement for cycling in the corridor, it would be difficult to justify a new crossing of the dual carriageway in addition to the Kinoulton Lane Link Road.
- 7.10 It is noted that the CTC generally support the proposed Kinoulton Link Road, but it is accepted that, in comparison with a direct link across the dual carriageway from Kinoulton to Station Road, cyclists would incur an additional 1km travel distance for the majority of journeys that are currently made in that location. The CTC understanding of the surfacing

on the alternative route via Roehoe junction is incorrect. That route would have a 3m wide sealed surface along the 3km link between Station Road and the Roehoe junction and that would be suitable for cycling, as defined by Advice Note TA91/05 at Table 8/1 (S1/R/4/1, S1/R/4/1a).

- 7.11 With the Kinoulton Lane Link Road constructed, cyclists would have the opportunity of using the northern bridge of the Widmerpool junction in order to travel between the Kinoulton Link Road and the area of the A606 off Old Melton Road, west of the junction. That would reduce the conflict, which would otherwise occur at the A606 Widmerpool roundabout. It is accepted that cyclists using the northern bridge would need to negotiate the two slip roads (on and off A46) with care. Using the roundabout would be an option to such a movement, and, in addition, a safer route between Kinoulton and the A606 to the west would be via the Roehoe junction although it would be 0.8km longer. The Supplementary Orders would therefore offer these alternative cycling routes. Detailed design and traffic regulation would address any unsatisfactory issues currently associated with Old Melton Road but gradients would remain a problem.
- 7.12 In respect of the CTC's case for the provision of a bridleway (cycleway and pedestrian) bridge between Kinoulton and Station Road, a 2005 survey revealed a total of only 16 cyclists using the A46 over a 4 day period. A 2 day 16 hour survey in 2006 counted 32 cyclists crossing the A46. Usage of a bridleway bridge would therefore be low and insufficient to justify such a bridge. The construction costs of a bridleway bridge across the dual carriageway would be in the order of £0.8m. It is accepted that a bridleway bridge would provide a better route for cyclists than that offered either by the Kinoulton Link Road, or that via Roehoe junction, but the draft Orders provide reasonably for cyclists and would save public money. Should demand increase in future there would be no practical reason to prevent a bridge being constructed to span the A46 (S1/R/4/1).
- 7.13 The CTC support for the Flintham Bridleway Bridge is noted. The Car Colston overbridge Supplementary Order would not alter the provision for cyclists, which is already covered by the Made Orders for the scheme. The Supplementary Order for the proposed Butt Lane to Springfield Lane Byway, whilst conveniently amending the local cycle route in the area, would not actually add to the local cycling network.
- 7.14 All other matters raised by the CTC would fall to the Nottinghamshire County Council to address although it is accepted that cycling route signs would be erected as part of the scheme (S1/R/4/1).

#### The Car Colston Common Land Committee

- 7.15 The objection related to Nottinghamshire County Council's designation of New Lane and Occupation Lane as a Restricted Byway, a matter considered at the 2007 Inquiry. The current status of these highways is that of a Byway Open to All Traffic and that status would be downgraded to a Restricted Byway should the draft Supplementary Orders be made. The proposed bridge would be designed economically but, as the proposed designation of the highway across the bridge is that of

Restricted Byway, it must be designed according to minimum width Byway standards. Restricting unauthorised traffic across the bridge would be a matter for the County Council as a local Highway Authority. The Supplementary Order is purely a correction to the erroneous designation of the Byway Open to All Traffic in the Made Orders following the 1977 Inquiry. The designation should have been Restricted Byway and the design of the bridge is therefore correct (S1/R/8/1).

## **Response to written objections**

### Mr John and Mrs Gloria Colmer, Mr and Mrs John Garner, Ms Loraine Porter

7.16 The scheme would provide a pedestrian route along the Kinoulton Lane Link Road and across the Widmerpool roundabout bridge over the A46 in order to link Kinoulton to the Station Road area. It is accepted that such a route, in contrast to a direct one along Station Road, would add a considerable length to their journey. However studies have shown very limited pedestrian use of the direct route between Kinoulton and Station Road, with only 7 movements being observed over a 3-day period in 2005 and 17 movements in 2 days in 2006. It would cost in the order of £0.8m at 2005 prices to provide a direct bridleway bridge. That expenditure cannot be justified, as there would be suitable routes across the A46, via Widmerpool and Roehoe junctions (S1/R/7/1).

### Mr Michael Rowen

7.17 The Agency accepts the necessity of modifying the proposed access to Cropwell Court in accordance with document S1/O/35, in order to provide an additional spur off the access, and retaining the existing one until the new one is constructed. It would continue dialogue and meetings with Mr Rowen with a view to sorting detailed points out. Details of the access are specified on drawing 1/PDO285/GD/SK/147B (S1/O/23).

### Mrs Carol Collins (of CPRE Nottinghamshire), Mr John Rees and Ms Ailbhe Rees

7.18 Without the bridge proposed by CPRE local cyclists would not be unduly inconvenienced because they could use the proposed Kinoulton Lane Link Road and the cycle route proposed at Widmerpool roundabout. In 2005 surveys showed a total of 16 cyclists crossing the A46 over a 4-day period and, in 2006, 32 crossing over 2 days. Such flows are insufficient to justify a bridge, which could cost about £0.8million at 2005 prices (S1/R/3/1, OBJ/004/2, OBJ006/01, OBJ/007/01).

### Mr Leslie Hicks

7.19 Calculations show that the new extended Widmerpool roundabout would have sufficient capacity to cater for the additional and redistributed traffic without causing long queues (OBJ/002/01).

### Mr Geoff Earl

7.20 The Agency acknowledges Mr Earl's concerns in respect of the Kinoulton Lane Link Road, the disadvantages of an alternative that would necessitate a new junction on the A606 and that some minor adverse effect on Owthorpe Wood would result from the Supplementary Order proposals (S1/0/40).

Mr J R and Mrs J B Salt

7.21 The Highways Agency recognises Mr and Mrs Salt's concerns and would endeavour to accommodate their wishes, subject to detailed design considerations (S1/0/28).

### **Modifications to the Published Supplementary Orders**

7.22 Following agreements with landowners, modifications to the Orders are proposed by the Highways Agency. These are described in detail in documents S1/0/3, S1/0/12, S1/0/35, S1/0/36 and S1/0/37 and are set out at Annex D to this report. In the opinion of the Highways Agency, and following consultations, these modifications should not prejudice any party, or fall into the "substantial" category as defined by the Highways Act 1980, Schedule 1 Part 1, Section 8 (3). The details of the modifications that emerged progressively throughout the Inquiry are set out in detailed plans and schedules in documents S1/0/3, S1/0/12, S1/0/35 and S1/0/36 and S1/0/37.

## **8 THE CASE FOR THE GRANTHAM CANAL PARTNERSHIP THE HIGHWAYS AGENCY'S RESPONSE AND CONCLUSIONS TO BE DRAWN ON THE CASE**

The material points were:

Mr Peter Stone, Mr Tony Harvey (British Waterways), Councillor Neil Clarke (Regional Assembly Board Member), Mr Philip Walker of OPUS, all on behalf of the Grantham Canal Partnership.

8.1 The Partnership is an alliance of the Grantham Canal Society, the three County Councils of Leicestershire, Lincolnshire and Nottinghamshire, the Melton Borough Council, the Rushcliffe Borough Council, the Kesteven District Council, British Waterways and Natural England. The Partnership has widespread support and community interests stretching over 33 miles from Grantham to Nottingham. The full case for the Partnership is set out at OBJ/010/2, OBJ/010/7 and OBJ/10/1.

8.2 At the Inquiry the Partnership was solely concerned with its recent realisation of how serious an impact the Made Orders for the A 46 scheme would have on the reinstatement of the disused canal. In particular it is anxious about the threat to its proposals for the reinstatement of navigation at Stragglethorpe Road. The impact of the scheme at this location is a major threat to the universally appreciated endeavours to reopen the canal over its whole length. This is felt by the Partnership to be all the more annoying because these endeavours have been

recognised by the Highways Agency and Secretaries of State in their promotion and approval of the Made Orders for the scheme elsewhere, where a large navigational clearance bridge is to be constructed as part of the A46 scheme.

- 8.3 The Partnership appreciates that some evidence in respect of the impact that the A46 scheme would have on the canal was presented to the Inspector at the 2007 Inquiry. It is regrettable that the Partnership did not make thorough representations at that time, although the written evidence of British Waterways made it clear that it would sustain an objection to any works that would threaten canal reinstatement. This is recorded at paragraph 6.97 of the 2007 Inquiry Inspector's report but not carried forward into his conclusions, because he appears to have formed the view at his paragraph 9.86 that "aspects of the design affecting the canal had been satisfactorily resolved". But the Partnership is now convinced that, at the 2007 Inquiry, the Highways Agency could not have spelt out the full impact of the works at Stragglethorpe Road because had it done so, the Inspector's recommendation to the Secretaries of State would have been different from that contained in his report. The Partnership now realises that road works at Stragglethorpe Road would make future bridging of the canal impracticable and/or prohibitively expensive. The Partnership has been lulled into a false sense of security by the Highways Agency and its earlier assurances.
- 8.4 Because of the clear recognition at the earlier Inquiry of the need to preserve practicable restoration of the canal in the wider public interest, the Secretaries of State took decisions to make the Orders in the belief that restoration would not be impeded. It is now clear that the decision making process has been flawed. With the A46 scheme having been accelerated as a result of the Fiscal Stimulus Package the issue has been exacerbated, and because the speed and efficiency with which the contractor is working there is little time left to sort out the Stragglethorpe Road area, to enable canal restoration to be able to proceed in due course. Therefore the Partnership, through this Inquiry, seeks to alert and inform Ministers of the true position, so that remedial actions can be directed in the public interest.
- 8.5 The Partnership accepts that the Supplementary draft Orders before this second Inquiry would not affect the canal. They have no wish to frustrate them. However, the practical and economic difficulties arising from the earlier Orders at Stragglethorpe Road could be summarised as:
- Stragglethorpe Road is currently a straight road crossing the canal at right angles and at low level (the original bridge over the canal having been demolished). With the Made Orders, Stragglethorpe Road would be curved to the east to link into a new low-level roundabout, which, crucially, is being located relatively close to the canal boundary. Any canal bridging would therefore be made more difficult because highway forward visibility standards across the curved alignment could not be achieved within the available highway land.
  - To comply with horizontal highway standards any new bridge across

the canal would therefore need to be wider than the original, or one needed simply to bridge the canal. It would need to be located to enable adequate forward horizontal visibility to the roundabout to be provided. That would be expensive and that additional expense would be a direct result of the A46 scheme.

- In addition, the encroachment of the new A46 junction roundabout relatively close to the canal (it halves the available space) makes the achievement of satisfactory vertical highway alignment standard (over the top of a new canal overbridge) virtually impossible, or at least hugely expensive, because of structural retaining wall costs and service diversions.
- The A46 scheme, when complete, will increase traffic flows along Stragglethorpe Road by 2.4 times the current flow. That would make traffic management associated with a canal bridge reinstatement very difficult and much more expensive and potentially unacceptable to the Local Highway Authority. Land and space for local diversion of the road, including temporary crossing of the canal would be difficult to acquire and be very expensive.
- In accordance with the Orders made following the 2007 Inquiry the Highways Agency has proceeded to construct field access roads immediately adjacent to the canal towpath on both sides of Stragglethorpe Road. That is contrary to the earlier Inspector's report (at his paragraph 6.102) and also contrary to an Agency commitment to British Waterways of 24 July 2007, to reshape the details of the original proposals to facilitate a future canal bridge. These access roads seriously restrict the practicality of a future canal bridge construction and would add cost to otherwise viable solutions.
- The balancing pond, which has been constructed south of Stragglethorpe Road, could further impede canal restoration.
- The proposed Toucan crossing could be removed from the scheme to pass beneath the canal bridge, should one be constructed. That would improve pedestrian crossing facilities and remove cost, should the canal bridge be built.
- Should the canal bridge not be constructed now, any future, widespread and difficult construction would render much of the current A46 construction abortive. That would be against the wider popular public interest.

8.6 The Partnership, following professional engineering advice, is convinced that, should the A46 scheme at Stragglethorpe Road be amended now, a practicable and cost effective solution could be engineered, which would preserve restoration of the canal. Such a solution would incorporate a precast concrete culvert suitable for walking, cycling and navigation into the current A46 scheme. That would cost in the region of £300,000 - £500,000, whereas in future (for the reasons set out above) such a solution would cost between £3million and £5million and render the restoration scheme unaffordable, thereby ruining the whole canal

restoration project and the £7m of public money already invested into it. That would be a direct result of the effect of the A46 scheme and Ministers should be made aware of it.

- 8.7 If action was undertaken soon, there would be a practicable scheme which would involve lowering the canal level beneath the raised Stragglethorpe Road by the introduction of a lock just upstream of the Stragglethorpe Road bridge and that would necessitate raising Stragglethorpe Road over the bridge by about only 1.75m. The advantage of that would be that the canal bridge scheme could be curtailed within the boundary of the highway, British Waterway land or made CPO, with just one exception. The canal lowering works would cost about £300,000.
- 8.8 The Partnership would fund the canal lock-lowering project in due course but the Highways Agency should fund the works needed to bridge over the canal now because its scheme causes the substantial extra costs that would be involved. It is publicly unacceptable for the Agency to refuse funding simply because the particular internal scheme budget has not allowed adequately for the consequences of the scheme which should have been spelt out at the 2007 Inquiry. Best value for the total public purse should override individual scheme budgets. If necessary, funding the works, which are desperately needed now, could be met by reducing the span of the adjacent Fosse Way (Bridge 18) canal over bridge, which, obviously, has been over designed and its construction would be a waste of public money. The A46 scheme should be urgently value engineered at that location. Further cost savings would accrue from the removal of the Toucan crossing from the scheme as it would be redundant should the canal be bridged. The Nottinghamshire County Council would favour that on grounds of safety, maintainability and sustainability.
- 8.9 In effect, should the Highways Agency not agree to carry out the necessary Stragglethorpe Road works now it has to be concluded that the A46 dualling scheme has stopped the restoration of the Grantham Canal and therefore would run contrary to a series of Government policies set down by Ministers. These are:
- PPG 13.
  - Defra: Waterways for Everyone.
  - DMRB: Waterways for Tomorrow, and also be contrary to the
  - Rushcliffe Borough Council's Draft Local Plan.
- 8.10 In its evidence in response to the 2007 Inquiry, the Highways Agency only referred to the Stragglethorpe Road bridge sparingly and in the following ways:
- "A non-motorised user crossing of Stragglethorpe Road would be provided". This is a reference to the Pelican crossing.
  - Farm accesses, stating that these are: "lesser issues should a new bridge be eventually planned. However HA would look to reshape the

accesses at the detailed design stage where possible within the scope of the CPO as discussed with British Waterways on 21 February 2007." The Highways Agency has not done so.

- "The Highways Agency does not intend to locate a site compound in the canal area." It has done just that.
- "The Highways Agency would confirm that the scheme would allow for future reinstatement of the canal to navigable status.... Stragglethorpe Road would be unaffected by the scheme at the point where it crosses the canal." As explained, this is evidently not true because the knock on effect of the scheme immediately adjacent to the canal is significant.

8.11 The way forward is for the Partnership to work with the Highways Agency and its contractor. The Partnership already has the backing of the Rushcliffe Borough Council, which recognises, and is a champion of, best value for money and the huge environmental benefit of linking up the whole of the 33 miles (53 km).

#### Supporters of the Canal Partnership and project

*Councillors Neil Clarke, Tina Combellack and John Greenwood, Mr John Bryden, Chairman of the Canal Society, and Mr Geoff Earl*

8.12 The representatives of the Rushcliffe Borough Council and the Hickling and Cropwell Bishop Parish Councils respectively fully support the Partnership. Despite the matter receiving some attention at the 2007 Inquiry it is now proven that a full 3.5m headroom clearance bridge carrying Stragglethorpe Road over the canal cannot be achieved, consistent with the engineering levels and locations specified by the Made Orders. The earlier inquiry evidence was wrong to have indicated otherwise and misleading to the Inspector. However, lower headroom providing 1.75m clearance would be practicable providing construction is undertaken as part of the current construction contract in order to avoid hideous abortive costs and exaggerated and unaffordable future costs of having to deal with Stragglethorpe Road traffic, structures and diversions subsequently. It is simply common sense, in economic, social and engineering terms to locally halt the current contract and instruct a redesign at Stragglethorpe Road. As the Rushcliffe Borough Council will soon be approving more homes in the area the recreational demand for the canal will grow. It is important for the local economy. It should be possible to lower the canal using locks for £200,000-£300,000 and raise the money privately. This together with the Highways Agency bridging Stragglethorpe Road would enable the blockade to the whole project being removed for the benefit of all (OBJ/010/3, OBJ/010/4, OBJ/010/5, OBJ/010/6).

*Mr Andrew Doherty and Mr Graham Moreland*

8.13 There are a number of materials and techniques that the contractor could deploy in order to save costs in bridging over the canal as part of the current works. These would be expedient in terms of cost and time of

construction. The cost of bridging the canal at Fosse Way is about £2.119million but at Stragglethorpe Road that cost could be reduced to little more than £80,000. The Fosse Way canal bridge has been over designed for no good reason. It is crucial that the restoration of the canal is not destroyed by the A46 project and action should ensue now to prevent this injustice.

#### Written Support for the Canal Partnership

##### *Reverend Stephen Parish*

8.14 Ambiguities arose at the first Inquiry, which led to misunderstanding about the effect of the scheme on the canal. This is evident from the submission of the Rushcliffe Borough Council, which clearly pointed out the potential impact on the canal in its criticism of the vertical alignment of the dual carriageway, yet the Highways Agency side-stepped the issue in its response to the 2007 Inquiry (OBJ/010/9).

##### *The Nottinghamshire Access Forum*

8.15 The Access Forum, a statutory independent body, recognises the urgent need to incorporate a canal bridge in the scheme at Stragglethorpe Road to safely deal with pedestrians crossing the road from the canal towpath (OBJ/010/4).

#### Interested Party

##### *Mr Richard Scriven on behalf of Mr Clifford and Mr Steven and Mrs Pauline Ablewhite*

8.16 Mr and Mrs Ablewhite own land adjacent to Stragglethorpe Road, of which about 15 ac (6 ha) is served by the recently provided field access of the road. They stress that whatever the future of the canal, restoration of which is not opposed, such access would need to continue and be safe for all including slow moving agricultural vehicles (OBJ/010/8).

#### The Highways Agency's Response to the Grantham Canal Partnership

8.17 This is set out in detail at Document S1/R/10/1. The Grantham canal is not directly physically affected by the Supplementary Orders before the Inquiry. It is accepted that the project to restore the canal has gathered pace since the 2007 Inquiry closed and that the Fiscal Stimulus Package has accelerated the A46 project. That has reduced the window of opportunity for discussions with the Partnership. However, the restoration of the canal at Stragglethorpe Road, and the bridging of the canal at that location, is not directly threatened by the scheme, which will not prevent future restoration and therefore the need to address the situation is not critical.

8.18 The Agency does not accept that the case was not fully explored at the 2007 Inquiry, or that the matter was left unresolved. British Waterways clearly had every opportunity to object to the scheme at the 2007 Inquiry. It only submitted written evidence.

- 8.19 It is accepted that the restoration project may be made more difficult to achieve because of the adjacent new road but it would not be an absolute impossibility. It is also accepted that future restoration of the canal would result in some of the A46 works currently under construction being removed between the Stragglethorpe Road roundabout and the point of tie in.
- 8.20 As some form of future bridging of the Stragglethorpe Road would not be impossible it follows that the scheme accords with but offends no Government Policies in that regard.
- 8.21 The Stragglethorpe Road roundabout is currently being constructed above the existing road, thereby helping to achieve an acceptable vertical profile across a future canal bridge. It is accepted that traffic flows on Stragglethorpe Road would double as a consequence of the scheme to about 10,800 vehicles per day in 2016. Temporary traffic diversions would therefore be necessary in order to build a bridge over the canal, with or without the A46 scheme, and the County Council would be amenable to that. It is not accepted that further diversionary works for services would be prohibitively expensive. It is accepted that access tracks to the adjacent land have already been constructed without amendments to the design (contrary to undertakings at the earlier Inquiry), because only recently have bridge details been received from British Waterways. It is also accepted that the opportunity to reduce the impact on a future bridge has therefore been lost because some adjustment of the access would have been possible. The balancing pond adjacent to Stragglethorpe Road would not affect bridge proposals.
- 8.22 In general it is accepted that there would be additional work associated with a new canal bridge because of the A46 scheme and some abortive work in respect of earth works, landscaping, surfacing and the Toucan crossing.
- 8.23 Funding for the bridging of the canal would not be met by the Highways Agency. The cost of bridging the canal with headroom of only 1.75m as part of the current A46 scheme would be about £900,000 and the costs of building such a structure after completion about £1.2 million. Therefore there would, overall, be a saving of about £300,000 if the bridge were built as part of the overall A46 scheme. It is accepted that other necessary costs associated with the lowering of the canal and locks would be in addition to this, and a direct result of the A46 scheme.
- 8.24 Should agreement be reached to improve Stragglethorpe Road and bridge the canal, it would still be necessary to publish further Supplementary Orders for such an activity. These would cost about £85,000. The current construction programme envisages completion of works local to Stragglethorpe Road, by June 2010 and well before the likely authority to proceed with any bridge works could be achieved.

#### Conclusions in respect of the Grantham Canal Partnership's case

- 8.25 Having regard to the technical evidence of the Grantham Canal Partnership, its supporters and the Highways Agency, and having had the

advantage of reading the earlier Inquiry Inspector's report and visited Stragglethorpe Road in the company of the main parties and observed the construction activities, I have formed the following views. Reference is given in square brackets [ ] to the relevant paragraphs above.

- 8.26 The Made Orders for the A46 scheme provide full authority for the current contract under construction in the vicinity of the canal. None of the draft Supplementary Orders before the Inquiry would directly affect the canal because the construction works stop just short of the canal boundary [8.3, 8.17].
- 8.27 The proposals for the restoration 33 miles (53 km) of the Grantham canal have and continue to receive widespread support from National and Local Authorities and the public. Such a scheme is clearly underpinned by various National and Local Planning policies [8.1, 8.9, 8.13-8.15].
- 8.28 The 2007 Inquiry had some regard for the effect that the scheme would have on the canal at Stragglethorpe Road but, despite notice having been given, no appearance was made at that Inquiry on behalf of the Canal Partnership, although some written evidence was submitted to it by British Waterways, and responded to by the Highways Agency. It seems to me that, as it now emerges, earlier written evidence (on behalf of either party) may not have been sufficient to draw out the necessary detail in order to cover all aspects of the practical effect of the scheme on the canal. From the records it is difficult to be conclusive on this point. I am satisfied though that the detailed submissions made to this Inquiry, and the testing of them, fully exposes the issues between the parties [8.3, 8.4, 8.17, 8.18].
- 8.29 The A46 scheme will not physically affect the Grantham Canal, other than to a minor degree. Even so, it is quite clear that the scheme would have an indirect and substantial impact upon the potential engineering options for future bridging of the canal at Stragglethorpe Road. These effects would make future bridging, and thereby complete canal restoration, significantly more difficult to deal with than the position that would have existed had no A46 scheme come forward. In coming to this opinion I have had regard to the relative position and level of the new roundabout relative to the canal, necessary service diversions, earthworks and field accesses, the undisputed need for highway visibility standards to be achieved, the environment of the area and the general confinement of the site.
- 8.30 It is obvious that because of the juxtaposition of the canal and the new Stragglethorpe roundabout full 3.5 m headroom clearance over the canal is now impracticable, having regard to the required highway standards and the position of the new roundabout (and its level). Reduced headroom over the canal of 1.75m would be practicable, but the future functioning of the canal would thereby rely on lowering it and the provision of locks. That would be bound to be expensive for those promoting restoration, although practically achievable.
- 8.31 It follows that the A46 scheme would have a serious and costly affect on the future bridging of the canal and necessitate expensive lowering of it.

In my opinion, and having regard to the competing evidence on this particular point, this additional expenditure, over and above that which would have been necessary should the A46 scheme not have been built, could amount to a total figure in the order of £0.75million - £1million.

- 8.32 Should bridging of the canal have been incorporated in the A46 scheme from the start that would have resulted in a substantially cheaper overall solution than one that would be, in future, practicable. In my view it is probable that a saving somewhat in excess of £300,000 would have been made. If the canal was bridged as part of the current contract there would be offsetting savings arising from the removal of the then unnecessary Toucan crossing. I am also persuaded that there is an apparent cost saving which could be made through value engineering of the adjacent canal bridge No. 18 at Fosse Way. No evidence was brought forward to show that such a saving could not be achieved [8.2, 8.5-8.7, 8.19, 8.21].
- 8.33 It is regrettable that the Agency has not followed up on its earlier promises to the first Inquiry to adjust access proposals at detailed design stage. There is little doubt that the acceleration of the A46 scheme compressed the timescales in which discussions and agreements between the Agency and British Waterways could have been held and I note that there were late submission of canal bridge details by British Waterways, but I also note that there was no effective reaction to that submission by the Agency which, no doubt, was preoccupied with the build up of momentum of this large project. That is understandable but nevertheless unfortunate [8.5, 8.17, 8.21].
- 8.34 In any event, the necessary highway works associated with the canal would have required a further Supplementary Side Roads Order, and probably a Supplementary Compulsory Purchase Order. The administrative timescales involved now would make incorporation of the canal works into the current construction contract, at the optimum time impossible. However, providing those draft Orders are published with urgency it may still be possible to incorporate the necessary Stragglethorpe Road works within the current contract before it completes, with some advantage in terms of overall expenditure because of shared overheads should such an outcome be desired. There would still be abortive works as the contractor has moved on quickly in this area already [8.24].
- 8.35 In summary, I am of the firm view that the A46 scheme will not make restoration of the canal impossible from an engineering point of view, but the design of the A46 scheme has clearly caused it to be appreciably more expensive and administratively more complex. These are direct consequences of the trunk road scheme. In these circumstances I can understand the view held by the Partnership and its supporters that the complications that would arise for the canal restoration may not have been adequately fed into the earlier Inquiry by the Partnership. Similarly, whilst the Highways Agency did respond to the written evidence of British Waterways, it appears that it did not go into the depth needed to enable an appreciation of the real impact, which the scheme would have locally,

to be formed.

- 8.36 There would still be the opportunity for the A46 design to be altered and the construction contract redirected, resulting in an overall cost saving which would offset the additional costs of providing a 1.75 m clearance of the canal. A practical engineering solution to restore full height clearance would then be possible in future years should the Partnership wish to pursue such a project in the public interest [8.5-8.7, 8.12, 8.19].
- 8.37 As none of the draft Supplementary Orders before this Inquiry affect the canal it is not for me to carry forward any recommendation, which might have arisen from the above conclusions, into my Recommendations at Section 10 of this report, but I draw attention to the above conclusions, to the relative difficulties that the A46 scheme would now pose for the future canal restoration project and what might still be done about it.

## 9 CONCLUSIONS

### Introduction

- 9.1 Having regard to the foregoing I have reached the following conclusions, references being given in square brackets to earlier paragraphs of this report where appropriate.
- 9.2 In the case of the land to be acquired under the Compulsory Purchase Order, and having regard to the statutory criteria and advice, it must be shown that there is a compelling need for compulsory purchase in the public interest, which justifies interference with the human rights of those with an interest in the land affected, that the Highways Agency has a clear idea of what it needs the land for, the necessary resources to carry out the scheme would be available within a reasonable timescale, and the scheme is unlikely to be blocked by any impediment to implementation.
- 9.3 In the case of the Side Roads Order it must be shown that alternative routes to highways proposed to be stopped up are reasonably convenient, and, where private means of access are to be stopped up, that another reasonably convenient access is available or would be provided if needed.

### Legal and Procedural Matters

#### *The Grantham Canal Partnership*

- 9.4 In my consideration of whether or not to hear evidence in respect of the Grantham Canal Partnership and the debatable effect that the scheme, as defined by the already Made Orders, would have on future canal restoration prospects, it would have been easy to conclude that, clearly as no current draft Supplementary Order would affect the canal, no evidence about the canal should be heard at this Supplementary Order Inquiry. However having read the 2007 Inquiry Inspector's report, the Government Office's decision letter, and heard the detailed and compelling submission of the Canal Partnerships case, which was not countermanded in any detail by the Highways Agency, it seemed to me that there was a need to inform Ministers of the current and persuasive views of the Partnership that the process involved in the earlier decisions may not have been furnished with all the relevant matter now available. In these circumstances, it also seemed to me to be wrong to dismiss the Canal Partnership, representing a number of Local Authorities, Government Departments and individuals as it does from being heard at the Inquiry and correspondingly enabling the Highways Agency to have the opportunity of responding fully to any points raised. That would enable all parties to be satisfied that the matter of the degree of impact of the A46 scheme on the canal restoration could be understood in detail and Ministers advised accordingly [3.1-3.5].
- 9.5 In explaining my ruling to allow the Canal Partnership to be heard I clarified that as none of the draft Orders before me were affected by, or had an affect on the canal my report to Ministers in respect of the canal, could, at this stage, be for information only and would have no statutory intent or carry any formal recommendation. That ruling was acceptable to

both the Canal Partnership and the Highways Agency. I therefore deal exclusively with the case for the Grantham Canal Partnership in Section 8 of this report, which also contains my separate conclusions on this particular dispute.

#### *Legality of the draft Supplementary Side Roads Order*

9.6 As a result of the questionable lawful nature of parts of the draft Supplementary Side Roads Order I note that the Highways Agency, having taken legal advice, concluded that those questionable elements of the draft Side Roads Order should be removed totally from the Supplementary Order. This would be by modification of it, should it be made, on the basis that they are not now considered to be lawful and should not have been included in the published draft Supplementary Order. The considered legal opinion is set out at document S1/0/44. Being a legal matter it is not for me to comment, but it seems to me that removal of the few unlawful parts of the Supplementary Order defines and clarifies matters before the public, and enables those parts of the Supplementary Order which are lawful to be considered properly against the criteria set down at paragraph 9.3 above. The parts of the Side Roads Order so affected are the Restricted Byways at the Herrywell Lane diversion, the Springdale Lane to Butt Lane diversion and at Occupation Lane. There were no objections to the proposals in respect of these parts of the Side Roads Order. The correcting modifications of the proposals are set out at Annex D of this report. I am satisfied that the Orders that remained before the Inquiry appear to have a sound legal basis under the provisions of the Highways Act 1980 [3.7, 4.2].

#### Conclusions with regard to the Environmental Statement

9.7 I am satisfied that the Environmental Statement has been published in accordance with the Highways Act 1980 and with European Directive 85/337/EEC as amended by EC Directive 97/11/EC. The Highways Agency approach to assessing the environmental impact of the Supplementary Orders has been in accordance with the Design Manual for Roads and Bridges. Potential adverse effects have been identified and mitigation incorporated to offset them. There were no objections to the Environmental Statement or adverse criticisms of it from any objector at the Inquiry, although there were several errors within it, which required correction during the Inquiry period. In my view these errors would not have been so substantial as to make the Statement deficient at the time of the decision to publish the draft Orders. I am content that these errors were satisfactorily explained during the Inquiry to enable a proper assessment of the impact of the draft Orders to be made [4.25, 4.26].

#### Conclusions with regard to the Details of the Draft Side Roads Order

I now turn to consider the objections to those parts of the Orders that have a sound legal basis and which remained before the Inquiry.

*The Kinoulton Lane Link Road and the Alternative of a direct Kinoulton Lane-Station Road road bridge proposed by Mr Taylor*

- 9.8 This issue attracted much Inquiry time. The Kinoulton Lane Link Road concept arose at the 2007 Inquiry and led to the Inspector accepting that there was an evident need to cater for traffic wishing to travel westward from Kinoulton without having to use the Roehoe Junction and the new A46 merge and diverge lanes. At this Inquiry it was opposed because of the effect that such a Link Road would have on property. Consequently an alternative direct road bridge was proposed across the dual carriageway from Kinoulton Lane to Station Road. In the circumstances I have considered the relative merits of the Kinoulton Lane Link Road and the alternative road bridge, which arose at the Inquiry, afresh and concurrently [4.3, 4.4, 6.1, 6.3].
- 9.9 In respect of the Kinoulton Lane Link Road I have had regard to the extensive local support that has come forward at this Inquiry and fully concur with the earlier judgement of the 2007 Inspector, which was accepted by the Secretaries of State, that an addition to the original scheme to cater for Kinoulton traffic was necessary. The question that now arises however is whether that clear need would be better met by a direct bridge across the dual carriageway mindful of the adverse impact that the Link Road would have on property and agriculture. The impact of the Link Road is greater now than it was in 2007 because of design changes, in particular the need to extend the A606 Widmerpool roundabout into Turnpike Farm. The choice between the Link Road and direct bridge is, in my view on balance a fine one [4.1- 4.11, 5.1-5.7, 6.1-6.4, 7.1- 7.3].
- 9.10 Both alternatives would adequately cater for westbound traffic from Kinoulton. In terms of directness the Kinoulton-Station Road Bridge would have the advantage. A direct bridge would be better for cyclists and equestrians although demand would be small. Both schemes would provide good value for money, although the costly road bridge structure would be in the order of £0.6million more expensive than the Link Road. The need to deal with the A606/Station Road junction, and the associated cost, would add considerably to the case against the bridge [6.1-6.4, 6.7, 6.28, 6.30, 7.1, 7.3, 7.11, 7.12, 7.15, 7.16].
- 9.11 In terms of their effects on the environment both would have a relatively minor adverse effect, which I conclude is insignificant in the choice between the options. In all these circumstances to my mind the key matter is the impact of the options beyond the limits of the scheme. In that respect I fully accept that a direct bridge to Station Road would necessitate a significant junction improvement on the A606. Any form of junction so located would have a detrimental affect on the free flow of large volumes of fast moving traffic on the A606 and therefore be a material detriment to traffic movement within the area. The Kinoulton Link Road would avoid such an impediment being imposed on the A606 and that, together with its capital cost advantage, persuades me that the

direct road bridge would, on balance, not be superior to the Link Road [4.8-4.10, 6.3, 6.31, 7.3, 7.19].

- 9.12 Accordingly, I conclude that the Orders in respect of the Kinoulton Link Road should be made, subject to detailed minor modifications.

*The Private Means of Access for the Newfield Farming Company and Mr P J Morley*

- 9.13 I note that the access proposed in the draft Supplementary Side Roads Order for both Newfield Farm and Borders Wood have been withdrawn by the Highways Agency. Had they not been discarded I would have concluded that both of the Supplementary Order access proposals were not fit for purpose and would have failed to provide a reasonably convenient means of access to the property in question [4.12-4.14, 6.10-6.16].

- 9.14 The proposed modifications to the Order, as specified in detail, have been shown to be acceptable to the owners of the property, to the Highways Agency and to the Nottinghamshire County Council. On the basis of the agreement reached between the parties, and the results of the specific consultation on them, I conclude that the fresh proposals for access to the farmstead and wood are fit for purpose and their construction would not prejudice any party. They would provide a satisfactory and commodious alternative access relative to the existing access that is being stopped up by the scheme. In my view the agreement reached between the parties is a most satisfactory way forward and I conclude that the modified Order should be made in this regard [7.4, 6.17, 6.18].

- 9.15 Although it was appreciated that the Inquiry was not the forum for the debate about costs the issue was raised at the insistence of Mr Morley. Accordingly I make no recommendation, or draw any conclusion, on the matter of costs other than to draw attention to the matter and to my relevant conclusion immediately above [6.19, 7.5].

*The Flintham Estate*

*The Private means of access to the Flintham Estate*

- 9.16 The Side Roads Order would provide a number of new private means of access to the Estate. In general, and subject to the clear understandings given, these are agreed between the Estate and the Highways Agency. I note that the Highways Agency would continue to work with the Estate to reach mutually satisfactory conclusions on the details of the private means of access to the Hall and Grain Stores from Ingams Road. Such an undertaking should ensure that the access is fit for purpose and have "a metalled" surface in keeping with the character of the area, whilst being located in a position which would minimise its impact on the Estate and natural surroundings. I take these assurances as a sound commitment by the Highways Agency and accordingly I am satisfied that due regard has been given by both parties to the historic and conservation sensitivity of the area, in keeping with its status. I therefore conclude that these undertakings constitute a satisfactory way forward and a means of protecting the special nature of the area [4.22, 6.21, 7.6].

- 9.17 In respect of the proposed private means of access between the Grain Store and Newfield Farm I note that the Agency would design it to accommodate a 19m-long tractor and trailer. That, in my view, would also constitute a satisfactory access to that area of the Estate [6.21, 7.6].
- 9.18 In respect of the public use of the new footpath proposed between Slacks Lane and Inholms Road I agree with the Highways Agency that as pedestrian and Estate usage would be light, conflict between the parties using this facility should not occur or give rise to health and safety issues. I therefore conclude that the concerns of the Estate should not prevent the making of this part of the Supplementary Side Roads Order in its modified form. I note that these modifications have come about because of the objection arising from the Estate and its suggested solutions and I draw attention to that [6.21, 6.23, 7.6].

#### *The Flintham Bridleway Bridge*

- 9.19 The remaining objection of the Estate, and one to which considerable time was dedicated at the Inquiry, concerned the status of the bridge proposed to cross the A46 at Flintham. The proposed location of the bridge arose following the 2007 Inquiry whereat the Inspector was persuaded that the then proposed footbridge at Slacks Lane (to the south) should be relocated to a more appropriate location near Flintham. He had regard to the environmental and visual impact of such a structure on the Grade 1 Flintham Hall and its special and sensitive Grade 2 surroundings [6.22, 6.24, 7.7].
- 9.20 At this Inquiry there was no argument advanced either by the Estate or by English Heritage, which sought to dissuade me from the earlier decision to locate a footbridge over the A46 at the currently proposed location at Flintham. The objection concentrated upon the proposed bridleway status of the bridge (rather than a footbridge) and the associated proposed bridledways, which would lead along Inholms Road to the bridge. In particular the Estate contended that a bridleway bridge, with its increased size height and form of parapets, would have a greater impact on the setting of the Hall, Lodge and surroundings than a footbridge. The Estate was of an opinion that no bridleway demand had been demonstrated and at the 2007 Inquiry the British Horse Society had expressed satisfaction with the provisions for equestrians throughout the scheme. In their view there was no justification for a bridleway, but if provided it would harm the local and sensitive environment and create danger and the perception of horse related danger for pedestrians who, as a consequence, may be put off from using the bridge [6.24, 6.25, 7.7].
- 9.21 The Agency considered that a bridleway bridge would give rise to very little additional impact on the surroundings particularly once planting near the eastern end of the structure had become established. Flintham Hall is well clear of the site of the proposed structure and is protected by mature trees. The scheme under construction moves the existing heavy A46 traffic away from the Estate, the historic access to the Hall and from the Lodge. The Agency claimed that bridleway status could be justified by

providing an opportunity for the development and use of the local bridleway network generally clear of traffic east and west of the A46. It is considered that to restrict access now, by the erection of a limited width footbridge, would deny future generations of bridleway enhancement, and that would run counter to the general public interest. No local Council or Authority has maintained an objection to the proposals [6.21, 6.24, 6.25, 7.7].

9.22 In my view this is a very balanced issue but a number of clear points can be established. Firstly, it is clear that Flintham Hall is a very important Grade 1 national asset now and would be in future, and, as such, deserves to be protected from unnecessary harmful intrusion. Secondly, the necessary engineering features of a bridleway bridge are bound, to some degree, to be more visible and intrusive on their immediate surroundings than a footbridge. Thirdly no current need for a bridleway crossing was demonstrated at the Inquiry and the Highways Agency readily accepted that one did not currently exist [6.22, 6.25, 7.7].

9.23 In coming to an overall view on the objection I conclude that:

- The additional impact of a bridleway bridge on Flintham Hall, or on its Estate, over that which a footbridge would bring, is very small, to the extent, in my opinion, of being insignificant. However I am satisfied that the Highways Agency exercised due regard to the status of the area and that the impact of the Supplementary Orders before me would be immaterial relative to the environmental impact of the main scheme for which permission was given following the 2007 Inquiry [6.21, 6.24, 6.25, 7.7].
- There is no overt demand for equestrian crossing facilities at Flintham currently, but I accept that there could be a covert demand, which might develop in future. A bridleway bridge would enable local bridleway and cycleway to be developed, rather than permanently stifle such development and that is bound to be potentially in the public interest, albeit at an additional cost to the taxpayer [6.24, 6.25].
- If a bridleway bridge were constructed there would not be any disproportionate real safety threat to pedestrians. A bridge built to national standards would have a proven safety design. If a threat develops it would be relatively easily avoided at either side of the bridge whilst horse passage took place across the structure. If, despite my views, a problem arose the local Highway Authority could bring forward powers to solve it in favour of pedestrians if need be [6.25, 7.7]. It seems to me that a footbridge would restrict use by cyclists as well as equestrians, but illegal use might occur, in which case danger to pedestrians could arise because of the restricted facilities with a footbridge. I therefore give only limited weight to the arguments about safety or perceived safety [6.7].

9.24 Having regard to all these matters, and the other peripheral points detailed at the Inquiry, I conclude that the additional impact that a bridleway bridge would have over that of a footbridge on the environment of the Estate and Flintham Hall should not be a reason to prevent the

making of the relevant part of the Supplementary Side Roads Order. I am however mindful that whilst it is clear that much cooperation in the finalisation of the design has already taken place this needs to continue, in order to achieve the optimum design consistent with reasonable costs, and I take the Highways Agency promises in this regard as solid commitments and necessary to establish a satisfactory way forward. Design refinement is obviously proceeding well but I accept that the employment of an architect to take matters forward would be a further recognition that the status and sensitivity of the area should have the highest recognition. In my view there would be little aesthetic advantage in increasing the ramp gradient but such an increase would constitute a disadvantage for walkers and therefore the design change need not be contemplated to make the structure overall acceptable [6.26, 7.7].

- 9.25 I conclude that the Orders in respect of the Bridleway Bridge should be made.

### *The Cyclists' Touring Club*

- 9.26 The CTC's concerns about the scheme fall into three categories. First, in respect of the Kinoulton Link Road, the Club would generally welcome this provision but it is concerned about the routing of cyclists at Widmerpool junction and along Old Melton Road. The Highways Agency, for its part, recognises the shortcomings of the Kinoulton Link Road route for cyclists and at the Inquiry undertook to carry out detailed works and signing to inform and ease the passage of cyclists from Kinoulton and along the Widmerpool Bridge and Old Melton Road. The Agency also pointed to the alternative route for cyclists, via the Roehoe junction, along a sealed surface cycleway, which would link that junction with Station Road. The route via Widmerpool roundabout would add 1km or so to the journey and 1.8 km via the Roehoe junction, relative to a direct route from Kinoulton Road to Station Road. In my opinion the Order proposals constitute an acceptable and reasonably convenient way forward for dealing with the needs of local cyclists [6.5, 6.6, 6.7, 7.7, 7.9-7.11].
- 9.27 I am also quite satisfied that the draft Order proposals in respect of the Springdale Lane to Butt Lane Byway, Car Colston overbridge and Flintham bridleway overbridge would offer no detriment to cycling activities anywhere but would positively enhance cycling opportunities [6.7, 7.13].
- 9.28 That leaves the question of a further overbridge linking Kinoulton Road to Station Road, a matter upon which I also comment at paragraphs 9.32-9.35 below. In this regard I accept that there is an obvious desire line for cycling between Kinoulton village and Station Road and a bridge linking the two locations would comply fully with local and national cycling and transport policy. However it is clear that the current demand for crossing the A46 is only in the order of 1 cyclist per hour. I accept that the cost of a cyclist bridge would be about £0.8million and therefore given the current limited demand, I conclude that such a facility could not be justified at this time. In coming to this view I am mindful that should a cycle bridge be promoted in the future there would be no practical reason why a suitable structure could not be engineered. I therefore conclude

that the local needs of cyclists would be met by the draft Supplementary Orders and suitable signposting, and that there is no cycling reason to prevent the Orders from being made [6.6, 6.7, 7.9, 7.10- 7.12].

*The Car Colston Common Land Committee*

9.29 The Committee is concerned about the construction of the Car Colston overbridge across the new A46 dual carriageway to a Restricted Byway standard and thereby it's undesirable size. In particular it is concerned that the Nottinghamshire County Council may try to reclassify the Restricted Byway as a Byway Open to All Traffic and as a consequence the over bridge should be constructed "appreciably smaller" than currently proposed. That would prevent unacceptable vehicular use of the bridge and Common. I understand that concern. The Highways Agency contend that the Supplementary draft Order is necessary to correct an administrative error in the designation of the Byway following the earlier Inquiry and now it is obliged to build the over bridge to the standard necessary to accommodate a Byway. Any illegal traffic on the bridge would be a matter for the Nottinghamshire County Council. I conclude that on the basis that the construction of a Restricted Byway bridge would not actually encourage illegal traffic across it, the approach of the Highways Agency is reasonable and justifiable because the County Council, as local highway authority, have powers to protect the Restricted Byway from abuse by unlawful vehicles. In the circumstances I see no reason why the objection should prevent this part of the Supplementary Order from being made [6.8, 7.15].

*The Private Means of Access to Cropwell Court*

9.30 I am satisfied that the proposals for access as modified are sound. Providing discussions between the Agency and Mr Rowen continue they would constitute a satisfactory way forward. I conclude that subject to this the modified Supplementary Order for access to Cropwell Court should be made [4.18, 6.27, 7.18].

*The Herrywell Lane Byway, Mill Lane Byway, The Springdale Lane to Butt Lane Byway and the New Lane to Occupation Lane Byway*

9.31 I note that there are no objections to the reclassification of the highways as Restricted Byways and that such a reclassification is considered to be legal if the Supplementary Side Roads Order is modified. On this basis I conclude that the Order, so modified, should be made [4.16-4.20].

*The Campaign to Protect Rural England: Nottinghamshire*

9.32 I note that the CPRE do not object to any part of the draft Orders but promote the case for an additional bridleway bridge which would link Kinoulton to the Station Road area. I have therefore considered the CPRE representation as one that effectively promotes the case for an addition to the Supplementary Orders. As such it follows that the CPRE case is not one upon which questions whether the Orders before the Inquiry should be made or not. I have, however, considered the justification of the case for inclusion of a new non-motorised user bridge in the scheme. As there

is currently no direct highway connection across the A46 that would be removed by the scheme the justification for the Highways Agency, as trunk road authority, bringing forward fresh proposals would therefore not be dependent on the need to demonstrate a reasonably convenient alternative to a stopped up highway crossing. As that is so then the justification for a non-motorised user bridge being provided as part of the trunk road scheme would need to be considered only on grounds of cost, usage, policy and its environmental effects [6.28, 7.18].

9.33 From the evidence adduced it is clear that the cost of a suitable bridge would be in the order of £0.8 million, its environmental impact would be minor and that such provision would not affront any national and local policies. In these circumstances the key issue is the balance of cost against use. From surveys conducted in 2005 and 2006 it is evident that the combined pedestrian and cyclist use of a bridge would be very low, at about 2 crossings on average an hour. In such circumstances it seems to me that the cost could not be justified at present [6.28, 7.18].

9.34 I conclude that the proposal for a non-motorised user bridge across the A46 now is not an objection to any of the Supplementary Draft Orders before the Inquiry which should prevent them from being made, and that whilst the justification of the bridge is currently weak, its construction would be practicable in the future should the local highway authority or others advance its case at that time [6.28, 7.19].

Mr John and Mrs Gloria Colmer, Mr and Mrs John Garner, Ms Loraine Porter, Mr John Rees and Ms Ailbhe Rees

9.35 Given the cost of about £0.8million to provide a footbridge across the trunk road and the current limited use that the bridge is likely to have I conclude that in the circumstances of the provision of a pedestrian facility alongside the Kinoulton Link Road a dedicated pedestrian bridge linking Kinoulton to Station Road, in addition to the Kinoulton Link Road could not be justified. I therefore conclude that the Kinoulton Link Road would offer a reasonably convenient route for pedestrian passage between Kinoulton and Station Road [6.29, 6.30, 7.12, 7.16].

Mr Leslie Hicks

9.36 I am satisfied that the design of the Widmerpool roundabout has properly taken account of the predicted traffic and that excessive peak hour queues should not result. Accordingly, I conclude that concerns over the Widmerpool roundabout design should not prevent the Kinoulton Lane Link Road being included in the made Side Roads Order [6.31, 7.19].

Mr Geoff Earl

9.37 Two of Mr Earl's concerns have been addressed by my conclusions in respect of the Kinoulton Lane Link Road and the alternative advocated for access to Borders Wood. I have taken note of his support for restoration of the canal, in Section 8 of the report above. The final point concerned the planting of a shelterbelt to protect Turnpike Farm from the intrusion, which would be created by the extended Widmerpool roundabout. In my

opinion this suggestion has merit and, whilst I stop short of saying that such a feature is essential to enable the Side Roads Order to be made, I recommend that the Highways Agency addresses the point, in consultation with Mr Taylor [6.32, 7.20].

#### Mr J R and Mrs J B Salt

9.38 I accept that should the Kinoulton Link Road proceed there would be a need to address the details of access to the Field Farm. I note that the Highways Agency considers these matters as detailed design points but they are, in my view, important. I therefore conclude that such matters should be addressed seriously by the Agency, in discussion with Mr and Mrs Salt, before construction commences and that should constitute a satisfactory way forward [6.33, 7.21].

#### **Conclusions on the Side Roads Order**

9.39 I conclude that the criteria set out at paragraph 9.3 above would be met if the Order was modified as set out at Annex D. I further conclude that the Order, so modified, should then be made. I am satisfied that the modifications would not seriously prejudice any party. Following consultations and agreements already undertaken I confirm that I do not regard any of the modifications as being substantial under the terms of the Highways Act and therefore not in need of any further consultation.

#### **Conclusions on the Compulsory Purchase Order**

9.40 I have closely studied the schedule and plans accompanying the Compulsory Purchase Order and can find no evidence of any proposal to purchase land or rights other than those that are necessary for the implementation of the Supplementary Side Roads Order proposals that were left before the Inquiry following the proposed modifications advanced by the Highways Agency. There have been no assertions to the contrary other than those that I have reported on above.

9.41 I am also satisfied that the impact of the Orders on agriculture has been satisfactorily explained and that the impact is only of a relatively minor nature. Where land has been added to the Compulsory Purchase Order for proposed modifications I am satisfied that the landowner is in agreement with the addition. No more land would be acquired than would be necessary for the Side Roads Order proposals and the Highways Agency has a clear idea of what it requires each parcel of land for.

9.42 Budgetary provision has been made for the Supplementary Orders within the A46 scheme budget, and as the dual carriageway scheme is already under construction then no land would be acquired ahead of time. None of the proposals within the Side Roads Order, which are recommended for making, are likely to be blocked by any impediment. I am therefore satisfied that the criteria set out at paragraph 9.2 above would be met if the Order was modified as specified at Annex D. The modifications would not prejudice any party [4.2, 6.17].

9.43 In my view, having regard to the relevant Circulars and Advice there is a

compelling case for the compulsory purchase of land and rights in the wider public interest. The Supplementary Side Roads Order and Compulsory Purchase Order, both as modified, should be allowed to proceed in order to satisfactorily complement the already Made Orders for the A46 dual carriageway scheme which is under construction. Therefore I am persuaded that there is a compelling case in the public interest for compulsory purchase that justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation.

### **Summary of Conclusions**

9.44 It is accordingly my view that the Orders, based on the detailed parts that remained before the Inquiry, are in the public interest and should be allowed to proceed. I have considered each of the formal elements of the modified Supplementary Order proposals against the criteria set out and conclude that these are met. To my mind the proposals would have no disproportionate impact, and having considered all impacts and other matters raised in writing, and at the Inquiry, consider that they do not outweigh the conclusions that I have reached.

## **10 RECOMMENDATIONS**

10.1 I recommend that the draft Side Roads Order and the draft Compulsory Purchase Order both be modified as described at Annex D and, as modified, be made.

*W S C Wadruup*

W S C WADRUP

**INSPECTOR**

**ANNEX A: APPEARANCES**

<b>FOR THE HIGHWAYS AGENCY:</b>	
Ms Lisa Busch of Counsel She called	Instructed by Ms Jessica Da Costa and Mr Tony Nwanodi of The Treasury Solicitor's Department
Mr Geoff Bethel (Policy and Plans)	Senior Projects Manager of The Highways Agency
Mr Tim Baker BSc (Eng) ACGI MICE (Engineering)	Associate of the consultants Scott Wilson Ltd
Ms Sarah Edgar BEng (Hons) MIHT (Environment)	Principal Environmental Specialist of the consultants Scott Wilson Ltd
Mr Simon Dowse BA MLD CMLI (Landscape)	Technical Director of the consultants Scott Wilson Ltd
Mr Gordon Davidson BSc (Hons) CEng MICE MIHT	Principal Engineer of the consultants Scott Wilson Ltd
<b>FOR THE SUPPORTERS</b>	
Mr Jon Gladstone – Representing Kinoulton Parish Council and Kinoulton Fosse Dualling Group (Supp/004)	Resident of Kinoulton, Nottinghamshire
Cllr Tina Combellack – Representing The Rushcliffe Borough Council and The Hickling A46 Dualling Committee (Supp/047)	Rushcliffe Borough Council, Nottinghamshire
Cllr John Cottee of the Nottingham County Council, Keyworth Division (SUPP/074)	Nottinghamshire County Council

<b>FOR THE OBJECTORS</b>	
Mr David Smith of Counsel He called	Instructed by Mr Edward Cursham of Fraser Brown Solicitors on behalf of Mr Morley and the Newfield Farming Company
Mr Philip J Morley on behalf of (obo) himself and the Directors of the Newfield Farming Company (Obj/009)	Newfield Farm
Mr Jason Davenport BEng (Hons) MIHT (Transportation)	Associate Director of BSP Consulting
Mr Robert Hildyard QC obo Himself, the Trustees of the Flintham Land Settlement and Newfield Farm (Obj/001). He also called	
Mr Robin Eyles	Fisher German LLP
Mr David Taylor (Obj/003)	P E Taylor & Son
Mr Peter Stone obo of The Grantham Canal Partnership (Obj/010). He also called	
Councillor Neil Clarke	Rushcliffe Borough Council, Nottinghamshire
Mr Phil Walker BEng (Hons) FFB	Opus Joynes Pike Ltd, Consultants
Mr Tony Harvey	British Waterways
Mr John Bryden	Chairman of Grantham Canal Society
Councillor John Greenwood, who appeared in support of the Grantham Canal Society	Cropwell Bishop Parish Council
Mr Roger Codling obo CTC Right to Ride (Obj/008)	Cyclists Touring Club, Nottinghamshire

Representations:	
Mr Jonathan Hanson	Resident of Car Colston Common Land Committee

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Mr Andrew Doughty	Resident of Nottinghamshire
Mr Graham Moreland	Resident of Nottinghamshire
Mr Richard Scriven who appeared obo Mr/Mrs Abelwhite	Fisher German LLP

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## **ANNEX B: DEPOSIT DOCUMENTS AND INQUIRY DOCUMENTS**

### **DEPOSITED DOCUMENTS**

SDD1	The A46 Trunk Road ((Newark To Widmerpool Improvement And Slip Roads) Supplementary (Side Roads) Order 20__
SDD2	The A46 Trunk Road (Newark To Widmerpool Improvement And Slip Roads) Supplementary Compulsory Purchase Order 20__
SDD3	Secretaries of States' Decision Letter to the 2007 Public Inquiry - 18 December 2008
SDD4	Inspector's Report of the 2007 Public Inquiry to the Secretary of State for Communities and Local Government and the Secretary of State for Transport, by Mr Colin Tyrrell – 29 January 2008
SDD5	Environmental Statement Addendum No 2, October 2009 – Changes since 2007 PI
SDD6	Post Public Inquiry Economic Appraisal report – April 2009 PD0285/4/001
SDD7	Flintham Bridleway Bridge Options Report, PD0285/7/22/SOR/1
SDD8	The Highways Act 1980 (DD17)
SDD9	The Acquisition of Land Act 1981 (DD18)
SDD10	The Compulsory Purchase Act 1965 (DD19)
SDD11	The Land Compensation Act 1973 (DD21)
SDD12	The Highways (Inquiry Procedures) Rules 1994 (DD63)
SDD13	The Compulsory Purchase (Inquiries Procedure) Rules 2007
SDD14	Design Manual for Roads and Bridges Vol. 1 to 15 - Available on DVD (DD96)
SDD15	Design Manual for Roads and Bridges Vol. 2 Sec 2 Pt 8 BD 29/04 Design Criteria for Footbridges (DD97)
SDD16	Design Manual for Roads and Bridges; Vol. 5 Sec 1 Pt 1: TA 44/92 Capacities, Queues, Delays and Accidents at Road Junctions (DD102)
SDD17	Design Manual for Roads and Bridges; Vol. 5 Sec 2 Pt 2: HD 19/03 Road Safety Audit (DD104)
SDD18	Design Manual for Roads and Bridges; Vol. 5 Sec 2 Pt 4: TA 91/05 Provision of Non-Motorised Users (DD105)
SDD19	Design Manual for Roads and Bridges; Vol. 5 Sec 2 Pt 5: HD 42/05 Non-Motorised User Audits (DD106)
SDD20	Design Manual for Roads and Bridges; Vol. 6 Sec 1 Pt 1:TD 9/93

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Highway Link Design (DD107)

SDD21	Design Manual for Roads and Bridges; Vol. 6 Sec 1 Pt 2: TD 27/05 Cross-Sections and Headroom (DD108)
SDD22	Design Manual for Roads and Bridges; Vol. 6 Sec 2 Pt 3: TD 16/93 Geometric Design of Roundabouts (DD110)
SDD23	Design Manual for Roads and Bridges; Vol. 6 Sec 2 Pt 6: TD 42/95 Geometric Design of Major/Minor Priority Junctions (DD112)
SDD24	Design Manual for Roads and Bridges; Vol. 6 Sec 3 Pt 3: TA 57/87 Roadside Features (except for Chapter 2) (DD116)
SDD25	Design Manual for Roads and Bridges; Vol. 6 Sec 3 Pt 5: TA 90/05 The Geometric Design of Pedestrian, Cycle and Equestrian Routes (DD117)
SDD26	Design Manual for Roads and Bridges; Vol. 8 Sec 3: TA 49/86 Appraisal of New and Replacement Lighting on Trunk Roads and Trunk Road Motorways [And Amendment No. 3, dated July 1990] (DD121)
SDD27	Design Manual for Roads and Bridges – Vol. 10, Section 0: Environmental Objectives (DD122)
SDD28	Design Manual for Roads and Bridges – Vol. 10, Section 1: New Roads (DD123)
SDD29	Design Manual for Roads and Bridges – Vol. 10, Section 2: Improving Existing Roads (DD124)
SDD30	Design Manual for Roads and Bridges – Vol. 10, Section 4: Nature Conservation (DD125)
SDD31	Design Manual for Roads and Bridges – Vol. 10, Section 5: Environmental Barriers <a href="http://www.standardsforhighways.co.uk/dmr/index.htm">http://www.standardsforhighways.co.uk/dmr/index.htm</a> (DD126)
SDD32	Design Manual for Roads and Bridges – Vol. 10, Section 6: Archaeology (DD127)
SDD33	Design Manual for Roads and Bridges – Vol. 10, Section 7: Guidance Documents (DD128)
SDD34	Design Manual for Roads and Bridges – Vol. 11, Section 1: Introduction (DD129)
SDD35	Design Manual for Roads and Bridges – Vol. 11, Section 2: General Principles of Environmental Assessment (DD130)
SDD36	Design Manual for Roads and Bridges – Vol. 11, Section 3: Environmental Assessment Techniques (DD131)
SDD37	Design Manual for Roads and Bridges – Vol. 11, Section 4: Reporting the Environmental Assessment (DD132)

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SDD38	IAN 78/06 Environmental Assessments (DD143)
SDD39	IAN 92/07 Environmental Topics. DMRB 11.3.2 Cultural Heritage (DD146)
SDD40	ODPM Circular 06/04 Compulsory Purchase Orders (DD152)
SDD41	Highways Agency Biodiversity Action Plan (2003) (DD158)
SDD42	Towards a balance with nature: Highways Agency Environmental Strategic Plan (1999) (DD159)
SDD43	IEEM (2006) Guidelines for Ecological Impact Assessment in the United Kingdom (DD160)
SDD44	Biodiversity and Environmental Impact Assessment – A Good Practice Guide for Road schemes 2000 (DD161) (This document is available on request)
SDD45	Policy & Practice for the Protection of Groundwater, Environment Agency 1998 (DD163)
SDD46	BS 5228 Part 1: 1997 Incorporating Amendment No. 1 Noise and Vibration Control on Construction and Open Sites; The Code of Practice for Basic Information and Procedures for Noise and Vibration Control (DD168)
SDD47	BS 5228: Part 2: 1997 Noise and Vibration Control on Construction and Open Sites; Guide to Noise and Vibration Legislation for Construction and demolition including Road construction and Maintenance (DD169) (This document is available on request)
SDD48	BS 5228: Part 4: 1992 Incorporating Amendment No. 1 Noise Control on Construction and Open Sites; Code of Practice for Noise and Vibration Control Applicable to piling Operations (DD170) (This document is available on request)
SDD49	BS 6472: Guide to Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz) 1992 (DD171) (This document is available on request)
SDD50	Guidelines for Landscape & Visual Impact Assessment (Second Edition 2002) - Institute of Environmental Management and Assessment and The Landscape Institute (DD172) (This document is available on request)
SDD51	Landscape Character Assessment (Guidance for England and Scotland 2002) - The Countryside Agency and Scottish Natural Heritage (DD173)
SDD52	Lighting in the Countryside: Towards Good Practice (2000) - Countryside Commission and Department of the Environment (DD174)
SDD53	Guidance Notes for the Reduction of Light Pollution (1994) - The Institution of Lighting Engineers (DD175)
SDD54	John Riddall and John Trevelyan (2001) 'Rights of Way - A Guide to Law and Practice' (3 <sup>rd</sup> Edition) (DD176) (This document was available on

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	request)
SDD55	The British Horse Society Policy Statements (1999) (DD177) (This document was available on request)
SDD56	CIRIA Report 142 Control of Pollution from Highway Drainage Discharge (DD178)
SDD57	Water and the Environment 7/89 (DD184) (This document was available on request)
SDD58	Historic Buildings and Conservation Areas - Policy and Procedures (DD185)
SDD59	Town and Country Planning (Assessment of Environmental Effects) Regulations 15/88 (DD186)
SDD60	Mineral Policy Guidance: Guidelines for Aggregate Provision in England (DD187)
SDD61	Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land, MAFF (now DEFRA), 1988 (DD188)
SDD62	The Countryside Agency, 1999, Countryside Character Map of England (DD189) (This document is available on request)
SDD63	Guidelines for Landscape and Visual Assessment for Environmental Assessment, Landscape Institute and Institute of Environmental Management and Assessment, 2nd Edition, 2002 (DD190) (This document is available on request)
SDD64	The Character of England (1996), Countryside Commission and English Nature (DD191)
SDD65	Quality of Life Capital and Environmental Impact Assessment, Countryside Agency, March 2001 (DD192)
SDD66	Mapping Tranquillity, March 2005, Campaign to Protect Rural England (DD193)
SDD67	Countryside Appraisal, Nottinghamshire Landscape Guidelines, Nottingham County Council (DD194)
SDD68	Lighting in the Countryside: Towards Good Practice, ODPM, 1997 The Guidance Notes for the Reduction of Light Pollution, Institute of Lighting Engineers, 2000 (DD195)
SDD69	Environmental Health Criteria, World Health Organisation, 1980 (DD196)
SDD70	The Calculation of Road Traffic Noise (CRTN) 1988 (DD197) (This document is available on request)
SDD71	Highways Manual Volume 2 - Trunk Road Construction and Improvement Chapter 4 - Public Consultation (DD198) (This document

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	is available on request)
SDD72	Guidelines for Community Noise, World Health Organisation, 2000 (DD202)
SDD73	Transport Analysis Guidance (TAG), Unit 3.3.2 The Noise Sub-Objective, Department for Transport, June 2003 (DD207) (This document was available on request)
SDD74	Guidelines for Noise Impact Assessment, Consultation Draft, IEMA and IOA, 2002 (DD208) (This document was available on request)
SDD75	BS6069 (Part 2), Characterisation of Air Quality - Glossary, BSI 1994 (DD210) (This document was available on request)
SDD76	Update of Noise Database for Prediction of Noise on Construction and Open Sites, DEFRA, 2005 (DD212)
SDD77	Department of the Environment, Transport and the Regions, Draft Soil Strategy for England, A Consultation Paper, 2001 (DD213) (This document is available on request)
SDD78	Department for Environment, Food and Rural Affairs, First Soil Action Plan for England, 2004-2006, 2004 (DD214) (This document was available on request)
SDD79	Meteorological Office, Climatological Data for Agricultural Land Classification, 1989 (DD215) (This document was available on request)
SDD80	Ministry of Agriculture, Fisheries and Food (MAFF), Provisional Agricultural Land Classification, Sheets 112 and 122, 1970 and 1972 (DD216) (This document is available on request)
SDD81	MAFF, Agricultural Land Classification Surveys of Sites at East Leake and Bingham, 1992 and 1998 (DD217)
SDD82	MAFF, The Code of Good Agricultural Practice for the Protection of Soils, 1998 (DD218) (This document was available on request)
SDD83	MAFF, The Good Practice Guide for Handling Soils, 2000 (DD219) (This document was available on request)
SDD84	Soil Survey of England and Wales, Regional Soil Association Map of the Midlands and Western England 1984 (DD220)
SDD85	Soil Survey of England and Wales, Soils and their Use in Midland and Western England, Bulletin 12, 1984 (DD221)
SDD86	Vallack H. W. and Shillitor D. E. "Suggested Guidelines for Deposited Ambient Dustfall. Atmospheric Environment Vol. 32, pp 2734-2744 (DD222)
SDD87	Air Pollution Information System (APIS), (DD223) (This document was available on request)
SDD88	Empirical Critical Loads for Nitrogen - Expert Workshop, Berne 2002,

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	UNECE 2003 (DD224) (This document was available on request)
SDD89	UK National Air Quality Information Archive, <a href="http://www.airquality.co.uk">http://www.airquality.co.uk</a> 2006 (DD225)
SDD90	Environmental Good Practice on Site, CIRIA C502. 1999 (DD226) (This document was available on request)
SDD91	Controlling Particles, Vapour and Noise Pollution from Construction Sites, Buildings Research Establishment 2003 (DD227) (This document was available on request)
SDD92	Part IV of the Environment Act 1995, Local Air Quality Management, Technical Guidance LAQM.TG (03) (DD228)
SDD93	Environment Agency Pollution Prevention Guidance PPG1, PPG2, PPG3, PPG5, PPG6, PPG8, PPG13, PPG18, PPG21, PPG26 (DD229)
SDD94	Non-Motorised User Survey of August 2004 Report (Re-Issued) (DD329)
SDD95	D105795/4/013 Non-Motorised User Survey of September 2005 Report (DD337)
SDD96	Non-Motorised User Survey of 2006 Report (DD340)
SDD97	Lighting Design (DD344)
SDD98	Drainage Report (DD345)
SDD99	Laming Gap Lane Junction Options Report (DD346)
SDD100	Kinoulton Lane Side Road Options Report (DD347)
SDD101	Provision of Non-Motorised Users - Context Report (DD358)
SDD102	Roehoe Junctions Options Report (DD359)
SDD103	Non-Motorised Users Audit Report (DD371)
SDD104	3D Model DVD (DD378)
SDD105	Non Technical Summary - January 2007 (DD382)
SDD106	Environmental Statement - January 2007- Volume 1 (DD388)
SDD107	Environmental Statement - January 2007- Volume 2 (DD389)
SDD108	Environmental Statement - January 2007 - Volume 3 (DD390)
SDD109	Environmental Statement Addendum - March 2007 (DD391)
SDD110	Environmental Statement Addendum - March 2007- Figures (DD392)
SDD111	Agricultural Land Quality and the Soil Resource (DD393)
SDD112	Archaeology Strategy Report (DD394)

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SDD113	Hedgerow (Archaeology) Survey Report (DD395)
SDD114	Archaeological Baseline Report (DD397)
SDD115	Built Heritage Baseline Report (DD398)
SDD116	Historic Landscape Baseline Report (DD399)
SDD117	Alternative Report - KN 03, KN 04, KN 05, KN 06 & KN 09 (1/0/2)
SDD118	Alternative Report - KN 08, KN 09, KN 10, KN 11 & KN 14 (1/0/4)
SDD119	Alternative Report – FL 08 revised 17 July 2007 (1/0/21 Rev 1)
SDD120	Additional Note on Alternative Proposal KN 03 at Kinoulton (1/0/22)
SDD121	Copies of Herrick/Cross Roads Farm correspondence relating to Kinoulton Objectors' Alternatives (1/0/38)
SDD122	Errata to Alternative Report FL 08 (1/0/42)
SDD123	Errata to Alternative Report KN13 & Response to Cyclists' Touring Club (CTC) 1/R/15/1 (1/0/62)
SDD124	Drawing No D105795/OBJ/008A & Drawing No D105795/SK/921: Optimised version of roundabout at Station Road/A606 junction as part of an alternative (1/0/66)

*The following documents arose at the 2007 Inquiry but were considered by the Highways Agency as being of relevance to the 2010 Inquiry and were therefore placed on deposit but none were referred to at the 2010 Inquiry*

Kinoulton Parish  
Council/Kinoulton Fosse  
Dualling Group - Mr Jon  
Gladstone/Mr John  
Huckerby/Mrs Jennie  
Cuthill

SDD125	Proof of Evidence with Appendices (5/1/1)
SDD126	Closing Statement – Mr Jon Gladstone (5/1/2)
SDD127	Closing Statement – Mr John Huckerby (5/2/1)

Cllr K W Keyworth

SDD128	Proof of Evidence (12/1/1)
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SDD129 Closing Statement (12/1/2)

Ramblers' Association  
(Nottinghamshire Area)  
- Mr Chris Thompson

SDD130 Proof of Evidence (14/1/1)

SDD131 Appendices to Proof of Evidence (14/1/2)

SDD132 Extracts of two Ordnance Survey Maps (14/1/3) (This document was available on request)

SDD133 DVD: Seven clips entitled Safe to Cross (*Folder MPEGAV: Windows Media Player*) (14/1/4) (This document was available on request)

SDD134 Confirmation from Nottinghamshire County Council of Modification and Diversion Orders relating to Saxondale Footpath No 3 (14/1/5)

SDD135 Closing Statement with Appendices (14/1/6)

Cyclists' Touring Club  
(CTC) - Mr Roger  
Codling

SDD136 Proof of Evidence (15/1/1)

SDD137 Revised Proof of Evidence (15/1/1A) (This document was available on request)

SDD138 Closing Statement (15/1/2)

Keyworth & District  
Liberal Democrat Focus  
Team - Mr David Allen

SDD139 Proof of Evidence with Appendix (16/1/1)

SDD140 Summary Proof of Evidence (16/1/2)

SDD141 Power Point Presentation (16/1/3)

SDD142 Closing Statement (16/1/4)

Rushcliffe Borough  
Council - Mr David  
Armiger

SDD143 Proof of Evidence (17/1/1)

SDD144 Closing Statement (17/1/2)

Cllr Neil Clarke

SDD145 Proof of Evidence (18/1/1)

SDD146 Revised Proof of Evidence (18/1/2)

Trustees of the  
Flintham Estate, Mr  
Robert Hildyard &  
Newfield Farm  
(Screveton) Ltd

SDD147 Set of four photographs (19/0/1)

SDD148 Interim Advice Note 60/05, January 2005 (19/0/2)

SDD149 Exchange of e-mails relating to Slack's Lane crossing, August 2007-09-12 (19/0/3)

SDD150 Register of Parks and Gardens of Special Historic Interest, 22 March 2006 (19/0/4)

SDD151 Extract – The Good Roads Guide (19/0/5)

SDD152 The Environmental Management of Highways (19/0/6)

SDD153 Draft Agreement for Artificial Bat Roosts (19/0/7)

SDD154 English Heritage website extract (19/0/8)

SDD155 Leaflet Flintham No 33 – Conservation in Nottinghamshire (19/0/9)

SDD156 Where Modesty Blooms – Country Life, November 1989 (19/0/10)

SDD157 Extract of Environmental Statement – December 2005 (19/0/11) (This document was available on request)

Mr Robert Hildyard

SDD158 Proof of Evidence (19/1/1)

SDD159 Summary Proof of Evidence (19/1/2)

SDD160 Appendix – Landscape at Flintham Hall – Carol Arneborg (19/1/3)

SDD161 Appendices to Proof of Evidence (19/1/4) (This document was available on request)

SDD162                      Supplementary Proof of Evidence (19/1/5)  
SDD163                      Summary of Supplementary Proof of Evidence (19/1/6)  
SDD164                      Supplemental Note (19/1/7) (This document was available on request)  
SDD165                      Second Supplemental Note (19/1/8) (This document was available on request)  
SDD166                      Closing Statement (19/1/9)

Mr Phil Rech

SDD167                      Summary Proof of Evidence and Proof of Evidence with Appendices (19/2/1)  
SDD168                      Letter dated 30 August 2007 in response to 0/0/7 (19/2/2)

Mr Peter Ford

SDD169                      Proof of Evidence (32/1/1)  
SDD170                      Statement of Evidence presented to the Public Inquiry – 12 July 207 (32/1/2)  
SDD171                      Closing Statement (32/1/3)

Cllr John Cottee

SDD172                      Proof of Evidence (35/1/1)

Cllr Kay Cutts

SDD173                      Proof of Evidence (36/1/1)  
SDD174                      Four extracts of historic and current maps (36/1/2) (This document was available on request)

Mr Nicholas Woodhouse

SDD175                      Proof of Evidence (41/1/1)  
SDD176                      Revised Proof of Evidence (41/1/1A)  
SDD177                      Proof of Evidence (42/1/1)  
SDD178                      Closing Statement (42/1/2)

001 – 018

Folders of those responding to the 2007 draft Orders

**INQUIRY DOCUMENTS**

**HA RESPONSES TO OBJECTORS**

<b>S1/R/1/1</b>	HA Response to Mr Robert Hildyard and the Flintham Estate
<b>S1/R/1/2</b>	Geometric Constraints Comparison
<b>S1/R/2/1</b>	HA Response to Mr P E Taylor, Turnpike Farm
<b>S1/R/3/1</b>	HA Response to Mrs Carol Collins, CPRE
<b>S1/R/4/1</b>	HA Response to Mr Roger Codling, CTC
<b>S1/R/4/1</b>	Revision 1 of HA Response to Mr Roger Codling, CTC
<b>S1/R/5/1</b>	HA Response to Mr Lennox Thomson, obo Mr Philip Morley / Newfields Farming Co
<b>S1/R/5/2</b>	I/PD0285/GD/SK/204 – Referred to in email from David Pick dated 08/01/10, 11:31
<b>S1/R/7/1</b>	HA Response to Mr & Mrs Colmer
<b>S1/R/8/1</b>	HA Response to Mr Hanson, Car Colston Common Land Committee
<b>S1/R/10/1</b>	HA Response to The Grantham Canal Partnership (plus 8 appendices)
<b>S1/R/10/2</b>	Letter to Grantham CP from Mr & Mrs Gadd dated (09.02.10)
<b>HA DOCUMENTS SUBMITTED TO THE 2010 INQUIRY</b>	
<b>S1/0/1</b>	Scheme Layout Plan showing location of Supplementary Orders (based upon 1:25,000 OS map)
<b>S1/0/2</b>	Supporting Photographs
<b>S1/0/3</b>	CPO and SRO Post Draft Order Publication Revisions no.1
<b>S1/0/4</b>	CPO with Superimposed Scheme Layouts
<b>S1/0/5</b>	Made Orders (Side Roads Order, De-trunking Order and Compulsory Purchase Order with Public Notices, Plans and Schedules)
<b>S1/0/6</b>	Compliance With Statutory Procedures
<b>S1/0/7</b>	Alternatives Report S01, S02, S03, S04, S05
<b>S1/0/8</b>	List of HA Documents (continually updated during inquiry)
<b>S1/0/9</b>	Stage 1 Road Safety Audits

<b>S1/0/10</b>	Note on Environmental Agency Consents
<b>S1/0/11</b>	Supplementary Note 1
<b>S1/0/12</b>	CPO and SRO Post draft Order Publication Revisions No.2
<b>S1/0/13</b>	Land Reference Plan Schedule – Sheet 2
<b>S1/0/14</b>	Newfield Farm PMA – Clarification to vehicle turning movements on PMA Bend
<b>S1/0/15</b>	Extract from 2007 Public Inquiry document 1/0/93, CPO and SRO Post Draft Order Revisions. Revisions to Herrywell Lane, Mill lane, Occupation Lane and Closes Side Lane, BOAT to Restricted Byway
<b>S1/0/16</b>	HA's Opening Statement
<b>S1/0/17</b>	Traffic movements at A606/Station Road with alternatives S01, S02, S03 and S04
<b>S1/0/18</b>	Widmerpool Junction turning movements: 1. Existing (2009); 2. 2007 PI Scheme (2027); and 3. With Kinoulton Link Road KN 03 (2027)
<b>S1/0/19</b>	A606 Station Road Crossroads Major /Minor Junction design
<b>S1/0/20</b>	Note on an Overbridge Spanning the currently Proposed A46 at Station Road, Kinoulton
<b>S1/0/21</b>	Kinoulton Alternatives, S01, S02, S03, S04 and S05
<b>S1/0/22</b>	Undated letter referred to in letter from Fisher German, attached as HA6 of the HA's response to Mr Robert Hildyard's proof of evidence S1/R/1/1.
<b>S1/0/23</b>	Response from the HA to Mr Rowan's letter dated 13.01.10 (Inquiry document REP/008/01)
<b>S1/0/24</b>	Letter from HA to Inspector Re: Request for an adjournment dated 05.02.10
<b>S1/0/25</b>	E mail from Tim Baker Re: CPRE & Mr and Mrs Colmer responses dated 05.02.10
<b>S1/0/26</b>	CPO Order Plan – Need for Plot 3/4
<b>S1/0/27</b>	Environmental Impacts of the Alternative Station Road Overbridge Options 1& 2
<b>S1/0/28</b>	Response to Mr/Mrs Salt in response to letter to Inspector.
<b>S1/0/29</b>	Response to Mr/Mrs Herrick in reference to email dated 01.02.10
<b>S1/0/30</b>	Note to Inspector dated 11.02.10 – Outstanding Issues
<b>S1/0/31</b>	Note to Inspector dated 11.02.10 – Station Road Overbridge Option 3
<b>S1/0/32</b>	Response to Inspector's questions regarding S1/0/20/19 & 18 & Appendix A
<b>S1/0/33</b>	Response to Mrs Collins of the CPRE dated 11.02.10
<b>S1/0/34</b>	Response to Inspector in respect of awarding Costs
<b>S1/0/35</b>	CPO and SRO Post Draft Order Publications Revision No. 3

<b>S1/0/36</b>	CPO and SRO Revisions No. 4
<b>S1/0/37</b>	CPO and SRO REVISIONS No 5
<b>61/0/38</b>	PMA to Newfield Farm and Borders Wood safety audit stage 1 addendum
<b>S1/0/39</b>	Designer's response to safety audit
<b>S1/0/40</b>	HA response to Mr G Earl of 12/04/10
<b>S1/0/41</b>	Legal Agreement HA Mr P J Morley and Newfield Farming Co
<b>S1/0/42</b>	Consultation correspondence
<b>S1/0/43</b>	Clarification to sheet 8
<b>S1/0/44</b>	HA Closing Statement
<b>S1/0/45</b>	Assurance from the HA to Mr Robin Eyles about Slacks Lane Footbridge
<b>HA WITNESSES DOCUMENT SUBMISSIONS- PROOFS OF EVIDENCE</b>	
<b>S1/1/1</b>	Mr Geoff Bethel - Statement of Case, October 2009
<b>S1/1/2</b>	Proof of Evidence, based on Statement of Case, November 2009
<b>S1/2/1</b>	Mr Tim Baker – Proof of Evidence - Engineering
<b>S1/2/2</b>	Addendum No1 to Engineering Proof of Evidence
<b>S1/3/1</b>	Mrs Sarah Edgar – Proof of Evidence - Environment
<b>S1/3/2</b>	Clarification to Addendum to ES
<b>S1/4/1</b>	Mr Simon Dowse – Proof of Evidence - Landscape

▪ **DOCUMENTS SUBMITTED BY OBJECTORS (OBJ/...)**

	<b>Mr Robert Hildyard obo himself, The Flintham Estate, Newfield Farm (Obj/001)</b>
<b>OBJ/001/1</b>	Proof of Evidence (PoE) of Mr Robert Hildyard
<b>OBJ/001/2</b>	Summary PoE of Mr Robert Hildyard
<b>OBJ/001/3</b>	Appendix RH1 – Mr Robert Hildyard
<b>OBJ/001/4</b>	Appendix RH2 – Mr Robert Hildyard
<b>OBJ/001/5</b>	Appendix RH3 – Mr Robert Hildyard

<b>OBJ/001/6</b>	Closing Statement of Mr Robert Hildyard
<b>OBJ/001/7</b>	Email Question of clarification to the HA from Mr Robin Eyles, dated 16.02.10
<b>OBJ/002/1</b>	Written Objection of Mr Leslie Hicks <b>Mr David Taylor of PE Taylor &amp; Son (Obj/003)</b>
<b>OBJ/003/1</b>	Proof of Evidence of Mr David Taylor
<b>OBJ/004/1,2</b>	Written Objections from the Campaign for the Protection of Rural England
<b>OBJ/005/1</b>	Withdrawn written objection from the Flintham Parish Council
<b>OBJ/006/1</b>	Written Objection of Mr John Rees
<b>OBJ/007/1</b>	Written Objection of Ms Ailbhe Rees <b>Mr Roger Codling on behalf of CTC (Obj/008)</b>
<b>OBJ/008/1</b>	Proof of Evidence of Mr Roger Codling
<b>OBJ/008/2</b>	Revised Proof of Evidence of Mr Roger Codling
<b>OBJ/008/3</b>	Closing Statement of Mr Roger Codling
<b>OBJ/008/4</b>	Letter from Ms Loraine Porter in support of CTC proposals dated 13.02.10
	<b>Mr Morley &amp; Newfield Farming (Obj/009)</b>
<b>OBJ/009/1</b>	Proof of Evidence of Mr Lennox Thomson for Mr Morley/Newfield Farming Co
<b>OBJ/009/2</b>	Access Feasibility Report of Mr Jason Davenport for Mr Morley/Newfield Farming Co
<b>OBJ/009/3</b>	Farm Access Note & Plans submitted by Mr Jason Davenport in response to the HA Vehicular Sweep Path drawing I/PD0285/GD/SK230, dated 05.02.10
<b>OBJ/009/4</b>	Note to Inspector from Mr Philip Morley regarding Footpath 02, dated 05.02.10
	<b>Grantham Canal Partnership (Obj/010)</b>
<b>OBJ/010/1</b>	Opening Statement of Mr Stone
<b>OBJ/010/2</b>	Proof of Evidence of Mr Peter Stone obo Grantham Canal Partnership
<b>OBJ/010/3</b>	Proof of Evidence of Cllr Neil Clarke obo Grantham Canal Partnership
<b>OBJ/010/4</b>	Document from Nottinghamshire local access forum letter of support
<b>OBJ/010/5</b>	Letter to Lord Adonis dated 20.01.10
<b>OBJ/010/6</b>	Letter of support for the Partnership from Councillor John Greenwood for the GCP & Society

<b>OBJ/010/7</b>	Closing Statement by The Grantham Canal Partnership
<b>OBJ/010/8</b>	Statement by Mr Richard Scriven, representing Messrs Abelwhite
<b>OBJ/010/9</b>	Letter of support for the Partnership from The Reverend Stephen Parish

▪ **DOCUMENTS SUBMITTED BY SUPPORTERS (SUPP/...)**

	<b>Mr Jon Gladstone on behalf of Kinoulton Parish Council &amp; Kinoulton Fosse Dualling Group</b>
<b>SUPP/004/1</b>	Proof of Evidence of Mr Jon Gladstone
<b>SUPP/004/2</b>	Opening Statement
<b>SUPP/004/3</b>	Note to Inspector from Mr Gladstone referring to the A606/ Station Road junction
	<b>Councillor Tina Combellack</b>
<b>SUPP/047/1</b>	Proof of Evidence of Councillor Combellack
<b>SUPP/047/2</b>	Opening Statement of Councillor Combellack
	<b>Councillor John Cottee</b>
<b>SUPP/074/1</b>	Opening Statement of Councillor Cottee

▪ **DOCUMENTS SUBMITTED BY THOSE MAKING REPRESENTATIONS (REP/...)**

<b>REP/001/1</b>	<b>Mr David Pick, an officer of the Nottinghamshire County Council</b>
<b>REP/002/1</b>	<b>Mr E W Marr</b>
<b>REP/003</b>	<b>Ms N Muir</b>
<b>REP/004</b>	<b>Mr John and Mrs Gloria Colmer</b>
<b>REP/005</b>	<b>Mr J M Herrick</b>
<b>REP/005/1</b>	Proof of Evidence of Mr J M Herrick

<b>REP/005/2</b>	Withdrawal email from Mr Herrick
<b>REP/006</b>	<b>Miss Ann Plackett of English Heritage</b>
<b>REP/007</b>	<b>Mr J M Hanson</b>
<b>REP/007/01</b>	Proof of Evidence of Mr Hanson
<b>REP/008</b>	<b>Mr Michael Rowen</b>
<b>REP/008/1</b>	Letter to Inspector from Mr Rowen
<b>REP/009</b>	Not used
<b>REP/010</b>	<b>Mr J R &amp; J B Mrs Salt</b>
<b>REP/010/1</b>	Letter to Inspector from Mr and Mrs Salt
<b>REP/011</b>	<b>Mr Geoff Earl</b>
<b>REP/011/1</b>	Letter to Inspector from Mr Earl dated 11.02.10

▪ **MISCELLANEOUS INQUIRY DOCUMENTS**

<b>INQ/1</b>	Legal Matters raised by Inspector to the HA
<b>INQ/2</b>	Response to HA from the Inspector regarding document S1/0/24 dated 05.02.10
<b>INQ/3</b>	Email from Inspector via PO; regarding alternative potential procedure dated 08.02.10
<b>INQ/4</b>	Examples from Inspector on how to show Modifications on the CPO/SRO dated 12.02.10

**ANNEX C: SUPPORTERS OF ALL OR PART OF THE SUPPLEMENTARY DRAFT ORDERS**

Name/s			Resident/s of	
Mrs	Christine	Huckerby	Nottinghamshire	NG12 3EF
Mr	John	Huckerby	Nottinghamshire	NG12 3EF
Mr & Mrs		Underwood	<i>Email Only</i>	
Mr	Stan	Dziuba	Nottingham	NG12 3RD
Mr	David	Light	Nottingham	NG12 3RD
Mr	Anthony	Butters	Nottingham	NG12 3EB
Ms	Diane	Worn	Nottingham	NG12 3EF
Mr	Geoff	Salt	Nottingham	NG12 3RE
Mr & Mrs	C & J	Hortor	Nottingham	NG12 3ED
Ms	Seona	Baillie	<i>Email Only</i>	
Mrs	Catherine	Mackie	Nottingham	NG12 3EA
Mr	Derek	Ritchie	Nottingham	NG12 3EL
Ms	Julia	Brailsford	Nottingham	NG12 3EA
Mr	Richard	Pulley	Nottingham	NG12 3EA
Mr	Tom	Beesley	<i>Email Only</i>	
Mr	Adam	Richardson	Nottingham	NG12 3GZ
Ms	Anita	Wilkinson	Nottingham	NG12 3EA

Mr	Mike	Billett	Nottingham	NG12 3GT
Mr	James	Gladstone	Nottingham	NG12 3GZ
Mr	Peter	Hortor	<i>Email Only</i>	
Prof	David	Brailsford	Nottingham	NG8 1BB
Mr	John	Willis	<i>Email Only</i>	
Mr	Colin	Morrell	Nottingham	NG12 3EA
Ms	Hilary	Pillin	Nottingham	NG12 3EW
Mr & Mrs	C W	Icke	Nottingham	NG12 3EQ
Ms	Rosemary	Salt	Nottingham	NG12 3RE
Mr & Mrs	B	Roberts	Nottingham	NG12 3RE
Ms	Judy	Ambrose	<i>Email Only</i>	
Mr	Simon	Hopper	<i>Email Only</i>	
Mr	Keith	Ambrose	<i>Email Only</i>	
Mr & Mrs	G	Davey	<i>Email Only</i>	
Ms	Susan	Roberts	Nottingham	NG12 3EE
Reverend	Stephanie	Fahie	<i>Email Only</i>	
Mr	David	Bilton	Nottingham	NG12 3EW
Ms	Maura	Dziuba	Nottingham	NG12 3RD
Mr	Roger	Wilkins	<i>Email Only</i>	
Mr & Mrs	John	Weston	Nottingham	
Mr	Andrew	Franklin	Nottingham	NG12 3RF

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Mr	Stephen	Chatterton	Nottingham	NG12 3GA
Mr & Mrs	R	Kingsbury	Nottingham	NG12 3ER
Ms	Pat	Frame	Nottingham	NG12 3ER
Cllr	Tina	Combella	Leicestershire	LE14 3AJ
Cllr	Neil	Clarke	Nottingham	NG2 5FE
Mrs	C M	Combella	Leicestershire	LE14 3AJ
Miss	Nicola	Gladstone	<i>Email Only</i>	
Mr & Mrs	John	Harrison	<i>Email Only</i>	
Mrs	Maggy	Jordon	Leicestershire	LE14 3AJ
Mr	Robert	Cole	Leicestershire	LE11 5RF
Mr	Nicholas	Woodhouse	Nottinghamshire	NG12 3EU
Mr	Brian	Lloyd	<i>Email Only</i>	
Ms	Vanessa	Cox	Nottingham	NG12 3EU
Mr	William	Smith	Nottingham	NG12 3RA
Ms	Ruth	Allen	Nottingham	NG12 3EA
Dr	P M	Largey	Nottingham	NG12 3RE
Mr	Mike	Sumbler	Nottingham	NG12 5BN
Mr	John	Owen	Nottingham	NG12 3EE
Mr	N	Oxby	Nottingham	NG12 3ET
Mr	Robert	Davies	Nottingham	NG12 3EN

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Mr & Mrs	A	Osbond	Nottingham	NG12 3EA
Mr & Mrs	R	Hanson	Nottingham	NG12 3RF
Mrs	Susan	Hudson	<i>Email Only</i>	
Mr	David	Allen	Nottingham	NG12 3EL
Mr	Colin	Wilson	Nottingham	NG12 3EN
Mr	Gerard	Jakimavicius	<i>Email Only</i>	
Mr/Mrs	C M	Haslegrave	Nottingham	NG12 3EA
Mr & Mrs		Rothwell	Nottingham	NG12 3EN
Mr	Alan	Wilkins	Nottingham	NG12 3EN
Mr & Mrs	B	Hinton	Nottingham	NG12 3ER
Cllr	John	Cottee	Nottingham	NG2 7QP
Mr	Dave	Hemmett	Nottingham	NG12 3RD
Mr	Roy	Drury	Nottingham	NG12 3EH
Mrs	Janet	Drury	Nottingham	NG12 3EH
Ms	Anne	Rayner	Nottingham	NG12 3RE
Mr	Simon	Rayner	Nottingham	NG12 3RD
Mr & Mrs	M	Hutson	<i>Email Only</i>	
Ms	Julia	Norman	Nottingham	NG12 3EN
Mr	John	Norman	Leicestershire	LE11 3NG

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Dr & Mrs	B	Poulson	Nottingham	NG12 3GA
Ms	Kristina	Gould	Leicestershire	LE14 3AA
Mr	Alan	Thomas	Leicestershire	LE14 3AJ
Mrs	Victoria	Baker	Leicestershire	LE14 3AH
Mr & Mrs	Colin	Piper	Nottingham	NG12 3RA
Mr	Mark	Samworth	Leicestershire	LE14 3AQ
Mr	Conor	McNestry	<i>Email Only</i>	
Ms	Ailbhe	Rees	Nottingham	NG12 3EN
Mr	John	Rees	Nottingham	NG12 3EN
Mr & Ms	Singlehurst	/ Edwards	Nottingham	NG12 5QH
Ms	Aideen	McNestry	Nottingham	NG12 3EN
Mr	Andy	Baker	Leicestershire	LE14 3AH
Mr & Mrs	D	Banner	Leicestershire	LE14 3AP
Mr & Mrs	T	Hand	Leicestershire	LE14 3AH
Mr	D S	McIntyre	Leicestershire	LE14 3AL
Ms	Sharon	Robinson	Nottingham	NG12 3EL
Mr	David	Dougan	Nottingham	NG12 3RF
Mr	David J	Smith	Lincs	NG33 5JA
Mr & Mrs	Richard	Black	<i>Email Only</i>	
Mrs	Diana	Hadfield	Nottingham	NG12

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				3EB
Mrs	C T	McIntyre	Leicestershire	LE14 3AL
Mr	Peter	Playle	Leicestershire	LE14 3AQ
Mr & Mrs	E & B	Pike	Nottingham	NG12 3EA
Mr	J A	Ablewhite	Nottingham	NG12 3GA
Mr	Peter	Hadfield	Nottingham	NG12 3EB
Mr & Mrs	Ian	Campbell	Nottingham	NG12 3EL
Mr	Matt	Hall	<i>Email Only</i>	
Ms	Emma	Hutson	<i>Email Only</i>	
Mr	Andrew	Bulmer	Nottingham	NG12 3EN

## **ANNEX D MODIFICATIONS PROPOSED FOR THE ORDERS**

### MODIFICATIONS TO THE COMPULSORY PURCHASE ORDER

#### Description of Modification

*The proposed modification to the CPO below affects plots 3/1, 3/1A, 3/1B, 3/1C, 3/1D, 3/1E, 3/1F, 3/1G, 3/1H, 3/1I, 3/2, 3/2A, 3/3, 3/3A, 3/3B, 3/3C and 3/3D.*

Plot 3/1 is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 350m<sup>2</sup>

Plot 3/1A is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 55m<sup>2</sup>

Plot 3/1B is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 345m<sup>2</sup>

Plot 3/1C is a title plot and the size has reduced due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 392m<sup>2</sup>

Plot 3/1D is a title plot and the size has reduced due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 310m<sup>2</sup>

Plot 3/1E is a title plot and the size has reduced due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 109m<sup>2</sup>

Plot 3/1F is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 100m<sup>2</sup>

Plot 3/1G is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 215m<sup>2</sup>

Plot 3/1H is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 27m<sup>2</sup>

Plot 3/1I is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 59m<sup>2</sup>

Plot 3/2 is a title plot and the size has reduced due to the

amendment to alignment of byway to accommodate detailed drainage design. Plot size 3m<sup>2</sup>

Plot 3/2A is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 70m<sup>2</sup>

Plot 3/3 is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 340m<sup>2</sup>

Plot 3/3A is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 45m<sup>2</sup>

Plot 3/3B is a title plot and the size has increased due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 355m<sup>2</sup>

Plot 3/3C is a title plot and the size has reduced due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 383m<sup>2</sup>

Plot 3/3D is a title plot and the size has reduced due to the amendment to alignment of byway to accommodate detailed drainage design. Plot size 450m<sup>2</sup>

*[With all the alterations of the mentioned above, there is no change to the overall extent of land that would be required for this modification.]*

*The proposed modification to the CPO below affects plots 1/2, 1/2C and introduces Plot 1/2D.*

Plot 1/2 is a title plot and the size has reduced due to the amendment to the highway boundary to reduce the number of farm outbuildings requiring demolition to only one as agreed with the landowner. Plot size 14240m<sup>2</sup>

Plot 1/2C is a title plot and the size has reduced due to the amendment to the highway boundary to reduce the number of farm outbuildings requiring demolition to only one as agreed with the landowner. Plot size 146m<sup>2</sup>

*[With all the alterations of the mentioned above, there is a net decrease of 485 sq m of land that would be required for this modification].*

Addition of Plot 1/2D. This is a title plot and has been added following evidence from the landowner to demonstrate that this area was in his ownership. Plot size 581m<sup>2</sup>

*[Therefore, there is an overall small increase in the land take from the owner, who agrees the proposal and has formally withdrawn his objection (REP/005)].*

*These modifications to the draft Supplementary Orders are as a result of negotiations with Mr P J Morley and the Newfields Farming Company Ltd. leading to a Legal Agreement between the parties set out in S1/0/41 and include:*

CPO Sheet 2; Plots 2/1 and 2/1A are provided to ensure vehicular rights are accommodated.

CPO Sheet 5; Plots 5/1, 5/2 and 5/3; these areas are included to provide access rights for P J Morley over land owned by Newfields Farming Company Ltd. Plot 5/1 also provides vehicular rights over an existing highway, restricted byway (Herrywell Lane).

CPO Sheet 6; Plots 6/1 is included to correct an omission to the Made Orders (January 2009). A small length of footpath is necessary to join two adjacent lengths of diverted footpath 0-2. This plot is necessary to provide vehicular rights to P J Morley where the Private Means of Access crosses the newly created footpath.

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## MODIFICATIONS TO THE SIDE ROADS ORDER

### Description of Modification

The Private Means of Access marked as 1 on the plan is to be moved to accord with an objectors' alternative and the revised Sheet 7 and the revised Schedule 7 highlights the changes. This still provides the necessary access for the landowner and allows vehicular access.

A new Private Means of Access 2 for a new property is proposed and the revised Sheet 1 and the revised Schedule 1 highlights the changes. This would allow vehicular access for the landowner.

Removal of stopping up of highway (Fosse Way from a point about 230 metres south of the centreline of Kinoulton Lane, southwards for about 30 metres including turning head). This section of highway was not created as such in the made orders published in January 2009.

The Private Means of Access marked as 1 on the plan is to be extended to provide a second access point and the revised Sheet 4 and the revised Schedule 4 highlights the change. This would allow vehicular access for the landowner.

The Private Means of Access marked as 1 on Sheet 7, submitted in publication revision No. 1, is extended to join the Private Means

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of Access on Fosse Way which connects to Red Lodge Junction.

The existing highway beneath this length of Private Means of Access is also stopped up as highway. Revised Sheet 7 and the revised Schedule 7 highlights the change. This would allow vehicular access for the landowner.

Sheet 3; Stopping up of Herrywell Lane Diversion, Byway Open to All Traffic (BOAT) and Mill Lane Diversion, BOAT is removed from the draft Supplementary Orders. Section 326 of the Highways Act allows the orders to be varied by a subsequent order. This modification to the draft Supplementary Orders varies the made Order and reclassifies the BOAT as a Restricted Byway. Vehicular rights have been added to maintain access. These rights will be protected on the Making of these Orders.

Sheet 5; Stopping up of Springdale Lane to Butt Lane, BOAT and Butt Lane to Closes Side Lane, BOAT is removed from the draft Supplementary Orders. Section 326 of the Highways Act allows the orders to be varied by a subsequent order. This modification to the draft Supplementary Orders varies the made Order and reclassifies the BOAT as a Restricted Byway. Vehicular rights have been added to maintain access. These rights will be protected on the Making of these Orders.

Stopping up of New Lane to Occupation Lane, BOAT is removed from the draft Supplementary Orders. Section 326 of the Highways Act allows the orders to be varied by a subsequent order. This modification to the draft Supplementary Orders varies the made Order and reclassifies the BOAT as a Restricted Byway.

Stopping up of footpath F6 over Slacks Lane Footbridge crossing is removed from the draft Supplementary Orders. Section 326 of the Highways Act allows the orders to be varied by a subsequent order. This modification to the draft Supplementary Orders varies the made Order and introduces new lengths of footpath and bridleway to accommodate the new bridleway bridge location. Vehicular rights have been added to maintain access. These rights will be protected on the Making of these Orders and will only include these rights for Flintham Estate.

These modifications to the draft Supplementary Orders are as a result of negotiations with P J Morley and Newfields Farming Company Ltd. leading to a Legal Agreement and include:

Sheet 2; is replaced by this modification and includes the alternative route proposed by Newfields Farming Company Ltd.

Where the new PMA crosses footpath 0-2 and the Restricted Byway (Herrywell Lane) the existing highways are stopped up and recreated with vehicular rights across them.

Sheet 3; vehicular rights have been added to the Herrywell Lane Diversion.

Sheet 9; includes the alternative route proposed by P J Morley and Newfields Farming Company Ltd. Where the new PMA crosses the Restricted Byway (Herrywell Lane) the existing highway is stopped up and recreated with vehicular rights across it.

Sheet 10; These include agreed omissions to the made Orders (January 2009). A section of woodland access is stopped up and a new section of the diverted footpath 0-2 is created and the woodland access is recreated with vehicular rights. New private means of accesses have been provided at 2,3, 4, 5 and 6.

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